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**THE TOWNSHIP OF MATHIAS HEREBY ORDAINS:**

**An Ordinance to establish zoning districts and regulations governing the development and use of land within Mathias Township, Alger County, Michigan, 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 resolution of conflicts with other ordinances or regulations.**

**ARTICLE I ZONING**

Section 101 Short Title

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

Section 102 Purpose of Zoning

- A. Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:
1. Promoting and protecting the public health, safety, and general welfare;
  2. Promoting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas;
  3. Securing the most appropriate use of land;
  4. Protecting the character of the township's valuable natural resources;
  5. Promoting the orderly and beneficial development of residential and non-residential areas within the Township of Mathias;
  6. 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, air, access and privacy to protect the public health;
  7. Providing adequate distance between buildings to lessen the spread of fire;
  8. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
  9. Providing for the needs of housing and commerce for future growth;
  10. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
  11. 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;
  12. Enhancing social and economic stability in the Township;
  13. Conserving the taxable value of land, buildings and structures in the Township;

14. Enhancing the aesthetic desirability of the environment throughout the Township;
15. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land; and,
16. Facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements.

#### Section 103 Designation of the Zoning Board

- A. The Mathias Township Zoning Board shall be the permanent zoning board as specified in Section 4 of Public Act 110 of 2006, as amended.
- B. The Mathias Township Zoning Board shall exercise the duties and responsibilities granted to it by the Township Zoning Act, Public Act 110 of 2006, as amended.
- C. The Mathias Township Zoning Board shall have the powers and responsibilities granted to it as specified in this Ordinance.

#### Section 104 Effective Date

- A. This Ordinance shall take effect and be in force on

#### Section 105 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portions of this Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any Conditional Use Permit, variance, grading permit, zoning compliance permit, 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 106 Conflicting Regulations

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

- B. Whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions, or limitations than those imposed or required by the provisions of this Ordinance, then the provision of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding Mathias Township Zoning Ordinance or Alger County Zoning Ordinance.

#### Section 107 Exemptions

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

#### Section 108 Fees

- A. The Township Board, by resolution, may establish a schedule of fees for zoning compliance permits, for the consideration of Conditional Use Permits, variances, amendments to this Ordinance and other permits as authorized by this Ordinance. Fees are established to defray the cost of zoning administration.

## ARTICLE II DEFINITIONS

### Section 201 Construction of Language

- A. The following rules shall apply to the text of this Ordinance.
1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
  2. The particular shall control the general.
  3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
  4. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
  5. The word “use” includes the words “structures” and “buildings” associated with such use.
  6. When not inconsistent with the context, words in the present tense shall include the future tense and words in the singular number shall include the plural.
  7. The word “building” includes the words “structure” and “dwelling.”
  8. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be occupied.”
  9. The word “lot” includes the words “plot” and “parcel.”
  10. The word “person” includes any firm, association, organization, partnership, trust corporation, or similar entity, as well as an individual.
  11. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
  12. Whenever a reference is made to several sections and the section number is connected by the word “to,” the reference includes both sections whose numbers are given and to all intervening sections.

13. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either . . . or,” the conjunction shall be interpreted as follows:
  - a. “and” indicates that all connected items, conditions, provisions, or events shall apply.
  - b. “or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. “either . . . or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

### Section 202 Definitions

- A. For the purpose of this Ordinance, the following words shall have the following meaning. For words not listed, the generally accepted definition as found in a dictionary shall suffice.
  1. ACCESSORY, means both subordinate and incidental to a principal use or structure.
  2. ACCESSORY BUILDING, means a building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
  3. ALTERNATIVE SUPPORT STRUCTURE, means any vertical component not designed and constructed primarily for the purpose of supporting antennas, including but not limited to, buildings, silos, water towers, or utility poles.
  4. ANTENNA, ATTACHED, means an antenna affixed to a tower or alternative support structure.
  5. ANTENNA, CONCEALED (STEALTH)m means an antenna with a support structure that screens or camouflages the presence of antenna and/or towers from public view, in a manner appropriate to the site’s context and surrounding environment, including but not limited to clock towers, church steeples, light structures, water towers, or flagpoles that do not exceed 10 feet above the maximum building height.
  6. BLUFFLINE, means the line which is the edge or crest of the elevated segment of the shoreline above the beach which normally has a precipitous front inclining steeply on the lakeward side.



7. BUILDING, means any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, including tents, awnings, or vehicles situated on private property and used for purposes of a building.
8. CAR WASH, means a lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery specially designed for the purpose.
9. CHURCH, means a building wherein persons regularly assemble for religious worship which is used only for such purpose and those accessory activities as are customarily associated therewith.
10. CLINIC, means a place where medical, psychological, or dental care is furnished to persons on an out-patient basis by two or more doctors or dentists.
11. CO-LOCATION, means the use by two or more wireless communication providers and/or two or more antennas on a common structure, tower, or building.
12. CONFINED ANIMAL FEEDING OPERATION, means the raising of more than 300 animals for food, fur or recreation in lots, pens, ponds, sheds, or buildings, where there is no ground cover or vegetation present over at least half of the animals' confinement area. Livestock markets and sales barns are generally excluded.
13. FAMILY, means 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
14. FAMILY DAY-CARE HOME, means 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.
15. FEEDLOT, see Confined Animal Feeding Operation.
16. FLOOR AREA, means total gross area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches, balconies, and terraces.

17. FLOOR AREA RATIO, means the percentage of lot area of the floor area of all buildings, excluding the floor area of garages, carports, and breezeways and excluding the area of any floor more than four feet below average grade where no part of such basement is used for sleeping rooms or quarters.
18. FLOOR SPACE, means floor area of all floors, as measured from the inside surfaces of the walls enclosing the part of a building occupied by a single occupant or shared by a distinct group of occupants, excluding therefrom common halls, stairwells, sanitary facilities and storage and other areas to which patrons do not have regular access.
19. FRONT LOT LINE, means a line dividing a lot from any public highway except a limited or controlled access highway to which the lot has no access.
20. GARAGE, means a fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold or repair or other services performed.
21. GASOLINE SERVICE STATIONS, means a structure used for the retail sale of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, or refinishing.
22. GROUND COVERAGE RATIO, means the percentage of lot area included within the outside lines of exterior walls of all buildings located on the lot except garages and carports and including the area of porches, decks, patios, breezeways, balconies, and bay windows.
23. GROUP DAY-CARE HOME, means 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.
24. HEIGHT, means the vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.
25. HEIGHT, TOWER, means the distance measured from ground level at the base of the tower to the highest point on a tower or structure, including any attachments.
26. HOME OCCUPATION, means a use conducted entirely within an enclosed building, employing only the inhabitants thereof, and not more than one other person, which is clearly incidental and secondary to residential occupancy and

does not change the character thereof. Specifically excluded is any activity involving an building alterations, window display, construction features, equipment, machinery, or outdoor storage, any of which significantly changes the residential nature or appearance of the home.

27. HOTEL, means a structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts and motels, but not including hospitals and nursing homes.
28. KENNEL, means the permanent or temporary keeping of more than three dogs and three cats that are more than six months of age. No household may keep more than three dogs without a kennel license. No household may keep more than three cats without a kennel license.
29. LAUNDROMAT, means a place where patrons wash, dry, or dryclean clothing and other fabrics in machines operated by the patron.
30. LOT, means the contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of use or structure.
31. LOT AREA, means the area of land within the boundary of a lot excluding any part under water, and, in addition, the area of land bounded by any front lot line, the center line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the center line of the highway.
32. LOT LINE, means a line marking a boundary of a lot.
33. MINIMUM LANDSCAPED OPEN SPACE, means the percentage of lot area which must be maintained in grass or other living vegetation.
34. MOBILE HOME, means a structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.
35. MULTIPLE DWELLING, means a structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, townhouses and similar housing types, but not including hotels, hospitals, or nursing homes.

36. NURSING HOME, means a structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or clinic.
37. REAR LOT LINE, means any lot line which is not a front or side lot line and which if extended in either direction, would not cross the lot.
38. RESTAURANT, means a lot upon which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, drive-ins, and any fast food establishment permitting consumption on the premises.
39. SEASONAL DWELLING, means a residential building, whether temporary or permanent and may include mobile homes, which was not originally intended, situated, designed, or constructed for year-round occupancy. 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 and use. Anyone building a residential building in a zone designated for “seasonal dwellings” shall be informed in writing by the zoning administrator that the above governmental services may not be provided to that building or use.
40. SETBACK, means the required distance between every structure and any lot line on the lot on which it is located except where a front lot line is not defined by any conveyance or recorded plat, in which case it means the required distance between every structure and the nearest land actually used for purposes of a roadway or parallel drainage ditch.
41. SIDE LOT LINE, means any lot line which meets the end of a front lot line or any other lot line within 30 degrees of being parallel to such a line except a front lot line.
42. SINGLE FAMILY DWELLING, means a structure designed or used for residential occupancy by one family.
43. STATE LICENSED RESIDENTIAL FACILITY, A structure constructed for residential purposes that is 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.
44. STRUCTURE, means any constructed, erected, or placed material or combination

of materials in or upon the ground, including, but not by way of limitation, buildings, mobile homes, radio towers, sheds, signs, and storage bins, but excluding sidewalks and paving on streets, driveways, parking areas, and patios.

45. TOWER, means a structure designed and constructed primarily for the purpose of supporting one or more antennas, including guyed towers, monopole towers, and lattice towers.
46. TOWER, LATTICE, means a self-supporting structure, erected on the ground, which consists of cross-bracing of structural steel to support antennas and other related equipment.
47. TOWER, MONOPOLE, means a self-supporting structure, with a single shaft of wood, steel or concrete, to support antennas and other related equipment.
48. TWO-FAMILY DWELLING, means a structure designed or used for residential occupancy by two families.
49. WIRELESS COMMUNICATION FACILITY, means any combination of one or more antennas, accessory structures, and/or equipment together with a single tower. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham or amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt local regulatory authority.
50. WIRELESS COMMUNICATION PROVIDER, means any FCC-licensed service provider, and/or any supplier of wireless communication facilities for such providers.
51. YARD, means the area between any lot line and the required setback.

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

### Section 301 Zoning Maps

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

### Section 302 Replacement of Official Zoning Maps

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

### Section 303 Interpretation of the Zoning Map

- A. Where there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary, the Zoning Board of Appeals shall make an interpretation of the map upon request of any person.
- B. The Zoning Board of Appeals, in interpreting the zoning map or deciding any appeal, shall apply the following standards:
  - 1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys,

- streets, right-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map;
2. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines;
  3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon; and
  4. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Mathias Township, as well as all other relevant facts.

Section 304 Application of District Regulations

- A. The regulations 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.
- B. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power 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 Zoning Districts

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

R-1	Residential 1
R-2	Residential 2
LS/R	Lakeshore and River Residential
TD-1	Town Development-1
TD-2	Town Development-2
C	Commercial
RP	Resource Production
TP	Timber Production

Section 306 Residential 1 District (R-1)

- A. Intent: To establish and preserve quiet neighborhoods for single-family homes as desired by a large number of people, free from other uses except those which are both compatible with and convenient to the residents of the district.
  
- B. Permitted Principal Uses
  - 1. Single-family dwelling (A dwelling unit located in District R-1 shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with the Alger County Building Code, including minimum heights for habitable rooms.)
  - 2. Family day-care home
  - 3. Home occupation, including instruction in craft or fine arts is permitted.
  - 4. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
  
- C. Conditional Use Conditional uses shall be permitted only on lots fronting on and with principal driveway access to a street with paving at least 24 feet in width, and so located and designed as to avoid undue traffic, noise, or other nuisances or dangers.
  - 1. Church
  - 2. Private park, and recreational facility
  - 3. Group day-care home, shall be granted if consistent with standards in Section 703.

Section 307: Residential 2 District (R-2)

- A. Intent: To establish and preserve quiet neighborhoods for single-family dwellings, free from other uses except those which are both compatible with and convenient to the residents of the district.
  
- B. Permitted Principal Uses
  - 1. Detached single-family dwelling ( A dwelling unit located in District R-2 shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with the Alger County Building Code, including minimum heights for habitable rooms.)
  - 2. Family day-care home
  - 3. Home occupation, including instruction in craft or fine arts
  - 4. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
  
- C. Conditional Uses Conditional uses shall be permitted only on lots fronting on and with principal driveway access to a street with paving at least 24 feet in width,



and so located and designed as to avoid undue traffic, noise, or other nuisances or dangers.

1. Church
2. Private park, and recreational facility
3. Multiple dwelling
4. Mobile home park
5. Group day-care home, shall be granted if consistent with standards in Section 703.

Section 308: Town Development District (TD-1)

A. Intent: To establish and preserve a town district for single-family homes and for retail commercial uses that are compatible with a small town setting and serve the residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail commercial is in accord with established patterns of use and the needs of nearby residents.

B. Permitted Principal Uses

1. Detached single-family dwellings (A dwelling unit located in Districts TD-1 shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with the Alger County Building Code, including minimum heights for habitable rooms.)
2. Family day-care home
3. General retail establishments that are designed to serve nearby residents and tourists and include such establishments as offices; clinics; grocery, drug, gift, hardware, or sporting goods stores; art and crafts studios; barber and beauty shops; banks; restaurants; laundromats; gas stations; and all other retail and personal service establishments except those specifically listed in District C.
4. Home occupation including instruction in craft or fine arts
5. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions

C. Conditional Uses Conditional uses in this district shall be permitted only on lots fronting on and with principal driveway access to a street with paving at least 24 feet in width, and so located and designed as to avoid undue traffic, noise, or other nuisances or dangers.

1. Church
2. Private park, and recreational facility
3. Multiple dwelling
4. Mobile home park
5. Group day-care home, shall be granted if consistent with standards in Section 703.

Section 309: Town Development District (TD-2)

- A. Intent: To establish and preserve a town district for single-family homes and for retail commercial uses that are compatible with a small town setting and serve the residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail commercial is in accord with established patterns of use and the needs of nearby residents.
- B. Permitted Principal Uses
1. Detached single-family dwellings (A dwelling unit located in Districts TD- 2 shall have a minimum width across any front, side or rear elevation of 20 feet and shall comply in all respects with the Alger County Building Code, including minimum heights for habitable rooms.)
  2. Family day-care home
  3. General retail establishments that are designed to serve nearby residents and tourists and include such establishments as offices; clinics; grocery, drug, gift, hardware, or sporting goods stores; art and crafts studios; barber and beauty shops; banks; restaurants; laundromats; gas stations; and all other retail and personal service establishments except those specifically listed in District C.
  4. Home occupation including instruction in craft or fine arts
  5. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
- C. Conditional Uses Conditional uses in this district shall be permitted only on lots fronting on and with principal driveway access to a street with paving at least 24 feet in width, and so located and designed as to avoid undue traffic, noise, or other nuisances or dangers.
1. Church
  2. Private park, and recreational facility
  3. Multiple dwelling
  4. Mobile home park
  5. Group day-care home, shall be granted if consistent with standards in Section 703.

Section 310: Commercial District (C)

- A. Intent: To establish and preserve areas for light industrial use along with those commercial uses which are more compatible with light industrial than with other commercial uses.
- B. Permitted Principal Uses
1. Motor vehicle sales and service

2. Construction and farm equipment sales
3. Sales of mobile homes, campers, recreational vehicles, boats
4. Sale of monuments
5. Wholesale and storage uses
6. Food packaging and bottling works
7. Contractor's yards and shops.

C. Conditional Uses

1. Gas stations
2. Restaurants
3. Manufacturing establishments
4. Paper mills
5. Extractive processing
6. Other industrial uses

Section 311: Resource Production District (RP)

- A. Intent: To establish and maintain for low intensity use those areas which because of their location, accessibility, soils, drainage, and other characteristics are suitable for a wide range of agricultural, forestry and recreational use.

B. Permitted Principal Uses

1. Single-family dwelling
2. Family day-care home
3. Agricultural production operations including crop cultivation, pastures, orchards, farmstead and similar uses, except feedlots, poultry farms and fur farms
4. The growing and harvesting of timber
5. Home occupation, including instruction in craft or fine arts is permitted.
6. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions

C. Conditional Uses

1. Campgrounds, parks, stables, and other similar recreational uses
2. Kennels, shall be granted if consistent with standards in Section 703.
3. Feedlots, poultry farms, and fur farms, provided that no such operation shall be established within one-quarter mile of any existing residence not on the premises.
4. State licensed residential facility
5. Confined animal feeding operation
6. Group day-care home, shall be granted if consistent with standards in Section 703.

Section 312: Timber Production District (TP)

- A. Intent: To maintain for timber production purposes and recreational use those lands which because of their soil, drainage and other characteristics are especially suited for timber production.
- B. Permitted Principal Uses
1. The growing and harvesting of timber
  2. Single family dwellings (dwelling used for seasonal and/or year round use)
  3. Recreational uses
  4. Family day-care home
  5. Seasonal dwellings
  6. Home occupation. Home occupation in a single family residence for instruction in craft or fine arts is permitted.
  7. State licensed residential facility, except for care of persons released from or assigned to adult correctional institutions
- C. Conditional Uses
1. Campground, park, stable, and other similar recreational use
  2. Group day-care home, shall be granted if consistent with standards in Section 703.
  3. Kennels, shall be granted if consistent with standards in Section 703.

Section 313 Lakeshore and River District (LS/R)

- A. Intent: To establish and preserve quiet neighborhoods for single-family dwellings free from other uses except those which are compatible with and convenient to residents in this district. The district is designed to accommodate residential opportunities for those who are willing to assume the costs of providing their own services. Development at those parcels will be subject to existing state regulations of PA 451, 1994.
- B. Permitted Principal Uses
1. Single family dwelling
  2. Family day-care home
  3. Timber harvest on a scientifically managed basis, with minimum setback of 75 feet from the Ordinary High Water mark
  4. Instruction in craft or fine arts within a single family dwelling
  5. State licensed residential facility, except care of persons released from or assigned to adult correctional institutions
- C. Permitted Accessory Uses
1. Not more than two accessory structures with a maximum of total area of 320 square feet, are permitted per 150 linear feet measured perpendicular

to the property line of that lot. There must also be a setback for the structure of 30 linear feet from the Ordinary High Water Mark.

2. Stairways, landing, and “rustic fences are permitted within the Ordinary High Water Mark if there is a bluff.
3. Decks shall meet the same setback requirements as new buildings.

D. Conditional Uses

1. Two family dwelling
2. Bed and breakfast establishment
3. Group day-care home, shall be granted if consistent with standards in Section 703.

## ARTICLE IV GENERAL REGULATIONS

### Section 401 Height, Bulk, and Placement Regulations

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

<b>Schedule of Regulations</b>						
District	Minimum Lot Size	Minimum Lot Width (feet) <sup>c</sup>	Minimum Setback (feet)			Maximum Height (feet)
			Front	Side	Rear <sup>E/F</sup>	
R-1	20,000 sq.ft.	100	30	10 <sup>B</sup>	35	30
R-2	1 acre	150	30	10 <sup>B</sup>	25	30
LS/R	1 acre	150 <sup>D</sup>	30	20 <sup>B</sup>	25 <sup>E</sup> /50 <sup>F</sup>	30
TD-1	20,000 sq. ft.	100	30	6	20	30
TD-2	40,000 sq.ft.	150	30	6	20	30
C	none	none	40	6	20	30
RP	20 acres	660	30	30	30	<sup>A</sup>
TP	40 acres	1320	30	30	30	<sup>A</sup>

Footnotes to the Table:

- (A) Height at any point on a structure shall not exceed the horizontal distance to any lot line.
- (B) A detached garage not exceeding 14 feet in height may be located not closer than six feet of a side lot line.
- (C) Lot width shall be measured at front setback line.
- (D) LS/R lot width shall be measured perpendicular between side lot lines at the furthest inland water point. See diagram IV-1, Section 406.
- (E) The rear lot line shall be used in cases where water borders a lot. Setback distances shall be measured from the normal high water mark or bluff line.
- (F) Lots bordering water in the LS/R district shall have a rear setback of no less than 50ft. from the normal high water mark.

Section 402: District Boundary Setback Regulation

- A. On lots in Districts TD-1, TD-2 and C, no commercial or industrial structure shall be erected or maintained within 30 feet of the boundary line of any R-1, R-2, or RP districts. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this Ordinance.

Section 403: Floor Area and Ground Cover Regulations

- A. There shall be a maximum floor area ratio for commercial or industrial buildings 80 percent in Districts TD-1, TD-2 and C. There shall be a maximum ground coverage ratio of 40 percent in Districts TD-1, TD-2 and C. There shall be a minimum landscaped open space of 10 percent in Districts TD-1, TD-2 and C.

Section 404: Off Street Parking Requirements

- A. Except in Districts SD, RP, and TP, there shall be provided off street parking for motor vehicles, and the minimum number of parking spaces to be provided shall be according to the following list.

Use	Spaces Required
Single and two-family dwellings	2 per dwelling unit
Apartments, townhouses, motels, hotels	1.5 per room or dwelling unit
Churches, theaters, and similar facilities	.35 times the seating capacity
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other commercial and industrial use	.75 times maximum number of employees on premises at any given time

- B. Where calculation in accordance with the foregoing list results in requiring a fractional space, any fraction less than ½ shall be disregarded and any fraction of ½ or more shall require one space. Required off-street parking shall be provided on the lot to which it pertains. 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 of motor vehicles is prohibited.
- C. The following minimum design standards shall be observed in designing off-street parking facilities.

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0° to 15°	9 ft.	11 ft.	23 ft.	30 ft.
16° to 37°	10 ft.	12 ft.	19 ft.	47 ft.
38° to 57°	10 ft.	13 ft.	19 ft.	54 ft.
58° to 74°	10 ft.	18 ft.	19 ft.	61 ft.
75° to 90°	10 ft.	24 ft.	19 ft.	63 ft.

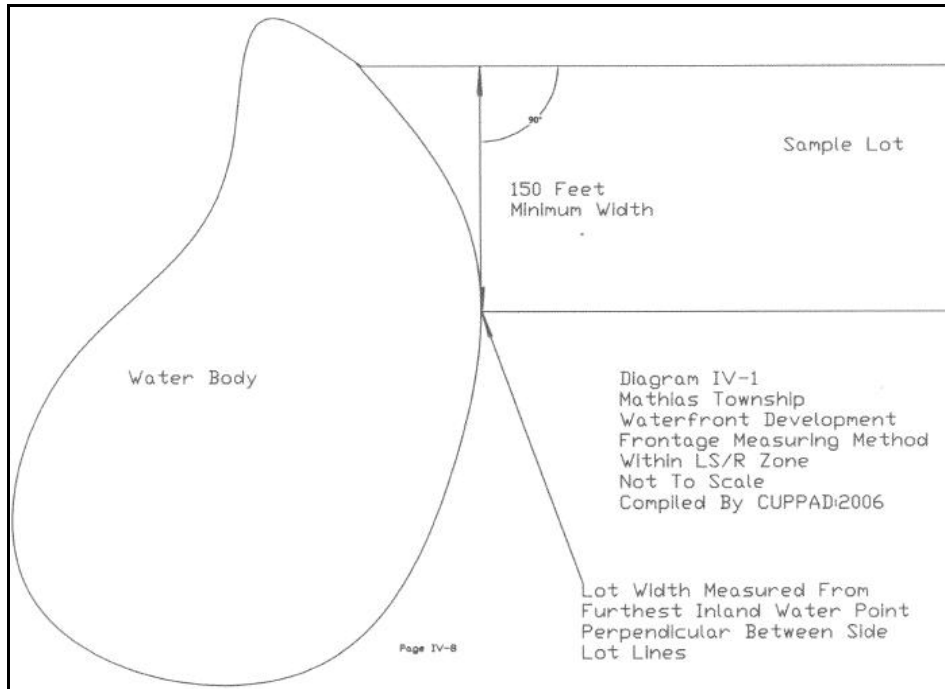
Section 405: Required Off-Street Loading Spaces

- A. Loading spaces required under this Section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

Section 406 Waterfront Development

- A. All structures on lots abutting any body of water, as defined in Act No. 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. Lot width shall not be less than 150 feet and measured according to the method shown in diagram IV-1. Using the furthest inland point, regardless of water boundary contour, a line will be drawn across the lot which will intersect the opposing lot line by 90 degrees. Width measurements will be made along this line.





Sect ion  
407 Shore and Bank Area Alterations

- A. Best management practice recommends that the first 30 feet from the water’s edge or the high water mark should be maintained in its natural condition. This provides good control of soil, fertilizers, and other surface pollutants from moving into the lake and stream. Owners of waterfront property should develop plans , specific to their property to eliminate this problem.

Section 408 Limitation of “Funnel Development”

- A. Any development in any zoning district which shares a common lakefront or stream may not permit more than one single family home, cottage, condominium or apartment unit to the use of each 100 feet of lake or stream frontage in such common lake front or stream area as measured along the water’s edge or normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of recreational use of all waters and recreational lands within the township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership or single fee ownership. This restriction does not apply to an official public access site.

#### Section 409 Height Requirements Exceptions

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

#### Section 410 One Principal Structure or Use Per Lot

- A. No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.
- B. In the Town Development District and Commercial 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 with a permitted business by application for and issuance of a Conditional Use Permit.

#### Section 411 Minimum Building Standards

- A. Every dwelling must comply with the following standards:
  - 1. A dwelling located in the R-1 and R-2 Districts must have a minimum width across any front, side or rear elevation of 20 feet and comply in all respects with the Alger County Building Code, including minimum heights for habitable rooms.
  - 2. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Alger County Building Code, then and in that event such federal or state standards or regulations shall apply.

3. It is firmly attached to a permanent foundation constructed on a site in accordance with the Alger County Building Code and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
4. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
5. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
6. The foregoing shall not apply to mobile homes located in a licensed mobile home park, except to the extent required by state and federal laws, or otherwise specifically required in this Ordinance.

#### Section 412 Nonconforming Lots

- A. Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the Alger County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
- B. No vested right shall arise to the property owner for any parcel created in violation of any preceding Mathias Township or Alger County Zoning Ordinance.
- C. When a legal nonconforming lot is held in common ownership with an abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

### Section 413 Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of building.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements as established. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established.
- C. In the situation where one or more lots held in common ownership are separated by a road or easement, those lots can be considered as being adjacent.
- D. When two or more adjacent lots are held in common ownership, the lots may be considered combined to comply with provisions of this Ordinance. No portion of the combined lots shall be used more than once in order to comply with provisions of lot yard and yard dimensions of this Ordinance.

### Section 414 Accessory Buildings and Uses

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as specifically prohibited or by necessary implication by this or any other ordinance.
- B. Structures, including carports, attached to the principal building 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 principal building, but shall not be considered livable floor space.
- C. Accessory structures normally associated with single family dwellings such as a garage, shed for yard tools, playhouse, pens, bathhouse, swimming pool, sauna, and satellite dish.
- D. Boathouse are permitted subject to regulations and requirements of the Michigan Department of Environmental Quality and/or other regulatory bodies.

### Section 415 Use of Yard or Open Space

- A. It is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation, or abandonment, either temporary or otherwise, of disused, discarded, worn-out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, or any other personal property. A maximum of two unlicensed or temporarily disabled vehicles may be stored outside provided they are screened

from adjacent residence and the road. There are no limitations to the number of vehicles that may be stored within an enclosed building.

- B. The temporary or long-term parking of recreational vehicles must conform to the setbacks established for principal structures in the respective zoning district.

#### Section 416 Decks and Porches

- A. Decks and porches shall be considered a structure. Attached or unattached decks and porches shall comply with required front, side and rear setbacks established for a principal building.

#### Section 417 Confined Animal Feeding Operation

- A. Confined Animal Feeding Operations (CAFO)s must comply with all county, state and Federal Generally Accepted Agricultural Management Practices (GAAMPS).
- B. Site selection of a CAFO shall take into consideration; community water, residential zoning, historic landmarks and related human quality of life and environmental concerns and regulations at all levels of government.

## ARTICLE V ZONING ADMINISTRATION

### Section 501 Office of Zoning Administrator

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

### Section 502 Duties of the Zoning Administrator

- A. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the duties which follow. However, in no case shall the Zoning Administrator, or any of his/her subordinates, waive or vary any of the provisions or standards in this Ordinance.
1. Issue Permits: All applications for zoning compliance permits shall be submitted to the Zoning Administrator who shall issue zoning compliance permits when applicable provisions of this Ordinance have been complied with.
  2. File Applications: The Zoning Administrator shall maintain files of all applications for zoning compliance permits, and shall keep records of all zoning compliance permits issued and/or denied. These shall be filed with the Zoning Administrator, and files and records shall be open for public inspection. Copies shall be provided upon request, in compliance with the Mathias Township Freedom of Information Policy.
  3. Maintain Official Copies: The Zoning Administrator shall maintain the official Zoning Map along with an updated zoning ordinance.
  4. Conduct Inspections: The Office of the Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.
  5. Maintain Record of Complaints: The Zoning Administrator shall keep a record of every identifiable complaint of a violation of the provisions of this Ordinance, and of the action taken consequent to each complaint. These records shall be public record.
  6. Report to the Planning Commission: The Zoning Administrator shall periodically prepare a report to the Township Planning Commission summarizing applications for zoning compliance permits, all complaints

of violations, all appeals, variances, and exceptions granted by the Zoning Board of Appeals, and the action taken.

7. Review Site Plans for Completeness: The Zoning Administrator shall review Site Plans in accordance with Article IX Site Plan Review.
8. Provide Information: The Zoning Administrator shall present relevant information to the appropriate board.

#### Section 503 Official Zoning Orders Book and Map

- A. The Zoning Administrator shall keep the Official Zoning Orders Book, which lists a brief description of all variances, Conditional Use Permits, Class A nonconforming designation, and any termination. The Zoning Administrator shall keep the Official Zoning Map on which will indicate the locations affected by the items in the book. The Official Zoning Orders Book and Map shall be open to public inspection. Each item shall be assigned a number.

#### Section 504 Procedure for Public Notification

- 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:
- C. 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 Mathias Township and mailed or delivered as provided in this Section.
  1. All mail, personal and newspaper notices for public hearings shall:
    - a) Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
    - b) Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax

parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.

- c) When and where the request will be considered: Indicate the date, time and place of the public hearings(s).
- d) Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
- e) Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.

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 Mathias 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.

- 3. 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.
- 4. Other governmental units within one mile of the property involved in the application.



5. 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.

6. 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 shall be provided as follows:

a) For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

7. 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 bi-annually to continue to receive notification pursuant to this Section.

C. When the Planning Commission or Zoning Board of Appeals holds a Public Hearing, it:

1. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
2. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
3. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
4. 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;
5. Shall comply with all other requirements under the law; and

6. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.
- A. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of special 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 any 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 505 Administrative Decisions and Rules

- A. The Zoning Administrator, Zoning Board of Appeals, or Zoning Board shall make decisions in accordance with the standards in this Ordinance.
- B. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Zoning Board in the administration of this Ordinance shall be filed with the Mathias Township Clerk and be open to public inspection.

Section 506 Violations and Penalties

- A. Any person who violates any provision of this Ordinance, or any amendment, or who fails to perform any act required or does any prohibited act, shall be charged with a municipal civil infraction, and, upon a finding of responsibility shall be punished by a fine of not more than \$500, plus court costs, for each offense.
- B. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

- C. Any violation of this Ordinance is hereby declared to be a public nuisance per se and, in addition to the penalties specified for such violations, the Township may seek to enforce compliance with the terms and provisions on this ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation, or civil or criminal law.

## ARTICLE VI ZONING COMPLIANCE PERMITS

### Section 601 Intent

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

### Section 602 Procedure

- A. The Zoning Administrator shall issue such permit upon:
  - 1. The furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance,
  - 2. A finding by the Zoning Administrator that such is the case, and
  - 3. Payment of a permit fee.
- B. The Zoning Administrator shall respond to a permit request with either approval, denial, or a request for further information within seven working days of the receipt of the application request. The Zoning Administrator shall respond to the application by certified mail, the postmark of which shall fall within 10 business days of receipt of the application.
- C. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.
- D. If the development authorized by a zoning compliance permit has not commenced construction within one year from the date of issuance, the permit shall automatically expire. The Zoning Administrator can approve an extension for one additional year upon request of the applicant.
- E. Any zoning compliance permit based on any false statement in the application or supporting documents is absolutely void and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

## **ARTICLE VII CONDITIONAL USE PERMITS**

### Section 701 Intent

- A. Conditional uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.
- B. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the conditional use under consideration.

### Section 702 Complete Application

- A. Every application for a Conditional Use Permit must contain a completed conditional use application, and a site plan drawn to a readable scale containing information specified in Article IX Site Plan Review.
- B. The Zoning Administrator shall, upon receipt of a complete application, schedule a public hearing in accordance with the procedures of Section 504.

### Section 703 Review Standards

- A. No conditional use shall be established in any zoning district except upon a permit issued by the Planning Commission. Any person seeking a Conditional Use Permit shall provide the Planning Commission with information to determine whether to approve the request.
- B. The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
  - 1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - 2. The conditional use shall not change the essential character of the surrounding area.
  - 3. The conditional use shall not interfere with the general enjoyment of adjacent property.

4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.
5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.
7. The conditional use shall not place demands on public services and facilities in excess of current capacity.
8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.
9. In addition, the following standards shall be used by the Planning Commission when considering Conditional Uses:
  - a. In the R-1, R-2, and TD Districts, conditional uses shall be permitted only on lots fronting on and with principal driveway access to a street with paving at least 24 feet in width, and so located and designed as to avoid undue traffic, noise, or other nuisances or dangers.
  - b. Kennels shall have a set back of no less than 600 feet from any lot line.

C. 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.
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/her employees.

#### Section 704 Conditions and Safeguards

- A. The Planning Commission shall approve, approve with conditions, or reject the application within 60 days of the public hearing. The Planning Commission's action shall be based upon materials received and testimony recorded at the public hearing.
- B. 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 judgement 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. The Planning Commission shall also consider the activity levels of the proposed use and may impose conditions to insure the preservation and protection of property values of adjacent properties.
- C. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Section 703 Review Standards.

- D. Such conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator.
- E. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Planning Commission shall become part of the Conditional Use Permit issued by the Planning Commission.
- F. If development of a Conditional Use Permit has not commenced (evidenced by construction) within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Planning Commission may approve an extension for one additional year. Unless otherwise specified by the Planning Commission compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.
- G. The 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.
- H. 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.
- I. The Zoning Administrator shall be empowered to make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements.
- J. Only Conditional Use Permits that are clearly for a temporary use may be issued for a temporary time and shall be renewed in the original manner.
- K. 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.
- L. The Planning Commission may review any Conditional Use Permit to determine if the conditions imposed are being complied with.



M. The Planning Commission may revoke a Conditional Use Permit. Revocation of a Conditional Use Permit by the Planning Commission shall be made following a public hearing using the same procedures as the permit was originally granted. The Planning Commission may revoke a conditional use permit upon finding that:

1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
2. Violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.

#### Section 705 Appeals

A. Recourse for a person aggrieved by a decision of the Planning Commission in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

## ARTICLE VIII: NONCONFORMING USES AND STRUCTURES

### Section 801 Intent

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

### Section 802: Definition and Classification of Nonconforming Uses and Structures

- A. Class A nonconforming uses or structures are those which have been so designated by the Zoning Board of Appeals, after application by any interested person or the Zoning Administrator, upon findings that continuance thereof would not be contrary to the public health, safety, or 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; 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.
- B. All nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures.

### Section 803 Procedure For Approval by Planning Commission

- A. A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
1. Name and address of property owner;
  2. Legal description of the property or lot;
  3. A site plan pursuant to Section IX;
  4. An explanation describing the present nonconforming structure or use.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 504 Administrative Procedures. 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 804. Conditions may be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

### Section 804 Standards for Review and Approval

- A. In granting its approval, the Planning Commission shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:
1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance;
  2. The use or structure does not, and is not likely to significantly decrease the value of nearby properties;
  3. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform;
  4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by Mathias Township;
  5. The use or structure will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
  6. The use or structure will not be hazardous or disturbing to existing or foreseeable neighboring uses;

7. The use or structure will not diminish the value of land, buildings, or structures in the district;
8. The use or structure will be served adequately by essential public facilities and services; and,
9. The use or structure will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

#### Section 805 Revocation of Class A Designation

- A. Any Class A designation shall be revoked, following the same procedure required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.
- B. Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Violations not corrected shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing. Upon hearing the facts and information the Planning Commission shall make its decision to consider revocation of the Class A nonconforming designation in writing and set forth the finding and reasons on which it is based.

#### Section 806 Regulations Pertaining to Class A Nonconforming Uses and Structures

- A. No Class A nonconforming use shall be resumed if it has been discontinued for a continuous period of at least 12 months or if it has been changed to a conforming use for any period. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

#### Section 807 Regulations Pertaining to Class B Nonconforming Uses and Structures

- A. It is a 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 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, nor shall it be repaired or reconstructed if 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 use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than used at the time of becoming nonconforming.

- B. In the case of mineral removal operations, existing holes or shafts may be worked and enlarged on the land which constituted the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established. Class B non-conforming sand and gravel pits shall not be unreasonably expanded nor shall such activities become contrary to the public health, safety, welfare or the spirit and purpose of this ordinance.
  
- C. 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 SITE PLAN REVIEW**

### Section 901 Intent

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

### Section 902 Site Plan Required

- A. No person shall commence any use or erect or enlarge any structure without first obtaining the approval of a site plan by the Zoning Administrator. Site plan approval shall not be required for single-family dwellings, agricultural buildings, or commercial buildings under 5,000 square feet.

### Section 903 Required Form of and Information on Site Plan

- A. Every site plan shall be submitted to the Zoning Administrator in three identical copies on one or more sheets of paper measuring not more than 24 by 36 inches, drawn to a scale not smaller than 40 feet to the inch, signed and sealed by a registered land surveyor or professional engineer, which shall show the following:
1. The boundary lines of the area, as determined by a registered land surveyor in accordance with Public Act 132 of 1970 as amended, included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
  2. Existing and proposed grades, existing and proposed drainage systems, existing and proposed structures with topographic contours at intervals not exceeding one foot. These features are to be shown within the bounds of subject property and also everything within 50 feet beyond the subject property.
  3. The shape, size, location, height, and floor area of all structures, the floor area and ground coverage ratios, and the finished ground and basement floor grades.

4. Natural features such as woodlots, streams and lakes or ponds, and man-made features such as existing roads and structures, with indications as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses shall be identified.
5. Proposed streets, driveways, parking spaces, loading spaces, and sidewalks with indication of direction of travel for one way streets and drives and inside radii of all curves. The width of streets, driveways, and sidewalks and the total number of parking spaces shall be shown.
6. The size and location of all existing and proposed public and private utilities and size and location of all existing and proposed public and private utility easements and required landscaping.
7. A vicinity sketch showing the location of the site in relation to the surrounding street system.
8. A legal description of the land included in the site plan and of the lot; the name, address, and telephone number of the owner, developer, and designer.
9. Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.

#### Section 904 Review Procedures

- A. Upon receipt of a Site Plan, the Zoning Administrator shall within 10 working days approve or deny the site plan. The site plan shall show compliance with this Ordinance and demonstrate the adequacy of utility service. Denial shall be in writing and detail the reasons which are limited to any defect in form or required information, or violation of any provision of this Ordinance or any ordinance enacted by the Township Board. The Zoning Administrator shall identify changes which would make the plan acceptable. The Zoning Administrator shall use the standards in Section 905 in the review.
- B. The proposer may appeal any denial to the Township Zoning Board of Appeals.

#### Section 905 Site Plan Review Standards

- A. The Zoning Administrator shall use the following standards for site plan review approval:
  1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of the buildings. The site will be so developed as to not impede the normal and orderly development or improvement or surrounding property for uses permitted in this Ordinance.

2. The landscaping shall be preserved in its natural state in so far as practical by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
3. Special attention shall be given to proper site surface drainage so that removal of storm waters and melting accumulated snow will not adversely affect neighboring properties.
4. Attention shall be given that the placement of accumulated snow removal piles shall not obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises or traffic control measures.
5. 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.
6. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
7. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
8. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, a residential zone, or public thoroughfares, shall be screened to at least six feet in height.
9. Exterior lighting shall be arranged so it does not adversely affect adjacent properties.



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

### Section 1001 Establishment of Zoning Board of Appeals

- A. The Zoning Board of Appeals is established in accordance with Act 110 of 2006, as amended. The Zoning Board of Appeals will consist of three members; one shall be a member of the Township Planning Commission, and the remaining members shall be appointed by the Township Board from residents of the unincorporated area of the Township. One member may be a member of the Township Board. The term of the Planning Commission and Township Board members shall be limited to the time serving as a member of the respective board. An elected officer of the township shall not serve as chairperson of the Board of Appeals. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- B. The term of office of the first members appointed shall be 1, 2, and 3 years respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for a 3-year term.

### Section 1002 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 Chair. 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 of this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such times that 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 indication such fact, and all of its official actions. All meetings and records shall be open to the public. Notice and minutes of all meetings 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 704.

### Section 1003 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts 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.
- B. 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.
- C. 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.

### 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.
- 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 in accordance with the guidelines of Section 303.
  - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 404 or by an analysis of the specific needs.
  - 4. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within a specific district.

### Section 1005 Variance

- A. The Zoning Board of Appeals shall have the power and duty to authorize a variance from the provisions of this Ordinance that 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 unnecessary hardship or practical difficulty.
- B. The Zoning Board of Appeals shall not grant a variance unless the following conditions are met:

1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;
  2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
  3. The special conditions and circumstances necessitating the variance did not result from the actions of the applicant; and
  4. The granting of the variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- C. 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 applicant has met the requirements of this Section.
- 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 circumstance 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 building, or the construction authorized by such variance has commenced within one year after the granting of such variance.
- K. An extension of one year may be granted by the Zoning Board of Appeals if evidence of effort towards completion of the building, or occupancy of the land or building, has been shown and such request is made within 30 days and not more than 60 days before the expiration date.

#### Section 1006 Appeals

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

## ARTICLE XI TEXT AND MAP AMENDMENTS

### Section 1101 Intent

- 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.

### Section 1102 Required Amendment Information

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

### Section 1103 Procedure

- A. Each application shall be submitted to the Zoning Administrator, accompanied by the proper fee, to be referred to the Planning Commission for review at a public hearing held in conformance with Section 504.
- B. Following the public hearing, the Planning Commission shall transmit their recommendation, and a summary of the comments received at the public hearing to the Alger County Board of Commissioners who shall have 30 days to review and comment.
- C. The Planning Commission shall transmit their recommendation, a summary of the comments received at the public hearing, and the comments from the Alger County Board of Commissioners to the Township Board.
- D. The Township Board may hold additional public hearings if it considers it necessary. Notice of the public hearing shall be published once in a newspaper which circulates in the Township, and shall be given not less than 15 days before the hearing.
- E. After receiving the recommended amendment, the Township Board, at a regular meeting or at a special meeting called for that purpose, shall consider the recommendations and vote upon the adoption of the amendment. Any amendments shall be approved by a

majority vote of the members of the Township Board. The Township Board either rejects or enacts the recommendations as an Ordinance.

- F. 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 receipt of the proposed change or departure to send its report to the Township Board.
- G. After receiving the report the Township Board may grant a hearing on the amendment prior to considering the proposed amendment. The Township Board may adopt by a majority vote the amendment to the zoning ordinance with or without amendments that have been previously considered by the Planning Commission.
- H. Notice of adoption shall be published as required by law.
- I. No application 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.

#### Section 1104 Standards for Review of Amendments

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

4. The ability of the Township or other government agencies to provide any services, facilities and/or programs that might be required if the petition is approved.
5. Whether there are any significant and negative environmental impacts, which would potentially occur if the petitioned zoning change and resulting permitted structures, were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.
6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.
7. An amendment shall not be approved unless the general standards and other identified facts are affirmatively resolved in terms of the general health, safety, welfare, comfort and civil divisions where applicable.

STATE OF MICHIGAN  
COUNTY OF ALGER, TOWNSHIP OF MATHIAS  
PRIVATE ROAD ORDINANCE  
ORDINANCE NO. 2010-8-12

Adopted: 8-12-10 Effective: \_\_\_\_\_

Amended: \_\_\_\_\_

An Ordinance to regulate the development of private roads within the Township of Mathias.

TOWNSHIP OF MATHIAS, COUNTY OF ALGER, MICHIGAN  
ORDAINS:

SECTION I  
TITLE

This Ordinance shall be known and cited as the Mathias Township Private Road Ordinance:

SECTION II  
PURPOSE

It is the purpose of this Ordinance to promote the health, safety and general welfare of Mathias Township residents by setting standards for the construction of private roads.

SECTION III  
DEFINITIONS

- A. "Driveway" – A vehicular access way serving one lot.
- B. "Common Driveway" – A vehicular access way serving two lots with recorded easement and maintenance agreements between land owners. Any extension of a common driveway shall be the creation of a private road under this ordinance.
- C. "Private Road" – A privately owned road serving more than two parcels over which neither the municipality nor the public has a right to travel by vehicle or on foot.
- D. "Public Road" – A way or public easement for highway purposes held by any governmental body.
- E. "Road" – Any public or private way designed for vehicular access, other than driveways, common drives, farm roads, trails or logging roads. The term "road" includes the normal meaning conveyed by synonymous words including street, avenue, highway, lane or way.
- F. "Professional Engineer" – An engineer licensed by the State of Michigan.



- G. "Right-of-Way" – A street alley or other thoroughfare or easement permanently established for passage of persons, vehicles, or location of utilities. The right-of-way is delineated by legally established lines or boundaries.
- H. "Parcel" – A tract of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, area, setbacks and open space as defined in the current Mathias Township Zoning Ordinance.

#### SECTION IV FEES AND APPLICATION

- A. The application fee for a Private Road Permit as established by the Mathias Township Board must be paid at the time of application.
- B. Application Requirements – The following information shall be submitted to the Mathias Township Zoning Administrator as part of the application for a Private Road Permit:
- 1) Name of Applicant(s)
  - 2) Name(s) of the owner(s) of record of the land.
  - 3) Copies of the recorded instruments of conveyance for those listed in Section 2.
  - 4) The estimated volume and type of traffic to use the road.
  - 5) The anticipated starting and completion dated of each phase of road construction.
  - 6) A description of erosion, sedimentation and dust control measures to be employed during and following construction.
  - 7) Sufficient copies of a site plan with a scale of not less than 1" = 100' shall be provided to the Mathias Township Zoning Administrator, prepared by a Professional Engineer showing:
    - a) A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile with a scale of not less than 1" = 200'.
    - b) Property lines of existing or proposed parcels to be served by the private road, property lines and owner's names and addresses of adjacent tracts of subdivided and unsubdivided land, shown in relation to the proposed property division (if any), including those across abutting roads.
    - c) Locations, widths, names and citations of existing prior easements of record, public and/or private.
    - d) Location of existing sewers, water mains, storm drains and other underground utilities within or adjacent to the property.
    - e) The site plan shall show the topography drawn as contours within an interval not less than two (2) feet.

- f) Existing and proposed drainage patterns and any proposed retention ponds.
- g) The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over twelve (12) percent.
- h) Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, or easements for future utilities, if any.
- i) Layout of the proposed private road, including right-of-way width, surface width, grades, connections to other private roads and/or public streets or highways.
- j) Proposed private road maintenance agreement and proposed private road easement agreement.
- k) Proposed street name.

SECTION V  
STANDARDS FOR APPROVAL

The proposed private road shall meet the following standards:

- 1) A private road legal description shall grant easements for the installation and maintenance of public utilities.
- 2) The minimum right-of-way width shall be sixty-six (66) feet.
- 3) The maximum grade shall not exceed ten (10) percent.
- 4) The minimum horizontal curve radius shall not be less than three hundred (300) feet.
- 5) The minimum radius for cul-de-sacs shall not be less than eighty (80) feet.
- 6) The traveled portion of the private roadway shall be of sufficient width in order to allow for two-way traffic excluding mandatory shoulders on both sides of the road. The shoulder width shall be of sufficient width so as to not impede the two-way traffic.
- 7) Public or private utilities shall not be located within the right-of-way of the private road.
- 8) Adequate sight distance of 10 times the speed limit in feet (for example, a 45 mph zone requires 450 feet) visibility in each direction. This shall be measured from where the driver's seat of a vehicle would be situated fifteen (15) feet from the edge of the shoulder, with the height of the eye at 3-1/2 feet, to the top of an object at 4-1/2 feet above the pavement.
- 9) Drainage will neither erode the proposed road nor wash directly onto the public road or adjoining properties.
- 10) The private road shall have a signed "Hold Harmless" agreement recorded at the office of the Alger County Register of Deeds.

- 11) No fence, wall, sign, screen or any planting shall be erected or maintained in such a way as to obstruct vision between a height of three (3) and ten (10) feet within the triangular area formed by the intersection of a road right-of-way line and a private road right-of-way line and a line connecting two (2) points which are located on those intersecting right-of-way lines, thirty (30) feet from the point of intersection.
- 12) Parcels fronting on private roads shall meet the required front yard setback and parcel width for their district as set forth in the Mathias Township Zoning Ordinance.
- 13) The angle of intersection with the public or private road must be as close to 90° as possible, but never less than 60°.
- 14) Regulation Michigan State Highway stop signs shall be positioned and installed in accordance with the most recent "Michigan State Manual of Uniform Traffic Control Devices" on all private roads where such roads intersect public roads or streets, State or United States Highways or Mathias Township Approved Private Road.
- 15) Private Roads shall comply with the current Alger County Road Commission standards for the construction of public roads excluding blacktop.
- 16) Design plans shall be prepared and sealed by a Michigan registered civil engineer. As-built plans are required and shall bear the seal and certification of the Michigan registered engineer confirming that the construction of the private road is compliant with the original design plans.

#### SECTION VI PRIVATE ROAD PERMIT DENIAL/RIGHT TO APPEAL

If any of the applicable conditions as outlined above are not met or there is information missing from the application, then the Mathias Township Zoning Administrator may deny the Private Road Application.

If the applicant feels that the Mathias Township Zoning Administrator has erred in the interpretation of this Ordinance, then the the applicant may file an appeal with the Mathias Township Board within forty five (45) days of the denial. The required filing fee must accompany said request for appeal.

If the applicant feels that the denial of the Private Road Application creates an undue hardship, then the applicant may request a variance from the Mathias Township Board pursuant to the standards for a variance as set forth in the Mathias Township Zoning Ordinance.

#### SECTION VII CONSEQUENCES OF NONCOMPLIANCE WITH THIS ORDINANCE

Any parcel accessed by a private road created in noncompliance with this Ordinance shall not be eligible for any building permits, zoning compliance permits, site plan approvals, special use approvals, or land division/subdivision approvals. In addition, violation of this Ordinance shall subject the violator to the fines and enforcement actions set forth in Section IX of this Ordinance, and as may otherwise be provided by law.

SECTION VIII  
EXISTING PRIVATE ROADS

Private roads that were created prior to the adoption of this Ordinance shall be subject to all the conditions specified in this Ordinance for any extension to the existing private road.

Any parcel accessed by an extension of an existing private road created in noncompliance with this Ordinance shall not be eligible for any building permits, zoning compliance permits, site plan approvals, special use approvals, or land division/subdivision approvals.

SECTION IX  
FINES AND ENFORCEMENT

Any person or legal entity which violates any of the provisions of this Ordinance shall be deemed responsible for a civil infraction and shall be subject to a fine of not more than \$500.

SECTION X  
SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any clause, sentence, word, section, or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, then it shall not affect any portion of this Ordinance other than said part or portion thereof.

SECTION XI  
REPEAL

All previous ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Private Road Ordinance shall not be construed to repeal any provisions in the Mathias Township Zoning Ordinance.

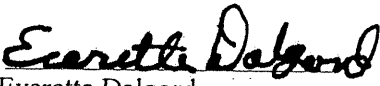
SECTION XII  
EFFECTIVE DATE


This Ordinance shall become effective 30 days following its publication after adoption.

Date Adopted: 8-12-10

Effective Date:

Date Published:

  
Everette Dalgord  
Mathias Township Supervisor

  
Amy Richmond  
Mathias Township Clerk  
Mathias Township Community Center  
State Highway M-67, Trenary, Michigan 49891

**LAND DIVISION ORDINANCE  
MATHIAS TOWNSHIP, ALGER COUNTY, MICHIGAN  
ORDINANCE NO. 2012-6-14 OF 2012**

An ordinance to regulate the creation, partitioning and division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, being the Michigan Land Division Act, Act 359 of 1947, as amended, and Act 246 of 1945, as amended, being the Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this Ordinance.

The Township of Mathias ordains:

**SECTION 1: TITLE**

This ordinance shall be known and cited as the "Mathias Township Land Division Ordinance."

**SECTION 2: PURPOSE AND SCOPE**

- A. The purpose of this Ordinance is to implement the provisions of the Michigan Land Division Act (1967 P.A. 288, as amended, formerly known as the Subdivision Control Act) ("Act"), to prevent the creation of parcels of property and access easements which do not comply with applicable ordinances, zoning regulations and said Act, to minimize potential boundary disputes, to monitor the creation of new parcels and easements, to prevent illegal land divisions and to ensure that newly-created parcels are not landlocked, to prevent the creation of unusable lots due to noncompliance with the Mathias Township Zoning Ordinance or other ordinances, to assure orderly development of the community, and to otherwise provide for the health, safety and welfare of the residents and property owners of Mathias Township by establishing reasonable standards for prior review and approval of land divisions within Mathias Township ("Township").
- B. Approval of any land division pursuant to this Ordinance shall not provide, constitute, infer or imply use or zoning approval of any such division or resulting parcels or assure or imply buildability. Such use of land must still comply with the Township Zoning Ordinance and any other applicable ordinances, laws or regulations, and it remains the responsibility of the property owner to ensure such compliance.
- C. It is not intended by this Ordinance to repeal, abrogate, annul, or in any other way impair or interfere with provisions of the Township Zoning Ordinance or of other laws or ordinances (except as otherwise expressly stated in Section 12 hereof) or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however, that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations upon the division or use of land, easements or buildings than are imposed or required by the provisions of any

restrictions or any other law or ordinance, or any of said rules, regulations or permits, then the provisions of this Ordinance shall govern.

### SECTION 3: DEFINITIONS

For purposes of this Ordinance, certain terms and words used herein shall have the following meaning:

- A. "Act" - Public Act No.288 of 1967, as amended (including, but not limited to, Public Act No.591 of 1996), being the Michigan Land Division Act (MCLA 560.101 et seq.)
- B. "Applicant" - a natural person, firm, association, partnership, corporation, estate, entity, governmental unit, or combination of any of them which holds an ownership interest in land whether recorded or not.
- C. "County" - Alger County, Michigan.
- D. "Divided" or "Division" - the creation, partitioning or splitting of a parcel or tract of land by the owner thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale, transfer or lease of more than one (1) year, or of building development that results in one or more parcels. For purposes of this definition, "divided" or "division" shall include, but not be limited to, the creation of one or more access easements, parcels, lots or site condominium units whether created by partition, deed, land contract, a lease over one (1) year or other written agreement, whether or not recorded with the county register of deeds records, "Divided" or "division" shall also include the adjustment or reconfiguration of property lines.
- E. "Governing body" - the Mathias Township Board.
- F. "Parent Tract" - means a parcel or tract respectively, lawfully in existence on the effective date of this ordinance.
- G. "Township" - Mathias Township, Alger County, Michigan
- H. Except as expressly otherwise stated in this Ordinance, the definitions of the Act, as amended, are hereby incorporated by reference and are made a part of this Ordinance.
- I. For purposes of Sections 105(b) and 109(1)(d) of the Act, the word "area" shall mean any size, width, frontage, dimension, or space requirement of the Mathias Township Zoning Ordinance.
- J. For purposes of Sections 105(b) and 109(1)(c) of the Act, the word "width" shall mean the width and frontage requirements of the Mathias Township Zoning Ordinance.
- K. For purposes of this Ordinance, "lot" or "parcel" shall be used interchangeably.

### SECTION 4: PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township Board (or designee) in accordance with this Ordinance and the Act, except that a parcel proposed for subdivision through a recorded plat pursuant to the Township's Land Subdivision Ordinance(s) and the Act shall be exempted from this requirement. If a proposed land division involves the division of one or more existing platted lots or the reconfiguration or adjustment of a boundary line of an existing platted lot, the Mathias Township Subdivision Ordinance shall be applicable.

### **SECTION 5: APPLICATION FOR LAND DIVISION APPROVAL**

An applicant shall file all of the following with the Township Clerk (or designee) for review and approval of a proposed land division before making any division:

- A. A completed Township application form, together with all required supporting materials.
- B. Signature on the application by the fee title owner of the property.
- C. A survey map prepared and sealed by a licensed Michigan Professional Surveyor of the land proposed to be divided, showing the dimensions and legal descriptions of the existing parcel, the parcels proposed to be created by the division(s) (including "remnant" parcels or those to be retained by the owner) and any easements, the location of all existing structures and other land improvements, including the location of any well or septic systems on the lot, and the accessibility of the parcels for vehicular traffic and utilities from existing public/private roads.
- D. Proof that all standards of the Act, this Ordinance and other applicable ordinances and laws have been met.
- E. The Township may require that the applicant provide a title search from a title insurance company if it is reasonably necessary to show that previous land divisions do not preclude the proposed land division(s).
- F. Proof that all due and payable property taxes or installments of special assessments pertaining to the land proposed to be divided are paid in full.
- G. Unless a division creates a parcel which is acknowledged and declared to be "not buildable" under Section 8 of this Ordinance, all divisions shall result in "buildable" parcels containing sufficient "buildable" area outside of non-developable land area, as defined by the Mathias Township Subdivision Ordinance, and with sufficient area to comply with all required setback provisions, minimum floor areas, off-street parking spaces, on-site sewage disposal and water well locations (where public water and sewer service is not available), and maximum allowed area coverage of buildings and structures on the site.
- H. The full fee in an amount as may from time to time be established by resolution of the Township Board for land division reviews pursuant to this Ordinance to cover the costs of review of the application and administration of this Ordinance.

### **SECTION 6: PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL**

- A. Upon receipt of a complete land division application package from an applicant, the Township Board (or designee) shall (i) approve, (ii) approve with reasonable conditions to assure compliance with applicable ordinances and the protection of public health, safety and welfare, or (iii) disapprove the land division applied for within 45 days after receipt of the complete application package conforming to this Ordinance's requirements (including any and all required zoning and private street approvals) and shall promptly notify the applicant in writing of the decision(s) and the reasons for any denial. If the application package does not conform to these Ordinance requirements and the Act, the Township Board or other designee shall return the same to the applicant for completion in accordance with this Ordinance and the Act.



- B. Any person or entity aggrieved by the decision of the Township Board (or designee) may, within 30 days of said decision, appeal the decision to the Township Planning Commission, which shall consider and resolve such appeal by a majority vote at its next regular meeting.
- C. The Township Assessor (or designee) shall maintain an official record of all land division applications, including denied, approved, unrecorded and accomplished land divisions.
- D. If the land division involves the use or creation of a private road, approval of the private road must be obtained from the Township in accordance with all applicable Township regulations prior to the approval of the land division.

#### **SECTION 7: STANDARDS FOR APPROVAL OF LAND DIVISIONS**

A proposed land division shall be approved only if all of the following criteria are met:

- A. All of the parcels to be created by the proposed land division(s) must fully comply with the applicable lot (parcel) width, access, setback, and area requirements of the Township Zoning Ordinance, Subdivision Ordinance, Private Road Ordinance, and other applicable Township ordinances.
- B. The ratio of depth to width of any parcel created by a land division (including a remnant parcel) which is less than 10 acres shall not exceed 4:1 unless otherwise provided by the Township Zoning Ordinance.
- C. If the land division involves the use of a new curb cut to a public road, the applicant must submit evidence of review and approval of the curb cut location by the Alger County Road Commission or Michigan Department of Transportation.
- D. The Township may require reasonable additional conditions and safeguards as are deemed necessary to ensure compliance with the requirements of this Ordinance.
- E. The Township Board may establish reasonable fees for Township review and approval of land divisions. Additionally, the Township may require the applicant to reimburse the Township for fees and costs incurred by the Township Attorney and/or Township Engineer in reviewing the proposed land division. No land division approval or permit shall be effective until all such fees and reimbursements have been paid to the Township in full.
- F. No land division shall be approved until all ad valorem property taxes due and owing on the original parcel have been paid in full to the Township and/or County, and all special assessments and charges in lieu of special assessments, due and owing against the original parcel have been paid to the Township in full (unless exempted by Mathias Township). Additionally, no land division shall be approved until all indebtedness of the owners of the original parcel have been paid in full to the Township.

#### **SECTION 8: ALLOWANCE FOR APPROVAL OF OTHER LAND DIVISIONS**

Notwithstanding disqualification from approval pursuant to this Ordinance, a proposed land division which does not fully comply with the applicable lot, setback, accessibility and area requirements of the Township Zoning Ordinance or this Ordinance may be approved where the applicant executes and records a permanent deed restriction with the Alger County Register of Deeds, in a form acceptable to the Township, designating the parcel as "not buildable" and also

not usable for anything other than agricultural or passive uses, which restrictions shall be enforceable by the Township.

Any such parcel shall also be designated as "not buildable" in the Township records, and shall not thereafter be the subject of a request to the Zoning Board of Appeals for variance relief from the applicable lot and/or area requirements, and shall not be used except for agricultural or passive uses.

**SECTION 9: CONSEQUENCES OF NONCOMPLIANCE WITH THE LAND DIVISION APPROVAL REQUIREMENT**

Any parcel or easement created in violation of or noncompliance with this Ordinance shall not be eligible for any building permit or zoning approvals. Furthermore, no parcel, lot, site condominium unit or easement created in violation of this Ordinance or the Act shall be utilized for any purpose whatsoever, nor shall such land division be recognized. In addition, a violation of this Ordinance shall also subject the violator to the penalties and enforcement actions set forth in Section 10 of this Ordinance, and as may otherwise be provided by law.

**SECTION 10: PENALTIES AND ENFORCEMENT**

Any person, firm, corporation, trust, governmental unit, partnership or other legal entity which violates or refuses to comply with any provision of this Ordinance shall be responsible for a municipal civil infraction and shall be punished by a civil fine of one hundred and twenty five dollars (\$125.00) for a first violation two hundred and fifty (\$250.00) for a second violation and five hundred dollars (\$500.00) for a third or subsequent violation, as well as other applicable civil infraction remedies.. Any person who violates any of the provisions of this Ordinance shall also be subject to civil action seeking invalidation of the land division and appropriate injunctive or other relief.

**SECTION 11: SEVERABILITY**

The provisions of this Ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this Ordinance other than said part or portion thereof.

**SECTION 12: REPEAL**

All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed, except that this Ordinance shall not be construed to repeal any provision in the Township Zoning Ordinance, the Mathias Township Subdivision Ordinance, or the Alger County building code.

**SECTION 13: EFFECTIVE DATE**

This Ordinance shall take effect 30 days following its publication (or summary thereof) after adoption.

Adopted June 14, 2012

The foregoing Ordinance was offered by Board Member Amy, Supported by Board member Kim.

The roll call vote was as follows:

Yeas: Kim Marilyn Ray Amy Carol

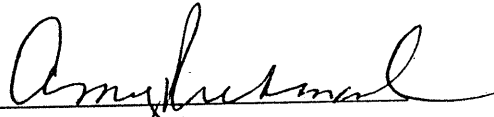
Nays: None

Absent: None

  
Township Clerk

**CERTIFICATION**

I hereby certify the foregoing to be true copy of an Ordinance adopted at a Regular Meeting of the Mathias Township Board on the 14<sup>th</sup> Day of June, 2012.

  
Township Clerk