



# Burt Township Zoning Ordinance

*Burt Township Zoning Ordinance*

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**Article I. SHORT TITLE AND PURPOSE**

**Preamble**

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this ordinance.

## **The Township of Burt ordains:**

### **Section 1.01 Title**

This Ordinance shall be known as the Burt Township Zoning Ordinance.

### **Section 1.02 Purpose**

The purpose of the Ordinance is to:

1. Provide for the orderly development of the township while minimizing the impacts of incompatible adjoining land uses and preventing nuisances from interfering with the reasonable use and enjoyment of private property. In all cases, it is the purpose of this Ordinance to regulate the use of real property so that it does not adversely impact upon broader public interest;
2. Ensure the public health, safety and general welfare;
3. Promote the use of lands and natural resources of the township in accordance with their character and adaptability and in turn, limit their improper use;
4. Reduce hazards to life and property;
5. Lessen congestion on the public roads and streets;
6. Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used;
7. Facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements;
8. Conserve life, property and natural resources and the expenditure of funds for public improvements and service to conform with the most advantageous uses of land, resources and properties.

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### **Section 1.03 Authority**

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006.

### **Section 1.04 Validity**

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

### **Section 1.05 Repeal of Previous Zoning Ordinance**

1. This ordinance repeals and replaces any previous Burt Township Zoning Ordinance in its entirety.

The repeal of the Burt Township Zoning Ordinance Revised May 2000, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any provisions of said ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

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**Article II. RULES OF CONSTRUCTION AND DEFINITIONS**

**Section 2.01 Rules of Construction**

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or

more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:

7. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
8. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. "Township" shall refer specifically to Burt Township.
10. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company, or other legal entity, or their agents.
11. Terms not defined shall be assumed to have the meaning customarily assigned them.
12. Any necessary interpretation of this Ordinance shall be defined by the Burt Township Zoning Board of Appeals.

## **Section 2.02 Definitions**

**Accessory Structure:** Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure, including but not limited to accessory buildings, and signs. Satellite dishes and television antennae are specifically not considered accessory structures for this ordinance.

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**Accessory Use:** A use naturally and normally incidental and subordinate to the main use of the land or building.

**Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated, electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of annual sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

**Adult Cabaret:** A nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**Adult Motel:** A hotel, motel or similar commercial establishment that: *(Amended 05/02/2019)*

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas;

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2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

**Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

**Agriculture:** The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

**Alterations:** Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

**Alternative Tower Structure:** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Anemometer:** An instrument for measuring and recording the speed of the wind.

**Anemometer Tower:** A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

**Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

**Appearance Ticket:** see Municipal Civil Infraction Citation.

**Architectural Features:** Parts of a building which are not for human occupancy, that shall include but are not limited to cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**Automobile Repair:** Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or

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fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

**Automobile Sales Area:** Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

**Automobile Wash Establishment:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

**Average:** For the purpose of this Ordinance, the term, "average" will be an arithmetic mean.

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**Bed and Breakfast Establishment:** Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term bed and breakfast establishment also includes tourist home.

**Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.

**Board of Appeals:** As used in this Ordinance, this term means the Burt Township Zoning Board of Appeals.

**Boat and/or Canoe Livery and Boat Yard:** A place where boats and/or canoes are stored, rented, sold, repaired, decked and serviced.

**Buffer Strip:** A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

**Buildable Area:** That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.



**Building Height:** The elevation measured from the lowest finished grade adjacent to the structure to the highest point of the roof. No portion of the structure's roof (except chimneys) may exceed the height allowed in the specific district regulations.

**Buildable Width:** The width of a lot left for building after required side yards are provided.

**Building:** Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

**Campgrounds:** Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee for the establishment of temporary living quarters for five (5) or more recreational units.

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**Cargo Container:** Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers," "shipping containers," "high-cube containers," and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers. *(Amended 05/02/19)*

**Church:** See Place of Worship.

**Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

**Club:** Buildings and facilities owned or operated by corporation, association, person or persons for social, educational, or recreational purposes.

**Condominium Unit:** That portion of a condominium project designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

**Dock:** A temporary or permanent structure, built on or over the water, supported by pillars, pilings, floats, or other supporting devices.

**Drive-Thru Business:** Any restaurant, bank or business with an auto service window.

**Driveway, Private:** A private lane, which is used for vehicular ingress or egress serving one, two or three lots, parcels or site condominium units.

**Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit. Dwelling units must contain at least 800 square feet of livable floor area as defined in this ordinance. *(Amended 12/02/21)*

**Dwelling, Single-Family:** A detached building containing exactly one dwelling unit

designed for residential use. *(Amended 12/02/21)*

**Dwelling, Two-Family:** A building containing not more than two separate dwelling units designed for residential use.

**Dwelling, Manufactured:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and

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3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

**Dwelling, Mobile:** A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

**Dwelling, Multiple-Family:** A building containing three or more dwelling units designed for residential use.

**Efficiency Unit:** A dwelling unit consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

**Enclosed, locked facility** means an enclosed, locked facility as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

**Erected:** Includes built, constructed, reconstructed, extended, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements, shall be considered part of erection.

**Escort:** A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**Escort Agency:** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

**Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings

other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna and wind turbine generators are not included within this definition.

**Excavating:** Excavating shall be the earth moving, filling or removal of earth, sand, stone, gravel, or dirt.

**Family:** One or two persons or parents, with their direct lineal descendants and

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adopted children (and including the domestic employees thereof) together with not more than four persons not so related, living together as a single house-keeping unit. Every additional group of two or less persons in a dwelling unit shall be considered a separate family.

**Farm:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

**Fence:** Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier and not part of a structure requiring a building permit.

**Floor Area:** The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, non commercial garages, attic, basement and cellar area.

**Floor Area, Liveable:** That sum of the horizontal areas of each story of a residential structure, or portion of a structure intended for residential use, measured from the exterior faces of the exterior walls, or from the centerline of common interior walls. *(Amended 12/02/21)*

**Floor Area, Usable** (for the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded for the computation of "Usable Floor Area". All floor levels shall be counted.

**Gas and Oil Processing Facilities:** Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Supervisor of Wells, Department of Natural Resources or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

**Gasoline Service Station:** Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

**Grade, Finished:** The elevation of the ground upon the completion of construction and improvements.

**Grade, Natural:** The elevation of the ground surface in its natural state, before human alterations.

**Ground-Mounted Solar Installations:** A private system installed as an accessory

structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site. *(Amended 02/14/20)*

**Guest House:** Secondary living quarters not sharing a common wall with the primary living quarters which may include bedroom, bathroom and kitchen facilities. This may also define space above a detached garage.

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**Hazardous Substances:** Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such materials or substances.

**Home Business:** A profession or occupation, or trade that is accessory to a principal residential use conducted within a dwelling or residential accessory building. Home businesses fall into two classifications defined below:

**Home Occupations:** A profession or occupation conducted within a dwelling, or an attached garage, which is clearly incidental and secondary to the use of the lot, or dwelling for residential purposes. Home occupations are regulated by Section 6.09.1.

**Cottage Industry:** An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes. Cottage industries are regulated by Section 6.09.2.

**Hospital:** An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

**Hotel or Motel:** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms.

**Impervious Surface:** Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, roofs of any type, concrete, asphalt or bituminous paving, compacted gravel, patios, decks, and driveways. *(Amended 12/02/21)*

**Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with facilities and services in attractive surroundings among compatible neighbors.

**Industry:** A use engaged in manufacturing, fabricating, and/or assembly activities.

**Inoperable, Unlicensed or Abandoned Vehicle, Trailer or Watercraft:** Any vehicle of any nature whatsoever, including, but not limited to, automobiles, trucks, snowmobiles, motorcycles, riding mowers, tractors, four wheelers, trailers, or any watercraft, which is incapable of being used as intended whether by reason of dismantling, disrepair, or other cause, or any motor vehicle, trailer, or watercraft which is not licensed for a period in excess of thirty (30) days.

**Junk:** The outdoor accumulation and storage or other placement of junk presents an unsightly and unattractive appearance, or creates a health and safety hazard, or

discourages adjoining property owners from improving their property, or threatens property values, or diminishes the quality of the community. Any of the following stored, placed, permitted to be stored or placed, or allowed to remain on any parcel of land outside a completely enclosed building for more than thirty (30) days in any one calendar

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year unless managed as part of a permissible salvage yard:

Inoperable, unlicensed or abandoned vehicles, trailers or watercraft,

1. Machinery, appliances, products, merchandise or other item with parts missing or which is disassembled or otherwise cannot be used for its intended purpose,
2. scrap or salvage material, tires, trash, rubbish, litter, garbage, refuse or waste of any nature, or
3. Any item that is damaged, deteriorated, dismantled or in disrepair regardless of cause.

Junk does not include domestic trash, garbage or refuse if:

1. It is stored in an enclosed container so as to not create a nuisance, or
2. It is stored for a period not to exceed ten (10) days.

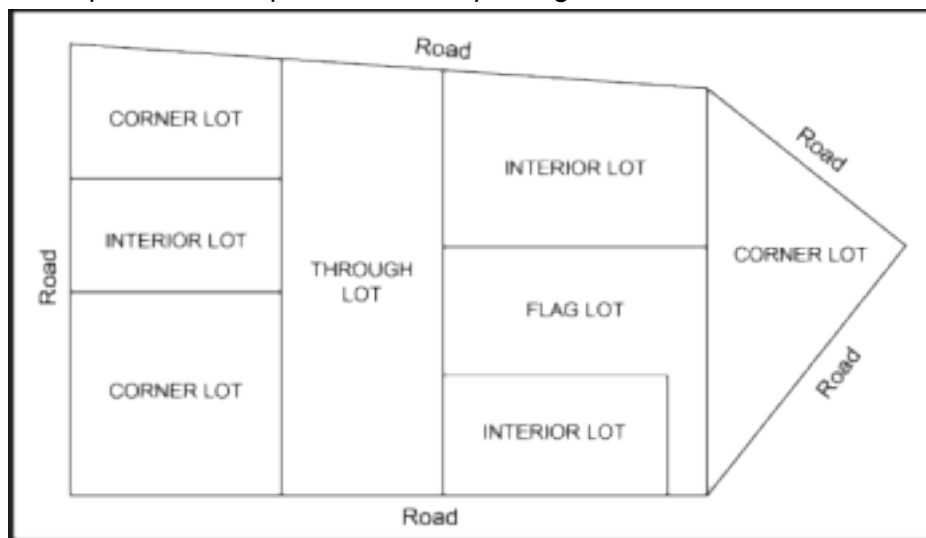
**Kennel:** Any lot or premises on which three (3) or more dogs, cats, or other household pets of the same species four (4) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

**Landscape buffer:** See Buffer Strip.

**Loading Space:** An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

**Lot:** The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this

Ordinance for the district in which located, but not including any area within any abutting

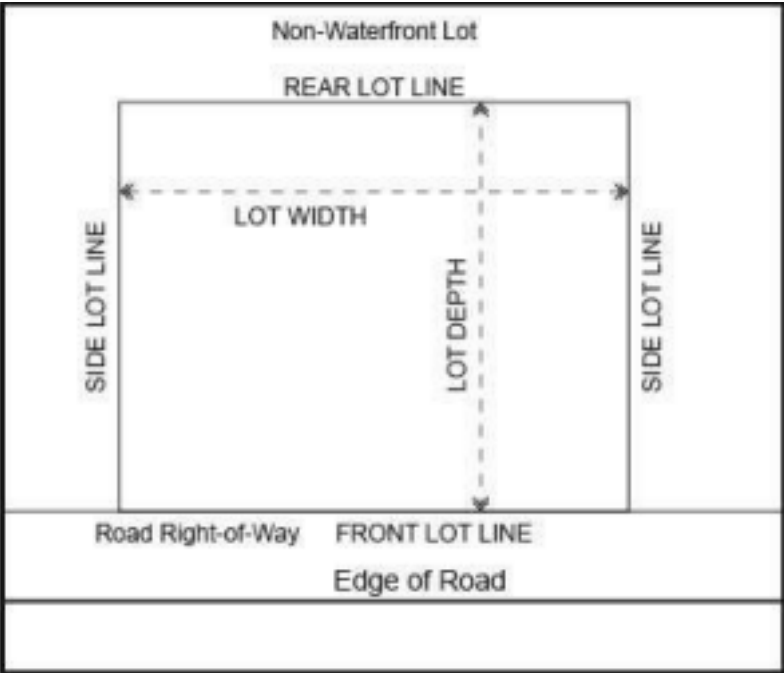


right-of-way or traffic lane.

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**Lot, Corner:** A lot located at the intersection of two streets or a lot bounded on two sides by a curbing street, any two (2) sides of which form an angle of one hundredthirty-five (135) degrees or less.

**Lot Coverage:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and all impervious surfaces. The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.  
*(Amended 12/02/21)*



**Lot Depth:** The horizontal distance between front and rear lot lines, measured along the median

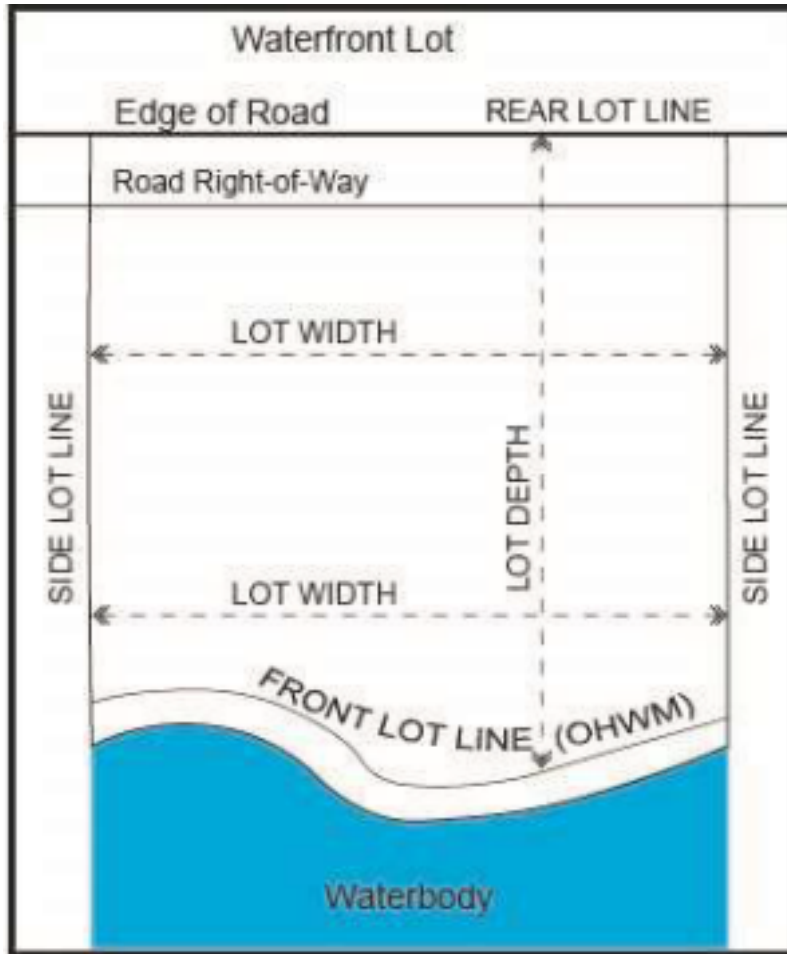
between side lot lines.

**Lot, Interior:** A lot other than a corner lot with only one (1) lot line fronting on a street.

**Lot Line, Front:** In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the property line separating such lot from such street right-of-way. In the case of a lot having frontage upon a lake, river, or stream, the waterfrontage shall be considered the front lot line.

**Lot Line, Rear:** The property line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

**Lot Line, Side:** Any property line bounding a lot that is not a front lot line or a rear lot line



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**Lot of Record:** A lawfully created lot defined by a legal description and record in the office of the Cheboygan County Register of Deeds on or before the effective date of this Ordinance.

**Lot, Waterfront:** A lawfully created lot defined by a legal description and record in the office of the Cheboygan County Register of Deeds on or before the effective date of this ordinance.

**Lot Width:** The horizontal distance between the side lot lines, measured at the two (2) points where the front setback line, intersects the side lot lines.

**Lot, Zoning:** A contiguous tract of land that at the time of filing for a Zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A Zoning Lot may not coincide with a lot of record, but may include one or more lots of record.

**Manufactured Home:** see Dwelling, Manufactured.

**Master Plan or Comprehensive Plan:** The statement of policy by the Township Planning Commission and approved by the Township Board relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

**Medical marihuana or Medical Use of Marihuana:** Marihuana as defined in Section 7106 Of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106, that meets the definition of “medical use” in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

**Mobile Home:** see Dwelling, Mobile.

**Mobile Home Park:** A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

**Mobile Home Site:** A plot of ground within a mobile home park designed for the accommodation of one mobile home.

**Motel:** See Hotel.

**Municipal Civil Infraction Citation:** A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

**Natural Vegetation Strip:** An undisturbed or re-established natural area of land paralleling the water’s edge to a depth of the required zoning setback distance if not otherwise stipulated, which is retained in a natural condition (or re-established with vegetation naturalized to the region) and is essentially void of any structural improvements. Beaches and/or vegetated areas shall be allowed in the natural vegetation strip.

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**Nonconforming Lot of Record:** A lot of record that legally existed on or before the effective date of this ordinance or any amendment to this ordinance and does not meet dimensional requirements of this ordinance or amendment.

**Nonconforming Structure:** A building, structure, or portion thereof that lawfully existed before the effective date of this ordinance or any amendment to this ordinance and that does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which such building or structure is located.

**Nonconforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.

**Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

**Nudity or a State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being



section 752.362 of the Michigan Compiled Laws.

3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

**Nuisance Factor:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable affluent; noise or congregation of people, particularly at night.

**Nursery, Plant Materials:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery *does not include* space used for the sale of fruits or vegetables.

**Occupancy Permit:** A permit issued by the Cheboygan County building official that certifies a structure as being completed and suitable for use and/or occupancy.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

*Burt Township Zoning Ordinance II-12*

**Open Air Business:** Includes uses operated for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Miniature golf, golf driving ranges, children's amusement park or similar recreation uses operated for profit.

**Open Space:** Land upon which no structures, parking, rights-of-way, or other improvements have or will be made and that will not be committed for future use other than outdoor recreational use.

**Ordinary High Water Mark (OHWM):** Is the line on the shore of Burt Lake established by fluctuations of water and indicated by physical characteristics such as a line impressed on the bank, shelving, destruction of terrestrial vegetation, presence of litter or debris, or changes in the character of soil. If the soil, configuration of the surface, or vegetation on the shoreline has been altered by man's activity, the high water mark shall be located where it would have been if this alteration had not occurred. If the above visual determination is unclear, then the OHWM of 594.5 feet as determined by the United States Army Corps of Engineers (USACE) IGLD of 1985 will be used as the ordinary high water mark. (*Amended 07/07/16*)

**Park:** Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which are open to the general public for recreational purposes.

**Parking Space:** An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

**Place of Worship:** A building wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

**Planning Commission:** For the purpose of this Ordinance the term Planning Commission is deemed to mean the Burt Township Planning Commission.

**Planned Unit Development (PUD):** A type of development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development. Such developments can be

*Burt Township Zoning Ordinance II-13*

proposed as either single use (such as a residential site condominium project), or mixed use developments (such as a project which includes both residential and commercial components).

**Pick-up Camper:** See Recreational Unit.

**Primary caregiver** means a primary caregiver as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act.

**Principal Use:** The main use to which the premises are devoted and the primary purpose for which the premises exists.

**Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

**Public lake access:** A lot, road right-of-way, or easement publicly owned, or dedicated to the public, which provides an opportunity for the public to use the lake either seasonally or year-round, and which may include any of the following activities or a combination of these uses: a place for the public to congregate and use the water; swimming beach; boat launch of any sort and/or any associated accessory facilities.

**Public lake access facilities:** physical improvements to a public lake access site, excluding routine maintenance and repairs to existing site features.

**Public Sewer Systems:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

**Public Utility:** Any person, firm, corporation, municipal department board, or commission fully authorized to furnish and furnishing, under federal, state or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, or sewage disposal.

**Qualifying patient** means a qualifying patient as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act.

**Recreational Unit:** Means a vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which either has its own motive power

*Burt Township Zoning Ordinance II-14*

or is mounted on or drawn by another vehicle which is self-powered. Recreation unit shall include "Travel trailers", "Camping trailer", "Motor home", "Truck camper", "Slide-in-camper", and "Chassis-mount camper" as defined in Act 171 of the Public Acts 1970, as amended. A recreational vehicle is not a mobile home or manufactured home as defined under this ordinance or under Section 2 of the Mobile Home Commission Act.

**Recreational Vehicle:** see Recreational Unit.

**Resort:** A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

**Road Right-of-Way:** A street, alley or thoroughfare or easement permanently established primarily for passage of motorized vehicles which, if used to establish a lot front, provides adequate permanent access.

**Road, Private:** An area of land which is not a public road, but which is intended for passage to and from four (4) or more lots or site condominium units.

**Roadside Stand:** An accessory and temporary farm structure operated for the purpose of selling local agricultural products, primarily are raised or produced on the same farm premises or other properties under the same ownership or management.

**Roof-Mounted Solar Installations:** A private system installed on the roof of a building that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site. (Amended 02/14/20)

**Retail and Retail Stores:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**Salvage Materials:** Waste, used or second hand materials, not stored for more than six (6) months, including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles, which are to be held temporarily for recycling purposes or collection, processing or transport to other processing facilities.

**Salvage Yard:** An open area where waste, used or second hand materials are bought

and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Salvage Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of salvage materials, but does not include uses established entirely within enclosed buildings.

**School:** A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, high schools and colleges. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

*Burt Township Zoning Ordinance II-15*

**Seasonal Use:** Any use or activity that reasonably can or should only be conducted during certain months or seasons of a year.

**Setback:** The minimum required horizontal distance from the applicable road right-of way line, private road easement, water feature or property line of a lot within which no buildings or structures may be placed or extended, except as otherwise provided in this Ordinance.

**Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex;  
or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

**Sexually Oriented Business:** A business or commercial enterprise engaging in any of the following:

1. Adult arcade;
2. Adult bookstore or adult video store;
3. Adult cabaret;
4. Adult motel;
5. Adult motion picture theater;
6. Adult theater;
7. Escort agency;
8. Nude model studio; and
9. Sexual encounter center.

**Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves. Three or more retail stores and services, so arranged or planned, shall qualify as a shopping center for zoning purposes.

**Sign:** A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of or for the benefit of any product, place activity, individual, firm, corporation, institution, profession, association, business or organization.

*Burt Township Zoning Ordinance II-16*

**Sign, Animated:** Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

**Sign, Freestanding or Ground:** A sign supported by permanent uprights or braces in the ground.

**Sign, Off Premise:** Any sign relating to a use and / or activity not conducted on the premises on which the sign is located. *(Amended 05/02/19)*

**Sign, On Premise:** Any sign relating to a use and / or activity conducted on the premises on which it is located. *(Amended 05/02/19)*

**Sign, Outdoor Business or Informational:** A freestanding, overhanging or wall mounted sign located outside a structure on which is displayed information pertaining to a product, use, occupancy, function, service or activity located within that structure on the same property as the sign, or at a location different than the property on which the sign is located.

**Sign, Overhanging:** A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is not parallel to the structure wall. *(Amended 05/02/19)*

**Sign, Portable:** A sign that is designed to be transported, including but not limited to signs: *(Amended 05/02/19)*

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T- frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs; • Mounted on a vehicle for advertising purposes, parked and visible from the public right of-way, except when the vehicle is being used in normal day-to-day operations of that business; and
- Hot-air or gas-filled balloons or umbrellas used to display content.

**Sign, Temporary:** A sign not intended or designed for permanent display. *(Amended 05/02/19)*

**Sign Surface:** That portion of a sign excluding its base, foundation and erection supports on which content is displayed. *(Amended 05/02/19)*

**Site Condominium Unit:** That portion of a condominium subdivision designed or intended for occupancy or use by the unit owner consistent with the provisions of the Master Deed.

**Site Plan:** The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

**Solar Energy Farms:** A utility-scale commercial facility that converts sunlight into

*Burt Township Zoning Ordinance II-17*

electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose is the wholesale or retail sale of generated energy off site. *(Amended 02/14/20)*

**Special Use Permit:** A permit grant with approval by the Township Planning Commission for a use of land in a district that does not conflict with any other permitted land use in the district when such a special use is specified in this Ordinance for that district.

**Specified Anatomical Areas:** are defined as:

1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**Specified Sexual Activities:** means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

**Stable, Private:** A building or structure used to house horses, either for the property owner's private use; not for hire or sale.

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

**Story:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty four (24) feet or more.

**Structural Change or Alteration:** See Alterations.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground.

**Telecommunication Towers and Facilities or Tower** - All structures and accessory

facilities, including Alternative Tower Structures, relating to the use of the radio

*Burt Township Zoning Ordinance II-18*

frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which fully preempt municipal regulatory authority.

**Temporary Building and Use:** A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

**Thoroughfares:** An arterial street which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares.

**Timber Cut, Commercial:** A timber cut which yields net income (receipts for sale of products exceed the cost of cutting).

**Tourist Home:** See Bed and Breakfast Establishment definition.

**Trailer Coach:** See Recreational Unit definition.

**Travel Trailer:** See Recreational Unit definition.

**Use:** The lawful purpose of which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this Ordinance.

**Variance:** A modification of literal provisions of this Ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause practical difficulty or undue hardship owing to circumstances unique to the individual property on which the variance is sought.

**Waste:** Items that are discarded, left over, thrown away, or no longer useful.

**Wind Turbine Generator:** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

**Wind Turbine Generator, Commercial:** A wind turbine generator designed and used

primarily to generate electricity by or for sale to utility companies.

**Wind Turbine Generator, Noncommercial:** A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

**Wind Turbine Generator Tower Height:** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

**Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

**Yard, Front:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

**Yard, Rear:** A yard extending across the full width of the lot from the rear line of the principal building to the rear lot line.

**Yard, Side:** A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

**Zoning Permit:** A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building or land in conformity with the provisions of this Ordinance.



**Section 3.01 Classification of Zoning Districts**

For the purpose of this Ordinance, the following Zoning Districts shall be established in Burt Township:

- WR Waterfront Residential
- R-1 General Residential
- RR Rural Residential - Agricultural
- MR Mixed Residential
- C-1 Local Commercial
- I Light Industrial
- CR Conservation Recreation

**Section 3.01.2 Zoning Map**

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Burt Township Zoning Map, Cheboygan County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

**Section 3.01.3 Boundaries of Districts**

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Cheboygan County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk. Where uncertainty exists as the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys, or highways; the center lines of the said streets, alleys, or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Where the application of the above rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

*Burt Township Zoning Ordinance III-1*

**Section 3.01.4 - Zoning of Vacated Areas**

Whenever any street, alley, highway, or other public right-of-way within the Township has been abandoned by official government action, such right-of-way lands attach to and become part of the land adjoining. Such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the

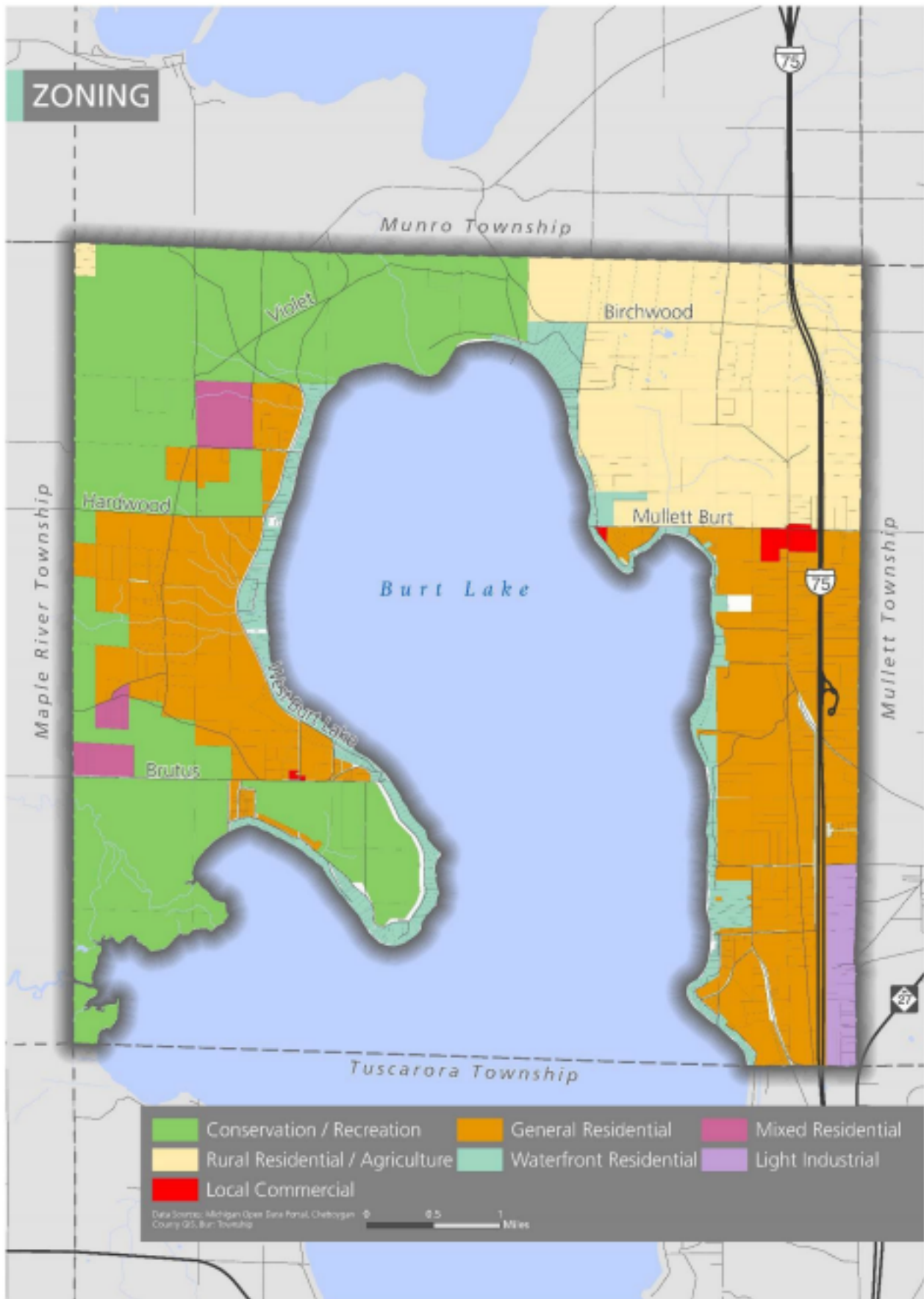
centerline of the right-of-way shall be the district boundary.

### **Section 3.01.5 - Zoning of Filled Areas**

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality and U.S. Army Corp of Engineers, as required.

### **Section 3.01.6 - Zoning District Changes**

When district boundaries change, any non-conforming use may continue subject to all other applicable provisions of this Ordinance.



*Burt Township Zoning Ordinance III-3*  
*Burt Township Zoning Ordinance III-4*  
**Section 3.02 Waterfront Residential District (WR)**

The following provisions shall apply to the Waterfront Residential District

**(WR). Section 3.02.1 - Intent**

The land uses in this district are intended to promote the proper use, enjoyment and conservation of water, land, and topographic resources of the Township.

**Section 3.02.2 - Regulated Uses**

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single family	Permitted	--	2/dwelling unit
Guest house		6.08	--
Home occupations		6.09.1	--
Roof-mounted solar installations		6.26	--
<i>Public/Semi-Public Uses</i>			
Public lake access facilities	Special Use	6.10.1 7.01.15	--
Private shared lake access		6.10.2 7.01.15	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--

**Section 3.02.3 - Dimensional Standards and Building Form (Amended 12/02/21)**

<i>Waterfront Residential District (WR) Dimensional Standards &amp; Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		21,000 sq ft
Minimum Lot Width		100'
Maximum Lot Coverage (a) (b)		30%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	75'
	Side	10'

	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum Floor Area Per Dwelling Unit	Total	1,200 sq ft
	1 <sup>st</sup> Floor	800 sq ft
Minimum Dwelling Width		24'
<i>Accessory Buildings With Principal Use</i>		
Number of Accessory Buildings (f)		1
Setback (c) (d) (e)	Front	75'
	Side	10'
	Rear	50'

*Burt Township Zoning Ordinance III-5*

	From Existing Structures	20'
Maximum Height at Eaves		12'
Maximum Building Footprint		1,200 sq ft

- a) Maximum coverage shall include but not be limited to buildings or structures, roofs of any type, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) A second accessory building or a single accessory building not exceeding 1.5 times either the maximum building footprint or max size as shown in the above table may be approved on lot sizes exceeding 60,000 sq. ft. provided all structures are in compliance with the district setback requirements.

*Burt Township Zoning Ordinance III-6*  
**Section 3.03 General Residential District (R-1)**

The following provisions shall apply to the General Residential District (R-

**1). Section 3.03.1 -Intent**

The Residential District is designed to accommodate and encourage single family residential development and associated uses, in keeping with the residential goals and objectives specified in the Burt Township Master Plan. The permitted uses are intended to provide for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

The provisions of this section also recognize with the gradual extension of other property uses into the district, such as those provided for under the “Uses Subject to Special Use Permit”; there is a need for careful consideration based on sound standards as provided for through the Special Use Permit approval process.

**Section 3.03.2 - Regulated Uses**

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single family	Permitted	--	2/dwelling unit
Guest houses		6.08	--
Home occupation		6.09.1	--
Roof-mounted solar installations		6.26	--
Cottage industry	Special Use	6.09.2	--
Planned unit development		7.01.12	--
<i>Public/Semi-Public Uses</i>			
Parks, playgrounds, community centers	Permitted	7.01.15	--
Public buildings, institutions and places of worship		7.01.13	1/3 seats or each 6 feet of pew
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Commercial timber cut	Permitted	6.22	--
Sand and gravel extraction	Special Use	7.01.16	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a principal use for non commercialuses		--	--

Ground-mounted solar installations as an accessory structure		<a href="#">6.26</a>	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a principal use for commercial uses		--	--

*Burt Township Zoning Ordinance III-7*

**Section 3.03.3 - Dimensional Standards and Building Form** (Amended 12/02/21)

<i>General Residential District (R-1) Dimensional Standards &amp; Building Form</i>		
<b><i>Lot Occupation</i></b>		
Minimum Lot Area		1 ac
Minimum Lot Width		200'
Maximum Lot Coverage (a) (b)		20%
<b><i>Principal Structure</i></b>		
Setback (c) (d)	Front	50'
	Side (e)	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum Floor Area Per Dwelling Unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
Minimum Dwelling Width (f)		14'
<b><i>Accessory Buildings With Principal Use</i></b>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
Setback (c) (d)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft

	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft
<b>Accessory Buildings As Principal Use</b>		
Number of Accessory Buildings		1
Minimum Lot Size		1 ac
Setback (c) (d)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft

(a) Maximum coverage shall include but not be limited to buildings or structures, roofs of any type, concrete, asphalt, or bituminous paving, compacted gravel, patios or decks, and driveways.

(b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.

(c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.

(d) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.

(e) Side yard setbacks for existing lots of record of one hundred twenty (120) feet in width or less shall be reduced to ten (10) feet.

(f) Except within 800 feet of the shore of Burt Lake (measured from the ordinary high water mark), where the minimum dwelling width shall be 24 feet.

*Burt Township Zoning Ordinance III-8*

**Section 3.04 Rural Residential - Agricultural District (RR)**

The following provisions shall apply to the Rural Residential - Agricultural District (RR).

**Section 3.04.1 -Intent**

The Rural Residential - Agricultural District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The intent of the District is to hold the rural Township areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands.

**Section 3.04.2 - Regulated Uses**



Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<b>Residential Uses</b>			
Dwelling, single family	Permitted	--	2/dwelling unit
Dwelling, two-family		--	2/each dwelling
Dwelling, farm		--	--
Guest house		6.08	--
Home occupations		6.09.1	--
Roof-mounted solar installations		6.26	--
Cottage Industry	Special Use	6.09.2	--
Planned unit development		7.01.12	--
<b>Public/Semi-Public Uses</b>			
Parks, playgrounds, community centers	Permitted	7.01.15	--
Noncommercial recreation facilities		7.01.15	--
Forest preserves		--	--
Game refuges		--	--
Public buildings, institutions and places of worship		7.01.13	1/3 seats or each 6 feet of pew
Public utility buildings without storage yards		--	--
Recreation camps	Special Use	7.01.14	1/2 member families
Wind turbine generators		7.01.23	--
<b>Commercial, Agricultural, &amp; Industrial Uses</b>			
Farms	Permitted	--	--
Roadside stand		--	--
Stable, private		--	--
Tree farms, tree crops and forestry		--	--
Commercial timber cut		6.22	--
Stable, commercial	Special Use	7.01.20	--
Kennels or veterinary clinics/hospital		7.01.7	--

Nursery, flower, plant, or garden shops		--	--
Sand and gravel extraction		7.01.16	--
Gas and oil processing facilities		7.01.24	--
Solar energy farms		7.01.25	--

**Burt Township Zoning Ordinance III-9**

<b>Accessory Uses</b>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non commercial uses		--	--
Ground-mounted solar installations as an accessory structure		6.26	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a Principal Use for commercial uses		--	--

**Section 3.04.3 - Dimensional Regulations (Amended 12/02/21)**

<i>Rural-Residential – Agricultural (RR) Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		5 ac
Minimum Lot Width		235 ft
Maximum Lot Coverage (a) (b)		20%
<b>Principal Structure</b>		
Setback (c) (d)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height (e) (f) (g)		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft

<i>Accessory Buildings With Principal Use</i>		
Number of Accessory Buildings		2
Setback (c) (d)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots < 5 acres	1,800 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft
<i>Accessory Buildings As Principal Use</i>		
Number of Accessory Buildings		2
Minimum Lot Size		5 ac
Setback (c) (d)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots < 5 acres	2,560 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft

(a) Maximum coverage shall include but not be limited to buildings or structures, roofs of any type, concrete, asphalt, or bituminous paving, compacted gravel, patios or decks, and driveways.

(b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.

***Burt Township Zoning Ordinance III-10***

(c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.

(d) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.

(e) Exceptions to height standards for Agricultural Uses. The maximum height of permitted agricultural accessory structures that are essential and customarily used in agricultural operations associated with a farm shall be forty five (45) feet, except that the maximum height of silos shall be one hundred (100) feet, provided that all such accessory farm structures shall be located at least one hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm structures are located.

(f) Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this

Section, but shall be regulated pursuant to Section 7.01.22 of this ordinance

(g) Commercial Wind Turbine Generators or Anemometer Towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.23 of this ordinance.

*Burt Township Zoning Ordinance III-11*

**Section 3.05 Mixed Residential Districts (MR)**

The following provisions shall apply to the Mixed Residential District (MR).

**Section 3.05.1 -Intent**

The Mixed Residential District is designed to accommodate and encourage higher density residential development through a mix of residential structures and associated uses, including both one-family and multiple family dwelling structures, in keeping with the residential goals and objectives specified in the Burt Township Master Plan. The uses permitted are intended to promote land uses for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

**Section 3.05.2 - Regulated Uses**

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single-family	Permitted	--	2/dwelling
Dwelling, two-family		--	2/each dwelling
Dwelling, multi-family		--	--
Guest house		6.08	--
Manufactured home developments, including mobile home park		--	--
Home occupations		6.09.1	--
Roof-mounted solar installations		6.26	--
Planned unit development	Special Use	7.01.12	--
Cottage industry		6.09.2	--
<i>Public/Semi-Public Uses</i>			
Public buildings, institutions, and places of worship	Permitted	7.01.13	1/3 seats or each 6 feet of pew
Public utility buildings without storage yards		--	--
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Sand and gravel extraction	Special Use	7.01.16	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non commercial uses		--	--
Ground-mounted solar installations as an accessory structure		6.26	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a Principal Use for commercial uses		--	--

**Section 3.05.3 - Dimensional Regulations (Amended 12/02/21)**

<i>Mixed Residential District (MR) Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		21,000 sq ft
Minimum Lot Width		200'
Maximum Lot Coverage (a) (b)		50%
<b>Principal Structure</b>		
Setback (c) (d)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
Minimum Dwelling Width (e)		14'
<b>Accessory Building With Principal Use</b>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
Setback (c) (d)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft
<b>Accessory Building As Principal Use</b>		
Number of Accessory Buildings		1
Minimum Lot Area		2 ac
Setback (c) (d)	Front	100'

	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 2 – 4.99 acres	1,800 sq ft
	Lots 5 - 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft

- (a) Maximum coverage shall include but not be limited to buildings or structures, roofs of any type, concrete, asphalt, or bituminous paving, compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (e) Except within 800 feet of the shore of Burt Lake (measured from the ordinary high water mark), where the minimum dwelling width shall be 24 feet.

*Burt Township Zoning Ordinance III-13*

**Section 3.06 Local Commercial District (C-1)**

The following provisions shall apply to the Local Commercial District (C-1).

**Section 3.06.1 - Intent**

The Local Commercial District is designed to provide sites for a diversity of small and moderate scale business types and is located so as to serve local passer-by traffic.

**Section 3.06.2 - Regulated Uses**

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single-family	Permitted	--	2/dwelling unit
Guest house		6.08	--
Home occupations		6.09.1	--
Cottage industry		6.09.2	--
Roof-mounted solar installations		6.26	--
<i>Public/Semi-Public Uses</i>			

Public buildings, institutions and places of worship	Permitted	<a href="#">7.01.13</a>	1/3 seats or each 6 feet of pew
Public utility buildings without storage yards		--	--
Public lake access facilities	Special Use	<a href="#">6.10.1</a> <a href="#">7.01.15</a>	--
<b><i>Commercial, Agricultural, &amp; Industrial Uses</i></b>			
Business and professional services	Permitted	--	1/200 sq ft of floor area
Professional offices		--	1/200 sq ft of floor area
Banks or financial services		--	1/200 sq ft of floor area
Nursery, flower, plant or garden shops		--	--
Retail sales		--	1/150 sq ft of floor area
Restaurants or bars	Special Use	--	1/3 persons of seating capacity plus auto stalls if drive-in type
Motel or hotel		<a href="#">7.01.10</a>	1/rental unit and 1/employee
Bed & breakfast establishments		<a href="#">7.01.1</a>	1/2 occupants at maximum capacity
Gasoline/service stations		<a href="#">7.01.5</a>	--
Sand and gravel extraction		<a href="#">7.01.16</a>	--
<b><i>Accessory Uses</i></b>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non commercial uses		--	--

***Burt Township Zoning Ordinance III-14***

Ground-mounted solar installations as an accessory structure		<a href="#">6.26</a>	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--



Accessory buildings as a Principal Use for commercial uses		--	--
--	--	----	----

**Section 3.06.3 - Dimensional Regulations (Amended 12/02/21)**

<i>Local Commercial District (C-1) Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		--
Minimum Lot Width		--
Maximum Lot Coverage		--
<b>Principal Structure</b>		
Setback (a) (b)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
<b>Accessory Building With Principal Use</b>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
Setback (a) (b)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots < 5 acres	1,800 sq ft
Maximum Square Footage (all floors)	Lots ≥ 5 acres	2,560 sq ft
<b>Accessory Building As Principal Use</b>		
Number of Accessory Buildings		1
Minimum Lot Area		1 ac

Setback (a) (b)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 1.99 acres	1,200 sq ft
	Lots 2 – 4.99 acres	1,800 sq ft
	Lots ≥ 5 acres	2,560 sq ft

- (a) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (b) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.

*Burt Township Zoning Ordinance III-15*

**Section 3.07 Light Industrial District (I)**

The following provisions shall apply to the Light Industrial District (I).

**Section 3.07.1 - Intent**

The Light Industrial District is designed to primarily accommodate wholesale activities, warehouses and other large scale business and other industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. The Light Industrial District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

**Section 3.07.2 - Regulated Uses**

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single family	Permitted	--	2/dwelling unit
Dwelling, multiple family		--	2/each dwelling
Guest house		6.08	--
Home occupations		6.09.1	--
Roof-mounted solar installations		6.26	--

Cottage industry	Special Use	6.09.2	--
<i>Public/Semi-Public Uses</i>			
Public buildings, institutions, and places of worship	Permitted	--	1/3 seats or each 6 feet of pew
Public utility buildings without storage yards		--	--
Public utility buildings with outside storage	Special Use	--	--
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Professional offices	Permitted	--	1/200 sq ft
Medical clinics	Special Use	--	1/50 sq ft of waiting room plus 1/service chair
Rest, convalescent and nursing homes		7.01.11	--
Kennels or veterinary clinic/hospital		7.01.7	--
Automobile repair shop or garage		7.01.5	--
Retail lumber yard		--	--
Dry boat storage		--	--
Contractor's equipment storage yard		7.01.21	--
Storage of bulk petroleum products		7.01.21	--
Lumber and building material and bulk storage yards		7.01.21	--
Freighting or trucking terminal		--	--

*Burt Township Zoning Ordinance III-16*

Warehousing truck terminals and shipment facilities		--	--
Production, processing, assembly, manufacturing, or packaging of goods or materials including testing, repair, storage, distribution, and sale of such products		--	--
Boat, motor, or related marine repair establishments		--	--
Ship and boat building		--	--
Timber cutting		7.01.18	--

Sawmills and other mills		7.01.18	--
Sand and gravel extraction		7.01.16	--
Sexually oriented businesses		7.01.19	--
Towers and antennae facilities		7.01.22	--
Salvage yard		7.01.6	--
Gas and oil processing facilities		7.01.24	--
Solar energy farms		7.01.25	--
<b>Accessory Uses</b>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non commercial uses		--	--
Ground-mounted solar installations as an accessory structure		6.26	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a Principal Use for commercial uses		--	--

**Section 3.07.3 - Dimensional Regulations (Amended 12/02/21)**

<i>Light Industrial District (I)</i> <i>Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		--
Minimum Lot Width		--
Maximum Lot Coverage		--
<b>Principal Structure</b>		
Setback (a) (b)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height (c)		35'

Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
<i>Accessory Building With Principal Use</i>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
	Front	25'

*Burt Township Zoning Ordinance III-17*

Setback (a) (b)

Side
------

	Rear	50'
	From Existing Structures	20
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots < 5 acres	1,800 sq ft
	Lots ≥ 5 acres	2,560 sq ft
<i>Accessory Building As Principal Use</i>		
Number of Accessory Buildings		1
Minimum Lot Area		1 ac
Setback (a) (b)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 1.99 acres	1,200 sq ft
	Lots 2 – 4.99 acres	1,800 sq ft
	Lots ≥ 5 acres	2,560 sq ft

(a) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.

(b) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is

in compliance with the required setback.

(c) Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.22 of this ordinance.

*Burt Township Zoning Ordinance III-18*

**Section 3.08 Conservation Recreation District (CR)**

The following provisions shall apply to the Conservation Recreational District

**(CR). Section 3.08.1 - Intent**

The land uses in this district are intended to promote the proper use, enjoyment and conservation of water, land, topographic and forest resources of the Township particularly adapted to recreational and forest uses. The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments. If properly integrated, the inclusion of such uses is provided for by special approval.

**Section 3.08.2 - Permitted Uses**

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single-family	Permitted	--	2/dwelling unit
Guest house		6.08	--
Home occupation		6.09.1	--

Roof-mounted solar installations		6.26	--
<i>Public/Semi-Public Uses</i>			
Parks, playgrounds, recreation areas and community centers	Permitted	7.01.15	--
Conservation areas for fauna and flora		--	--
Recreation camps	Special Use	7.01.14	--
Public lake access facilities		6.10.1 7.01.15	--
Private shared lake access		6.10.2 7.01.15	--
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Sand and gravel extraction	Special Use	7.01.16	--
Commercial Timber Cut, based on recommendations of an approved Michigan Department of Natural Resources Forest Stewardship Plan or Forest Management Plan		6.22	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non commercial uses		--	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--

*Burt Township Zoning Ordinance III-19*

**Section 3.08.3 - Dimensional Regulations (Amended 12/02/21)**

<i>Conservation Recreation District (CR) Dimensional Standards &amp; Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		40 ac
Minimum Lot Width (h)		500'
Maximum Lot Coverage (a) (b) (g)		2%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	100'
	Side	100'

	Rear	100'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
<b><i>Accessory Building With Principal Use</i></b>		
Number of Accessory Buildings	Lots < 40 acres	1
	Lots ≥ 40 acres	2
Setback (c) (d) (e)	Front	100'
	Side	100'
	Rear	100'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		4,400 sq ft
<b><i>Accessory Building As Principal Use</i></b>		
Number of Accessory Buildings		1
Minimum Lot Area		40 ac
Setback (c) (d) (e)	Front	100'
	Side	100'
	Rear	100'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		4,400 sq ft

(a) Maximum coverage shall include but not be limited to buildings or structures, of any type, concrete, asphalt, or bituminous paving, compacted gravel, patios or decks, and driveways.

(b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail crossing that crosses a property and connects to a larger trail system.

(c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements

(d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.

(e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.

(f) The Planning Commission may increase the lot coverage maximum to a total of five (5) percent, provided the Planning Commission finds the proposed project is for public benefit, located on public property. (Amended 04/05/2012)



(g) Lot width for any waterfront lot shall be measured at the ordinary high water mark.

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*Burt Township Zoning Ordinance III-21*  
**Article IV. SITE PLAN REVIEW**

**Section 4.01 Purpose**

The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

**Section 4.02 Plot Plan**

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, be accompanied by plans and specifications including a Plot Plan, drawn to scale, showing the following:

1. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
2. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
3. The location and configuration of the lot access and driveway, drawn to scale.
4. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
5. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed.

**Section 4.03 Site Plan Review (All Districts)**

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
  - A. All new uses and/or structures except one-family or two-family residential units, associated accessory structures to one-family or two-family residential units, and accessory buildings as a principal use, provided all requirements are met

B. Expansion or renovation of an existing use, other than one-family or two-family

*Burt Township Zoning Ordinance IV-1*

residential use, which increases the existing floor space more than twenty five (25) percent.

C. Changes of use for an existing structure or lot.

D. Any special use permit.

E. Any use requiring off-street parking, as stated in the off-street parking schedule of this ordinance.

F. Other uses as required by this Ordinance.

2. Pre-application Conference: The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the Site plan review process, and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference shall not be mandatory, but is recommended of small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review. In no case, however, shall any representations made by the Planning Commission at the pre-application conference be construed as expressing a position on whether the site plan should be denied, approved, or approved with conditions.

3. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.

A. The name and address of the property owner.

B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.

C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.

D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.

E. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.

*Burt Township Zoning Ordinance IV-2*

- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
- G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- H. The existing zoning district in which the site is located and the zoning of adjacent parcels.
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- J. The location, size and slope of all surface and subsurface drainage facilities.
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
  - 1) The number of units proposed, by type, including a typical floor plan for each unit.
  - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
  - 3) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- M. Generalized soil analysis data, which may include data prepared by the Cheboygan County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
- N. All site plans shall comply with the terms of the Cheboygan County Soil Erosion Sedimentation and Stormwater Runoff Control Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of this county Ordinance.
- O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.
- P. Impact Statement

The statement shall address itself to the following as applicable to the type of use:

- 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.

*Burt Township Zoning Ordinance IV-3*

- 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage

for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.

- 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

#### 4. Application Submittal Procedures: (Amended 07/07/16)

- A. Eight (8) copies and a digital PDF of all files of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for site plan approval shall not proceed until all required information has been supplied. Once a complete application meeting the requirements of this ordinance has been submitted, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
  - 1) The Cheboygan County Planning Department
  - 2) The Cheboygan County Soil Erosion and Sedimentation Control Officer
  - 3) The Cheboygan County Drain Commissioner
  - 4) The Cheboygan County Road Commission and, if appropriate, the Michigan Department of Transportation
  - 5) District Health Department
  - 6) Local fire and ambulance service providers
- C. Application fees as determined pursuant to Section 9.05 of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
- D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.

#### *Burt Township Zoning Ordinance IV-4*

- E. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation.

#### 5. Standards for Granting Site Plan Approval:

- A. The Planning Commission shall approve, or approve with conditions, an application

for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsection 1-12 listed below

- 1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
- 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
- 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
- 4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
- 5) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- 6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
- 7) Walkways shall be provided, separate from the road system, where feasible.
- 8) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
- 9) Exterior lighting shall be arranged as follows:
  - a) It is deflected away from adjacent properties.
  - b) It does not impede the vision of traffic along adjacent streets.
  - c) It does not unnecessarily illuminate night skies.

*Burt Township Zoning Ordinance IV-5*

- 10) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.

11) All streets shall be developed in accordance with the Township private road standards, or if a public road, the County Road Commission specifications.

12) Site plans shall conform to all applicable requirements of state and federal statutes and the Burt Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.

B. The Planning Commission shall seek the recommendations of the Fire Chief, the Cheboygan County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.

6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.

7. Conformity to Approved Site Plan Required. Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.

8. Amendment of Approved Site Plan: Amendment of an approved site plan shall be permitted only under the following circumstances:

A. The owner of property for which a site plan has been approved shall notify the zoning administrator of any desired change to the approved site plan. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

1) Reduction of the size of any building and/or sign.

2) Movement of buildings and/or signs by no more than ten (10) feet.

3) Landscaping approved in the site plan that is replaced by similar landscaping

*Burt Township Zoning Ordinance IV-6*  
to an equal or greater extent.

4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.

5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

6) Changes related to item 1) through 5) above, required or requested by Burt Township, Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.

7) All amendments to a site plan approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

B. An amendment to an approved site plan that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original site plan application.

9. Expiration of Site Plan:

A. The site plan shall expire unless substantial construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval.

B. Any subsequent re-submittal shall be processed as a new request with new fees. Conditional Approvals. The Planning Commission may impose reasonable conditions with the approval of a site plan, pursuant to [Section 9.03](#) of this Ordinance

C. Performance Guarantee Required. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a site plan, pursuant to [Section 9.06](#) of this Ordinance.

10. Conditional Approvals. The Planning Commission may impose reasonable conditions with the approval of a site plan, pursuant to [Section 9.03](#) of this Ordinance.

11. Performance Guarantee Required. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a site plan, pursuant to [Section 9.06](#) of this Ordinance.

12. As-Built Site Plan. Upon completion of the installation of required improvements as shown

*Burt Township Zoning Ordinance IV-7*

on the approved site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as-built" site plan, certified by the engineer or surveyor, if such professional prepared the original site plan, at least one week prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the as built plans to the officials listed in [Section 4.03.4B](#) that provided comments to the planning commission during the initial review process for review and further comments. Any further comments shall be submitted to the Zoning Administrator within seven (7) days of sending the as built plans. After receiving the comments or the expiration of the seven (7) day comment period, whichever comes first, the Zoning Administrator may make the final inspection of the project to determine whether the project conforms to the approved site plan.

**Article V. USES SUBJECT TO SPECIAL USE PERMIT**

**Section 5.01 General Requirements**

Uses requiring special use permit, as listed in individual districts, (Article III), shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

**Section 5.02 Uses Subject to Special Use Permit**

1. Applications:

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a form provided for that purpose, and shall include the following:

- A. Site plan prepared under the requirements of [Section 4.03 - Site Plan Review](#) (All Districts) - Site Plan Data Required and to include 8 copies and a digital PDF copy of all files. (Amended 07/07/16)
- B. Name and address of applicant and owner of the premises.
- C. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. Application fees as determined pursuant to [Section 9.05](#) of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.

2. Public Hearings:

A public hearing shall be held for all special use permit requests. The secretary of the Planning Commission shall provide notice of the special use permit request and public hearing as required by the Michigan Zoning Enabling Act 110 of the Public Acts of 2006. The notice shall be given not less than 15 days before the date the application will be considered. The notice shall describe the nature of the special use permit request, indicate the subject property, state when and where the special use permit request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:

- A. One notice shall be published in a newspaper which circulates generally in the Township.
- B. Notice shall be sent by mail or personal delivery to the owners of the subject property.
- C. Notice shall be sent by mail or personal delivery to the owners of property within 300 feet of the boundary of the subject property.

*Burt Township Zoning Ordinance V-1*

- D. Notice shall be sent by mail or personal delivery to all the occupants of structures within 300 feet of the boundary of the subject property. If a structure contains more than one dwelling unit or spatial area, one occupant of each dwelling unit



or spatial area shall receive notice.

3. Standards for Granting Special Use Permit:

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with all the following standards:

A. Allowed Special Land Use

The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

B. Compatibility With Adjacent Land Uses

- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the areas by reason of traffic, noise, smoke, fumes glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

C. Public Services

- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

D. Economic Well-Being of the Community

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

E. Compatibility with Natural Environment

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the township or the natural environment as a whole.

F. Compliance with Specific Standards

The proposed special land use complies with all applicable specific standards required under this Ordinance.

4. Amendment of Approved Special Use Permits:

*Burt Township Zoning Ordinance V-2*

Amendment of an approved special use permit shall be permitted only under the following circumstances:

- A. The owner of property for which a special use permit has been approved shall notify the zoning administrator of any desired change to the approved special use. Minor changes may be approved by the zoning administrator upon

determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- 1) Reduction of the size of any building and/or sign.
  - 2) Movement of buildings and/or signs by no more than ten (10) feet.
  - 3) Landscaping approved in the special use that is replaced by similar landscaping to an equal or greater extent.
  - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
  - 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - 6) Changes related to item 1) through 5) above, required or requested by Burt Township, Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
  - 7) All amendments to a special land use approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- B. An amendment to an approved special use permit that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original special land use application.

5. Expiration of Approved Special Use Permit:

- A. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission may grant one (1) extension of an approved special use permit for an additional one (1) year period if it finds:

- 1) The property owner presents reasonable evidence that the development

*Burt Township Zoning Ordinance V-3*  
has encountered unforeseen difficulties beyond the control of the property owner; and

- 2) The requirements and standards for special use permit approval that are reasonably related to the development have not changed.
- B. If the special use permit expires pursuant to subsection A above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for

a new special use permit.

6. Inspection:

The Zoning Administrator shall have the right to inspect any special use permit use, to ensure continued compliance with the conditions of the special use permit.

*Burt Township Zoning Ordinance V-4*  
**Article VI. GENERAL PROVISIONS**

**Section 6.01 The Effect of Zoning**

1. In order to carry out the intent of this Ordinance, no excavation, use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any activity, use, building, structure or part thereof is placed upon a piece of property in

direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance per se and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance

3. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building or structure shall be determined by the Township Planning Commission.

## **Section 6.02 Nonconformities**

1. The lawful use of any building, or land at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of the Ordinance, except as otherwise provided for in this section. A non-conforming building may not be reconstructed or structurally altered during its life, unless said building is changed to conforming use, or the alteration does not increase the extent or degree of the non-conformity.
2. If a nonconforming structure is damaged by fire or natural causes, to the extent that the cost of repairs will exceed more than 2/3 or 67 percent of the replacement cost of the entire nonconforming structure prior to the damage or destruction as determined by the Township Assessor or other qualified individual as designated by the Township, then the structure may only be repaired or rebuilt in conformity with the provisions of this Ordinance. A building damaged by fire or natural causes, to the extent of less than 2/3 or 67 percent of its replacement cost, of the entire nonconforming structure prior to the damage or destruction as determined by the Township Assessor or other qualified individual as designated by the Township, may be repaired or rebuilt to the pre-damaged size and dimensions.
3. If a non-conforming structure is voluntarily altered in a manner to the extent that the costs of alterations/repairs will exceed 1/3 or 33 percent of the replacement cost of the

### *Burt Township Zoning Ordinance VI-1*

entire nonconforming structure prior to the damage or destruction as determined by the Township Assessor or other qualified individual as designated by the Township, then the structure must comply with all provisions of the Zoning Ordinance.

4. Construction or reconstruction of building(s) and/or structures on an existing non conforming lot of record may be permitted with a zoning permit so long as the other applicable standards of the zoning district in which the lot is located, including building coverage, height, and setbacks are met. (*Amended 11/05/2020*).

## **Section 6.02.1 - Abandonment of Nonconforming Use or Structure**

If a property owner has intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

1. Whether utilities, such as water, gas, and electricity to the property have been

disconnected.

2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted within thirty (30) days after the passage of this Ordinance, and the construction of which shall have been completed within twelve (12) months after said date.

### **Section 6.03 Essential Services Clause Pertaining to Utilities**

1. The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the Township of Burt in any Use District.
2. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this

*Burt Township Zoning Ordinance VI-2*

Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

### **Section 6.04 Accessory Buildings and Structures**

1. An accessory building connected to the principal building by a shared wall shall be considered part of the principal building, provided the accessory building and connection to the principal building are approved by the County Department of Building Safety to ensure the applicable requirements are met.
2. Where any accessory building is attached to a principal building, other than by a shared wall, meeting the requirement of number 1 above, such accessory building shall not be considered part of the principal building.
3. A detached accessory building shall be located no closer to a side or rear lot line than the permitted distance for the principal structure on the same lot.
4. Mobile homes shall not be used as an accessory building.
5. An accessory building may be used, in whole or in part, as a dwelling ONLY if the structure meets all applicable construction code requirements for a dwelling and proof of occupancy permit shall be provided to the Zoning Administrator.

### **Section 6.04.1 - Accessory Buildings on Property With Principal Use**

All accessory buildings located on a property with a principal use shall meet the dimensional requirements of the district in which they are located, as specified in Article III.

### **Section 6.04.2 - Accessory Building as a Principal Use, except in Waterfront Residential District**

Accessory buildings as a principal use shall be allowed on lots in all districts except the Waterfront Residential District, provided the subject lot is a conforming lot (see [Article III](#)) or a nonconforming lot of record, and the proposed accessory building meets the dimensional requirements specified in Article III. (*Amended 09/01/2011*)

### **Section 6.04.3 - Additional Permitted Accessory Structures**

1. One shed, 200 sq ft or less shall be allowed, in addition to other accessory building(s) permitted per Section 6.04.1 or 6.04.2.
2. Pump Houses, not to exceed 3' width x 4' length x 4' height, are permitted in front (lakefront) setback, and is allowed in addition to the other accessory buildings permitted per Section 6.04.1.
3. Fire Pits (*Amended 07/07/16*)
  - A. Non-waterfront lot. A fire area, defined as a fire pit with surround area, shall be permitted in any non-waterfront residential district in compliance with required district setbacks. The fire pit shall not exceed fourteen (14) square feet. The fire

#### *Burt Township Zoning Ordinance VI-3*

area shall not exceed a height of one (1) foot above the low point of natural grade. Any surround area exceeding two hundred (200) square feet shall require a zoning permit from Burt Township.

- B. Waterfront lot. A fire area, defined as a fire pit with surround area, shall be permitted in any waterfront lot under the following restrictions:
  1. Outside the 75-foot lakeside setback requirement: A fire area shall be permitted in compliance with the remaining district setbacks. The fire pit shall not exceed fourteen (14) square feet. The fire area shall not exceed a height of one (1) foot above the low point of natural grade. Any surround area exceeding 200 square feet shall require a zoning permit from Burt Township.
  2. Within the 75-foot lakeside setback requirement: A fire area shall be permitted in compliance with required district setbacks with the following restrictions:
    - a) All new or reconstructed fire areas will require a zoning permit from Burt Township.
    - b) The fire pit shall not exceed fourteen (14) square feet.
    - c) The fire area shall not exceed a height of one (1) foot above the low point of natural grade.
      - d) All material utilized to construct the surround area shall allow proper, natural drainage. Non-porous, solid materials (example:

concrete or asphalt) shall not be allowed.

e) The surround area shall be sloped for drainage to the far side from any waterfront.

f) Lots with one hundred (100) feet of frontage or less: may construct a surround area not to exceed one hundred forty-four (144) square feet with no side exceeding twelve (12) feet in length.

g) Lots exceeding one hundred (100) feet of frontage: may construct a surround area not to exceed two hundred twenty-five (225) square feet with no side exceeding fifteen (15) feet in length.

### **Section 6.05 Substandard Dwelling Occupancy during the Construction of a Dwelling**

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement- dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

#### *Burt Township Zoning Ordinance VI-4*

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator beginning with the date of issuance of the zoning permit. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify that he or she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No annexes shall be added to temporary substandard dwellings.

### **Section 6.06 Recreational units**

Temporary uses of tents, campers, travel trailers or motor homes may be permitted, except in the Waterfront Residential District (WR), for periods of 180 days, each period requiring a permit from the Zoning Administrator who will determine that the use is consistent with the provisions of this Ordinance and will not be detrimental to any surrounding uses or properties. The following requirements must be met for issuance of a permit:

1. Such temporary uses must observe the seventy-five (75) feet waterfront setback from the water's edge of any river, stream, pond or lake, which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County.
2. Such temporary use must have a District Health Department approved method of sewage and waste disposal.

### **Section 6.07 Mobile Homes**

1. Newly sited mobile homes located on individual lots shall meet the standards yard set backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:
  - A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
  - B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

#### *Burt Township Zoning Ordinance VI-5*

- C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
- D. Mobile homes shall not be used as an accessory building.
2. Replacement of lawfully existing non-conforming mobile homes shall be allowed provided the replacement would improve the property, would not increase the structure or uses non-conformity and shall meet the following additional standards:
  - A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
  - B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.
  - C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
  - D. Mobile homes shall not be used as an accessory building.

### **Section 6.08 Guest Houses**

The construction and maintenance of guesthouses shall be permitted under the following conditions:

1. A Guest House cannot be used other than by the single family occupying the primary residence or their guests. The Guest House cannot be occupied by more than six (6) people at one time and cannot exceed 1200 sq. ft. nor a maximum lot coverage by all structures of more than twenty (20%) percent. The Guest House may not be rented separately from the primary residence under any circumstances nor allowed to be



occupied for more than twelve (12) cumulative weeks per year unless the Township Zoning Administrator grants occupancy beyond twelve weeks upon a finding that the standards contained in subsection 2 below have been met. Guest Houses shall not be permitted on non-conforming lots.

2. The Township Zoning Administrator in reviewing a written request to allow occupancy beyond twelve (12) weeks shall use the following criteria in making a determination whether to grant or deny permission:
  - A. Whether the extension is for the number of people occupying the property of four (4) or less;
  - B. Whether the extension is made in the event of the need for longer term custodial care for example of an elderly parent, relative or person;
  - C. Whether the extension is because an event has occurred in which the people occupying the property had their own primary residence severely damaged or destroyed and were in the process of demolition or restoring.

#### *Burt Township Zoning Ordinance VI-6*

3. A Guest House shall require an issuance of an occupancy permit by the Cheboygan County Building Department, together with a certification that the same is properly connected to an approved septic system by the appropriate State of Michigan District Health Department.

### **Section 6.09 Home Business**

While Burt Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance, which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

#### **Section 6.09.1 - Home Business**

1. Home occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right.
2. Home Occupations shall be operated in their entirety within the dwelling or within an attached garage and shall occupy no more than twenty-five percent (25%) of the dwelling's ground floor area.
3. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non- resident person shall be employed to assist with the business.
4. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
5. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
6. Home Occupations shall not result in the creation of conditions that would constitute a

nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.

7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
9. There shall be no parking permitted within any setback areas.

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10. No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.

**Section 6.09.2 - Cottage Industries**

1. Cottage industries may be permitted either by right or special use permit, as specified in the zoning district regulations. Cottage industries shall be allowed on the basis of individual merit; a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. Any exterior evidence of such industry shall be screened (per subsection 4).
3. A cottage industry shall occupy not more than one building. The floor area of such buildings shall not exceed the allowable accessory building size per Article III.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the Planning Commission shall determine the type of screening to ensure compatibility with surrounding property uses.
5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. Cottage industries shall be conducted only by the person or persons residing on the premises. Up to two additional employees or assistants shall be allowed.
8. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and

approval process.

9. Hours of operation shall be approved by the Planning Commission.

### **Section 6.09.3 - Termination, Extension, Revisions, and Inspections**

1. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this section.

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2. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.

3. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.

### **Section 6.10 Lake Access Lots - Public and Private**

#### **Section 6.10.1 - Public Lake Access**

Permanent or temporary building, tent, dock or mooring, or boat hoist, or any other type of structure shall only be permitted by special use permit on any publicly owned waterfront property. No camping shall be permitted. *(Amended 09/01/2011)*

#### **Section 6.10.2 - Private Shared Lake Access Lots Management *(For sites established prior to the effective date of this ordinance, 10/20/06)***

A private shared lake access lot shall be used only for ingress and egress to and from the lake. No permanent or temporary building, tent, travel trailer and camper, dock, watercraft hoist for a boat or other type of craft, offshore overnight anchorages or moorings, raft, or any type of structure shall be permitted. No camping shall be permitted. In keeping with the following procedures, all exceptions shall require registration and a license issued by the Burt Township Zoning Board of Appeals: *(Amended 04/05/2012)*

1. Effective with installation commencing March 1, 2005, all owners of a private lake access lot are required to register any docks, watercraft hoists, offshore overnight anchorages or moorings, rafts, or any type of structure and to secure a license for same.
2. The registration and application for license shall be on a form provided by the Zoning Administrator and shall include the length and width of any dock, the number and location of any watercraft hoists, together with the approximate location of any offshore floating overnight anchorages or moorings, rafts, or any type of structure.
3. After review and approval by the Zoning Board of Appeals, the Township Clerk shall issue a license at no charge for the installation and reasonable maintenance of said docks, watercraft hoists, offshore overnight anchorages or moorings, rafts, or any type of structure. Every five (5) years dating from the issuance of a license, all licensees shall be required to submit a notarized statement to the Zoning Administrator certifying that all terms of the license continue to be fulfilled; to keep records updated, a diagram shall be included showing the configuration of the dock(s) and the placement of all watercraft hoists, offshore overnight anchorages or moorings, rafts and type of structure.
4. If at any time after a license is issued the licensee(s) wishes to change the configuration of the dock(s) or expand allowed uses including the installation of anything not permitted by the license, before doing so they shall be required to apply to the Zoning Board of Appeals for approval of such changes.
5. The decision to issue a license shall not be a determination of any property right that one

person may have over another in a case of the dispute between parties as to a priority in claims or objections to the issuance of a license. That matter shall be a property right for a determination by the appropriate Court of jurisdiction, and neither the

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Township nor the Zoning Board of Appeals shall make any determination as to priority rights between competing landowners.

- 6. The Zoning Board of Appeals in making a decision on the issuance or non-issuance of a license shall be governed by the general principles of appropriate zoning, the same as applicable to appeals to the Zoning Board of Appeals. The decision of the Zoning Board of Appeals shall be final and appeal able to the Circuit Court.
- 7. The failure to register and secure a license or the violation of the terms of a license including but not limited to the installation of anything not permitted by the license shall be considered a violation of the Zoning Ordinance and subject to the penalties and injunctive relief provided by law and may also result in the revocation of any issued license upon written notice to the licensee(s).

**6.10.3 - Standards for Establishing Private Shared Lake Access (*For sites established prior to the effective date of this ordinance, 10/20/06*)**

In order to restrict the number of users of lake frontage for the purpose of preserving the quality of Burt Lake, avoiding congestion and preserving the quality of the recreational use of Burt Lake, the owner of a waterfront lot abutting Burt Lake may provide legal access to the lake for nonwaterfront dwelling units only if all of the requirements of this section are met.

The requirements herein shall apply regardless of whether access to Burt Lake is gained by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, or any other means. All private shared lake accesses (regardless of district) shall conform to the area and dimensional requirements of the applicable district per the dimensional standards in [Article III: Zoning Districts and Map](#), and the following frontage requirements:

Number of Nonwaterfront dwellings with lake access through a single parcel	Total Lake Frontage required
1	200
2	300
3	350
4	400
5	450
6+	*

\* For each additional nonwaterfront dwelling unit with legal access to Burt Lake, above 5 units, the required lake frontage shall be increased by an additional 50 feet. If there is a conflict between the schedule of regulations and requirements of this section, the more restrictive regulation shall apply.

- 1. Site Plan approval is required by the Planning Commission, pursuant to Article IV, and

the following additional information shall be included in the site plan:

- A. The specific uses permitted on the private shared lake access area, the locations of those uses, and all conditions that must be met to entitle one to such uses.
- B. The dimensions and calculations showing compliance with all requirements of this section.

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- C. Proposed location of docks or other waterfront structures.
2. A waterfront lot providing legal access for non-waterfront dwelling units shall have lake frontage, as measured along the ordinary high water mark, in the amount specified in the table above.
3. No parking shall be permitted within the front yard setback for the private shared lake access areas.
4. Only one boat slip, mooring, boat hoist or any other means of anchorage shall be permitted for every approved nonwaterfront dwelling with lake access, and one for the waterfront lot.
5. Only one dock shall be permitted for every two hundred (200) feet of lake frontage.
6. No boat launch facilities shall be permitted on private shared access property. 7.

No clubhouse shall be permitted on private shared access property.

8. The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards within [Section 4.03](#), and the following additional standard:
  - A. The proposed private shared lake access shall not cause injury or create a nuisance, including noise, to owners or riparian, adjacent and nearby lands.
9. The owner of the nonwaterfront dwelling unit accessing Burt Lake shall prepare an instrument establishing the creation of the legal access to Burt Lake, whether granted by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, or any other means, shall record the instrument in the Cheboygan County Register of Deed's office and shall file a recorded copy with the Zoning Administrator.

### **Section 6.11 Boat Docks**

One boat dock per parcel shall be permitted on properties with up to 200 feet of lake frontage. For each additional 200 feet of lake frontage, the property owner shall be permitted one additional dock.

### **Section 6.12 Waterfront Setback**

To preserve natural resources, water quality and community scenic and recreational values, a waterfront setback shall be established and maintained on all waterfront property. The setback area shall include all the land area located within seventy five (75) feet of the ordinary high water mark of a lake or a stream abutting or traversing the property in question. Within the waterfront setback, the following development or use restrictions shall apply:

1. No principal use structures or accessory structures shall be allowed except for steps meeting the side yard setback for the district in which they are located. Satellite dishes

and television antennae are not considered accessory structures and thus are not subject to this regulation.

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2. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.
3. The use of asphalt, concrete, stone, aggregate, pavement of any sort including pervious paving blocks or materials, wood or other similar surfaces shall be limited to a single walkway no more than four feet in width or stairs necessary for water access. Handrails along stairs are permitted.
4. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on a least seventy percent (70%) of the lake or stream frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. Once installed or established (either as required or voluntarily), the natural vegetation strip may be modified in accordance with the requirements, but shall not be removed. The natural vegetation strip shall be installed within 2 years of issuance of the zoning permit. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn. The establishment of a natural vegetation strip is encouraged, but not required for the construction of an accessory building.
5. The use of pesticides, herbicides and fertilizers is prohibited in the natural vegetation strip (per item 4 above) or within twenty-five feet of ordinary high water mark for Burt Lake, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac or poison oak. Fertilizer used in the waterfront setback (75 feet), shall be zero phosphorus fertilizers.
6. Neither septic tanks nor septic system filtration fields may be located within the waterfront setback.
7. The waterfront setback and natural vegetation strip shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage lot.
8. Dock and yard lighting shall be discouraged. All lighting shall be shielded and directed so as to prevent light and glare on adjoining properties or into the night sky.

**Section 6.13 Fences, Walls and Hedges**

1. Notwithstanding other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence or wall exceed a height of six (6) feet and shall be no closer than five (5) feet to the front property line or road right of way except provided below. Further provided such fence, wall or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences shall be setback two (2) feet from the side or rear property line, unless an agreement signed by both property owners is provided, shall the fence be allowed to be placed on the property line
2. Where a lot borders a lake fencing shall not be constructed on the waterfront side within the required seventy-five (75) foot waterfront setback, except as provided in thisSection.
3. Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than six (6) feet in height are prohibited except for properties in agricultural use or unless needed to protect the public safety and approved by the

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Planning Commission.

4. Notwithstanding the height limitations for fences and walls set forth in paragraph 1 of this [Section 6.13](#), an obscuring wall or fence shall be permitted to be eight (8) feet high, or a hedge of a minimum of eight (8) feet high, shall be required to screen open storage yards or areas used for the storage of salvage materials.
5. No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.
6. No gate, when fully extended, shall encroach on any neighboring property or road right of way.
7. Finished side of fence shall face neighboring property.
8. Snow fencing and deer fencing, up to eight feet in height, shall be allowed between November 1 and May 1 without a zoning permit in any zoning district, including within the waterfront setback.

**Section 6.14 Signs and Billboards**  
(Amended 05/02/2019)

1. Purpose. The sign and billboard standards contained in this ordinance are declared necessary to protect the general health, peace, safety and welfare of the citizens of Burt Township and are based on the following objectives.

- A. To avoid excessive visual clutter in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
- B. To place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
- C. To protect the character of Burt Township.

2. General Standards.

- A. Signs shall not be located in the road rights-of way unless they are approved by the Cheboygan County Road Commission, MDOT, or another governmental agency.
- B. Signs are exempt from setback for the given zoning district.
- C. Sign Area and Height Calculations: The size of a sign or sign surface shall be computed as including the entire area within a simple geometric form or combination of such forms comprising all the display area of the sign, and shall be calculated by multiplying the longest width by the greatest height. Two sides of a sign structure are not added together to calculate sign area provided the sides have

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a 180-degree, back-to-back relationship. In the case of a broken sign (a sign with separate components individually mounted to a flat surface), the total surface area

shall be measured by multiplying the horizontal distance between the outer edges of the two furthestmost components of the sign by the maximum vertical height of any components in the sign.

D. The maximum overall height of all free-standing signs as specified in this ordinance shall be measured from the average existing grade at the base of the sign to the top of the sign and shall include roof like covers and supporting structures.

E. The size, height, and location of all signs and billboards erected in the Township, regardless if they require a permit or not, shall conform with the following standards:

Sign Type	Max Surface Area (sq ft)	Max Height (ft)	Districts permitted
Signs not requiring a permit	8 <sup>1</sup>	n/a	All
Temporary sign	8 <sup>2</sup>	n/a	All
Free Standing sign <sup>3</sup>	32	20	C-1, I
Wall mounted sign <sup>4</sup>	32	n/a	C-1, I
Public access sign	16 <sup>5</sup>	n/a	CR
Shared access drive	32 <sup>6</sup>	n/a	WR, R-1, RR, MR
Tree mounted sign	2	n/a	All
Billboard	200	30	All <sup>7</sup>

1. Historical markers sanctioned by a recognized national, state or local historic organization may be 16 sq. ft. 2. Shall not exceed a combined total of 8 square feet on lots of 100 feet of width or less. For each additional 100 feet of width, one (1) additional sign may be added up to a maximum of four (4) signs.

3. Permitted one (1) free standing sign per business

4. Permitted one (1) wall mounted sign per business

5. The number, location and size of any additional interpretative, information or donor acknowledgement signs shall require Planning Commission approval.

6. Or two (2) square feet per residence or residential property within the development, whichever is greater.

7. Must be located adjacent to Interstate 75 (I-75).

### **Section 6.14.1 - Signs Not Requiring a Sign Permit: (Amended 05/02/19)**

The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:

1. One (1) sign per use

2. One temporary sign is allowed per 100 feet of lot width but in no instance shall it exceed four (4) signs even if the lot width exceeds 400 feet. Temporary signs shall be made of wire, metal, wood, or other support structure capable of being put in the ground and removed by a single individual with relative ease.



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3. Signs erected or approved by a governmental agency when necessary to give proper directions or to otherwise safeguard the public.
4. Signs needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
5. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
6. Illuminated signs shall not be of the flashing, string and/or tubular lights, or intermittent type unless approved by the Planning Commission.
7. One (1) temporary sign per roadway frontage shall be permitted on a site that is actively marketed for sale or lease. These signs are allowed on vacant properties.

**Section 6.14.2 - Signs Requiring a Permit** *(Amended 05/02/19)*

No sign, except those signs specifically identified in [Section 6.14.1](#), shall be erected or altered until approved by the Planning Commission and an authorization permit issued by the Zoning Administrator.

**Section 6.14.3 - Signs Prohibited** *(Amended 05/02/19)*

1. The following signs are prohibited in Burt Township.
2. Obscene Material. Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
3. Any sign which is insecurely fixed, unclean, in need of repair, or initiates official traffic control devices.

**Section 6.14.4 - Billboards** *(Amended 05/02/19)*

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Billboard regulations address the location, size, height and related characteristics of such signs.

Billboards may be established only adjacent to Interstate 75 (I-75) provided they meet the following conditions:

1. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Burt Township where the particular street or highway extends beyond such boundaries. Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one billboard. Otherwise,

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billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing requirement set forth in subsection below.

2. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
3. No billboard shall be located within two hundred (200) feet of an existing residence.
4. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located. (A community could also limit it to the setback of a principal structure in the zoning district.)
5. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
6. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
7. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
8. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106) that boarder interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance.
9. No person, firm or corporation shall erect a billboard within Burt Township without first obtaining a permit from the Burt Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. A new permit will be required for reconstruction of a billboard. The amount of the billboard permit fee required hereunder shall be established by resolution of the Burt Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Burt Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

### **Section 6.15 Outdoor Lighting**

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-

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protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground

surface, directly under the fixture.

## **Section 6.16 Junk**

### **Section 6.16.1 - Junk and Rubbish**

1. **Junk:** The outdoor accumulation and storage or other placement of junk presents an unsightly and unattractive appearance, or creates a health and safety hazard, or discourages adjoining property owners from improving their property, or threatens property values, or diminishes the quality of the community. The purpose of these regulations is to limit and control the outdoor accumulation and storage or other placement of junk and thereby protect the general welfare of the community. Junk shall be stored, placed or otherwise located only within a completely enclosed building. Junk located outside a completely enclosed building shall be disposed of within thirty (30) days.
2. **Rubbish, litter, garbage, refuse:** Rubbish, litter, garbage or refuse located outside a completely enclosed building shall be disposed of within ten (10) days. Leaves, grass clippings, tree and plant trimmings shall not be placed in county road maintained ditches.

### **Section 6.16.2 - Vehicles and Watercraft**

Outdoor storage and accumulation of junk watercraft or vehicles (dismantled, non-operating and/or unlicensed watercraft, automobile, snowmobile, motorcycles, riding mower, tractor, and boat), unused vehicles and dilapidated non-operating motor vehicles detrimental to the general welfare of the community shall be prohibited. Such accumulation presents an unsightly and unattractive appearance, create a health and safety hazard, discourage adjoining property owners from improving their property, threaten property values and diminish the quality of the community. The purpose of these regulations is to limit and control such outdoors accumulation and storage and thereby protect the general welfare of the community. No person, firm or corporation shall store, place or permit to be stored or placed, or allowed to remain on any parcel of land for a period of more than thirty (30) days in any one year, a dismantled, partially dismantled and inoperable or unlicensed and inoperable motor vehicle, unless kept in a wholly enclosed structure or unless a variance has been first obtained from the Board of Appeals. Such variance shall be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected, and where the spirit and purpose of these regulations is still observed.

## **Section 6.17 Animals**

1. The keeping of poultry, pigs, horses or other such livestock is allowed in the Rural Residential-Agricultural or General Residential Districts provided the parcel of land is five (5) acres or greater in size.
2. In a General Residential District, such animals or animal waste shall not be kept closer than seventy-five (75) feet from a neighboring residential structure. In all districts, such

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animals shall be fenced, managed, and the animal waste shall be managed in accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.

3. The keeping of exotic, wild or vicious animals is not permitted in Burt Township.

## **Section 6.18 Antenna Co-location on an Existing Tower or Structure**

1. No antenna or similar sending/receiving devices appended to the tower, following its

approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.

2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

### **Section 6.19 Off-Street Loading and Unloading**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the-lot space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys.

### **Section 6.20 Parking Requirements**

There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

1. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Any area once designated as requiring off-street parking spaces where operating hours of uses do not overlap, the Planning Commission may grant an exception by reducing the number of spaces required. Any area designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. In the instance of dual function of off-street parking spaces where operating hours of uses overlap, the Planning Commission may grant an exception by reducing the total number of spaces required.
4. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
5. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.

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6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the Planning Commission considers as being similar in type.
7. The minimum number of off-street parking spaces by use shall be in accordance with the following schedule:

#### **Section 6.20.1 - Minimum Parking Spaces Required**

Land Use	Parking Spaces Required / Unit of Measure
<i>Residential</i>	

Dwellings, one-family	2 / dwelling
Dwelling, two-family	2 / each dwelling
Dwelling, multiple-family	2 / each dwelling unit
Bed and breakfast facility	1 / 2 occupants at maximum capacity
Rooming house	1 / 2 occupants at maximum capacity
<i>Institutional and Public</i>	
Church or temple	1 / 3 seats or each 6 feet of pew
Membership clubs	1 / 3 persons or legal capacity
Golf, swim, or tennis club	1 / 2 member families
<i>Commercial</i>	
Planned shopping center	1 / 100 square feet of floor area
Barber or beauty shop	1 / employee plus 1 / service chair
Doctor or dentist office	1 / 50 square feet of waiting room plus 1 / service chair
Business office	1 / 200 square feet of floor area
Restaurants	1 / 3 persons of seating capacity plus auto stalls if drive-in type
Furniture, appliances, plumber, electronics, minor repair services	1 / 800 square feet of floor area
Gasoline station	2 / service stall plus 1 / employee
Laundromat	1 / 3 washing machines
Hotel or Motel	1 / rental unit plus 1 / employee
Retail groceries	1 / 100 square feet of floor area
Other retail stores	1 / 150 square feet of floor area

#### Notes on Interpretation

1. 1 per unit of measure shall be interpreted to mean 1 per each unit, as 1 per "each" 3 persons
2. Space requirements are cumulative; hence, a golf, swim, or tennis club may require parking for activity use as well as restaurant or bar use.
3. Employees refer to all permanent staff and part-time equivalent.
4. Legal capacity is the occupancy load as permitted by fire and health standards.

## Section 6.21 Private Road Construction Standards

1. All private roads constructed in Burt Township shall be constructed in a good and

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workmanlike manner upon and parallel to the centerline of a permanent right-of-way easement duly recorded with the Cheboygan County Register of Deeds. Such easements shall meet the following requirements:

- A. The permanent right-of-way easement shall at a minimum be forty (40) feet in width unless additional right-of-way is required for adequate construction. Note: The amount of right-of way to be cleared need not be greater than that dictated by the number of lots served, utility placement and public safety.
  - B. Single access private roads in excess of one half (1/2) mile shall be required to provide a cul-de-sac with a minimum sixty (60) foot radius of right-of-way and a minimum fifty (50) foot radius road surface.
  - C. The right-of-way easement width on curved portions of roads shall be the same as for tangent portions.
2. Roads shall be constructed in a manner to sufficiently control storm water runoff and permit effective storm water drainage and prevent soil erosion.
  3. Soil erosion control measures shall be applied in accord with the requirements of the Cheboygan County Soil Erosion and Sedimentation Control Program and the County Stormwater Ordinance.
  4. Roads shall be laid out to the greatest extent feasible to achieve the following objectives: (Listed below in order of priority, as it is recognized that some may conflict with others on any given site).
    - A. On soils not classified as "hydric" (wetland soils) by the USDA Soil Conservation Service.
    - B. Along fence rows or the edges of the open fields adjacent to any woodlands (to reduce impact upon agriculture or forestry uses and shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features).
    - C. On areas not considered prime farmland soils or in areas considered as important timberland soils on a national or regional basis.
    - D. In locations least likely to impact scenic vistas, as seen from public roads.
  5. All private roads shall have names approved by the Township Board and accepted by the Cheboygan County Numbering System and Cheboygan County Road Commission.
  6. Identification signs shall be required for private roads and shall be similar in design to those identifying public roads in the township. In addition to road identification, private road signs shall also include the wording "PRIVATE ROAD" in a minimum of four (4) inch high letters and "NOT MAINTAINED BY CHEBOYGAN COUNTY ROAD COMMISSION" in a minimum of two (2) inch high letters.
  7. All private roads servicing or to serve four (4) or more lots shall have a road maintenance agreement and/or deed restrictions which provides for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard

