

# Kinross Charter Township Ordinance No. 1.100

## ZONING ORDINANCE

Adopted: September 7, 1999  
Published: September 21, 1999  
Effective: September 28, 1999  
Amended: 4-3-00, 1-9-01, 8-5-02, 11-25-02,  
6-16-03, 03-17-14, 10-21-19, 02-16-21

### Table of Contents

ARTICLE I PREAMBLE..... 6

    Section 1.01 Short Title..... 6

    Section 1.02 Purposes..... 6

    Section 1.03 General Procedure ..... 7

ARTICLE II DEFINITIONS..... 7

    Section 2.01 Usage..... 7

    Section 2.02 Definitions ..... 8

ARTICLE III GENERAL PROVISIONS ..... 15

    Section 3.01 Scope..... 15

    Section 3.02 Unlisted Property Uses..... 15

    Section 3.03 Conflicting Laws, Ordinances, Regulations, and Restrictions ..... 15

    Section 3.04 Non-conformities ..... 16

    Section 3.05 Repair, Alteration and Completion of Non-conforming Buildings and Structures ..... 16

    Section 3.06 General Yard and Area Requirements ..... 16

    Section 3.07 Limitations of Dwellings Per Lot..... 16

    Section 3.08 Vehicular Parking Space, Access, and Lighting..... 16

        Vehicular Parking Standards ..... 17

    Section 3.09 Temporary Dwelling Structures ..... 18

    Section 3.10 Mobile Homes on Individual Lots..... 18

    Section 3.11 Mobile Home Parks and Manufactured Housing Developments ..... 19

    Section 3.12 Accessory Buildings ..... 19

    Section 3.13 Home Occupations..... 19

    Section 3.14 Water Supply and Sewage Disposal Facilities ..... 20

    Section 3.15 Essential Services ..... 20

Section 3.16 Temporary Business ..... 20

Section 3.17 Special Approval Use Permit Procedures and Review Standards ..... 20

    Procedures ..... 20

    Standards For Review ..... 21

Section 3.18 Supplemental Site Development Requirements..... 22

Section 3.19 Site Plan Review (All Districts)..... 26

Section 3.20 Temporary Use of Recreational Vehicles as Dwellings ..... 29

Section 3.21 Greenbelt ..... 29

Section 3.22 Fences, Walls, and Hedges..... 30

Section 3.23 Hazardous Substances ..... 30

Section 3.24 Groundwater Protection ..... 30

Section 3.25 Bed and Breakfast and Homestay Facilities ..... 31

Section 3.26 Garage or Yard Sales ..... 31

Section 3.27 Wellhead Protection ..... 31

ARTICLE IV DISTRICTS ..... 32

    Section 4.01 Classification of Zoning Districts ..... 32

    Section 4.02 Zoning Districts Map ..... 32

    Section 4.03 Boundaries of Districts ..... 32

    Section 4.04 Determinations by Township Zoning Board of Appeals..... 32

ARTICLE V SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1) ..... 32

    Section 5.01 Intent..... 32

    Section 5.02 Permitted Uses and Structures ..... 33

    Section 5.03 Uses Subject to Special Approval ..... 33

ARTICLE VI MIXED RESIDENTIAL DISTRICT (R - 2)..... 33

    Section 6.01 Intent..... 33

    Section 6.02 Permitted Uses and Structures ..... 33

    Section 6.03 Uses Subject to Special Approval ..... 34

ARTICLE VII AGRICULTURAL DISTRICT (A) ..... 34

    Section 7.01 Intent..... 34

    Section 7.02 Permitted Uses and Structures ..... 35

    Section 7.03 Uses Subject to Special Approval ..... 35

ARTICLE VIII FOREST RECREATIONAL DISTRICT (FR) ..... 36

    Section 8.01 Intent..... 36

Section 8.02 Permitted Uses and Structures ..... 36

Section 8.03 Uses Subject to Special Approval ..... 36

ARTICLE IX INSTITUTIONAL DISTRICT (Inst)..... 37

Section 9.01 Intent..... 37

Section 9.02 Permitted Uses and Structures ..... 37

Section 9.03 Uses Subject to Special Approval ..... 37

ARTICLE X RECREATIONAL-COMMERCIAL (Rec. Com.) ..... 37

Section 10.01 Intent..... 37

Section 10.02 Permitted Uses and Structures ..... 37

Section 10.03 Uses Subject to Special Approval ..... 38

ARTICLE XI RESIDENTIAL-COMMERCIAL DISTRICT (Res. Com.) ..... 38

Section 11.01 Intent..... 38

Section 11.02 Permitted Uses and Structures ..... 38

Section 11.03 Uses Subject to Special Approval ..... 39

Section 11.04 Special Provision for M-80 ..... 39

ARTICLE XII COMMERCIAL DISTRICT (C)..... 39

Section 12.01 Intent..... 39

Section 12.02 Permitted Uses..... 39

Section 12.03 Uses Subject to Special Approval ..... 40

ARTICLE XIII AVIATION DISTRICT (AV) ..... 41

Section 13.01 Intent..... 41

Section 13.02 Permitted Uses..... 41

Section 13.03 Uses Subject to Special Approval ..... 41

ARTICLE XIV LIGHT INDUSTRIAL DISTRICT (I -1) ..... 42

Section 14.01 Intent..... 42

Section 14.02 Permitted Uses..... 42

Section 14.03 Uses Subject to Special Approval ..... 42

Section 14.04 Performance Standards ..... 43

ARTICLE XV HEAVY INDUSTRIAL DISTRICT (I-2)..... 43

Section 15.01 Intent..... 43

Section 15.02 Permitted Uses..... 44

Section 15.03 Uses Subject to Special Approval ..... 44

Section 15.04 Performance Standards ..... 44

ARTICLE XVI SCHEDULE OF REGULATIONS..... 44

- Section 16.01 Principal and Accessory Building Requirements ..... 44
- Section 16.02 Zoning District Requirements for Principal and Accessory Buildings on Lots or Parcels . 44
- Section 16.03 Dwelling Lots ..... 44
- Section 16.04 Corner Lots ..... 44
- Section 16.05 Double Frontage Lots ..... 45
- Section 16.06 Water Frontage Lots ..... 45
- Section 16.07 Supplementary Yard Provisions ..... 45

ARTICLE XVII PLANNED UNIT DEVELOPMENT ..... 46

- Section 17.01 Purpose ..... 46
- Section 17.02 Procedures for Application and Approval ..... 46
- Section 17.03 Preliminary Development Plan Requirements..... 46
- Section 17.04 Final Plan Requirements ..... 46
- Section 17.05 Approval of the Final Plan ..... 47
- Section 17.06 Design Requirements ..... 47
- Section 17.07 General Standards..... 50
- EXHIBIT A..... 51
- EXHIBIT B..... 52

ARTICLE XVIII ADMINISTRATION AND ENFORCEMENT ..... 52

- Section 18 .01 Zoning Administrator ..... 52
- Section 18.02 Duties and Powers of the Zoning Administrator..... 52
- Section 18.03 Record of Non-Conforming Uses ..... 53
- Section 18.04 Zoning Permits ..... 53
- Section 18.05 Certification of Compliance..... 54
- Section 18.06 Violations ..... 54
- Section 18.07 Corrections..... 55
- Section 18.08 Enforcement and Penalties ..... 55
- Section 18.09 Proceedings..... 55

ARTICLE XIX BOARD OF APPEALS ..... 56

- Section 19.01 Board of Appeals ..... 56
- Section 19.02 Establishment and Membership ..... 56
- Section 19.03 Terms of Office ..... 56
- Section 19.04 Quorum ..... 56

Section 19.05 Meetings of Board of Appeals..... 56

Section 19.06 Jurisdiction and Appeals ..... 57

Section 19.07 Interpret ..... 57

Section 19.08 Variance ..... 57

ARTICLE XX VALIDITY..... 58

ARTICLE XXI AMENDMENTS..... 58

Section 21.01 Initiation ..... 59

Section 21.02 Action by Planning Commission ..... 59

Section 21.03 Action by Township Board ..... 59

ARTICLE XXII REPEAL OF PRIOR ORDINANCE, ENACTMENT OF NEW ORDINANCE, EFFECTIVE DATE..... 60

Section 22.01 Repeal of 1978 Zoning Ordinance ..... 60

Section 22.02 Enactment of 1999 Zoning Ordinance ..... 60

Section 22.03 Effective Date of Amendment adopted March 17, 2014..... 60

# KINROSS CHARTER TOWNSHIP ZONING ORDINANCE

An ORDINANCE to establish zoning districts and regulations in Kinross Charter Township, County of Chippewa, State of Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943 as amended; to provide for the administration, including penalties for the violation thereof; and to provide for a Zoning Board of Appeals.

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

## ARTICLE I PREAMBLE

### Section 1.01 Short Title

This ordinance shall be known as the “Kinross Charter Township Zoning Ordinance.”

### Section 1.02 Purposes

The fundamental purpose of this ordinance is to promoted the public health, safety, morals, and general welfare as provided by the Michigan Zoning Enabling Act 125.3285 and the Michigan Right to Farm Act.

The provisions are intended to:

- encourage the use of lands and natural resources in the township in accordance with their character and adaptability
- limit the improper use of land
- reduce hazards to life and property
- provide for the orderly development of the township
- avoid overcrowding the population
- provide for adequate light, air, and health conditions in dwellings and buildings hereafter erected or altered
- lessen congestion on the public roads and streets
- protect and conserve natural recreational areas, agricultural areas, residential areas, and other areas naturally suited to particular use to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation, and other public requirements
- conserve the expenditure of funds for public improvements and services to conform with the most advantageous use of land, resources, and properties
- promote the best uses of land and resources of the township by both the community in general and the individual inhabitant

### Section 1.03 General Procedure

To achieve the purpose of this ordinance, the township has been divided into zoning districts of varied shape, kind, and area as provided by the Michigan Zoning Enabling Act and the Michigan Right to Farm Act. Regulations have been adopted for each district. Due consideration has been given for the character of each district, its peculiar suitability for particular purposes, the conservation or preservation of property values and natural resources, and the general trend and character of land, building, and population development.

## ARTICLE II DEFINITIONS

### Section 2.01 Usage

For the purpose of this ordinance, certain terms are defined 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:
  - a. “And” denotes that all the connected items, conditions, provisions, or events apply in combination.
  - b. “Or” indicates that the connected items, conditions, provisions, or events may apply single or in any combination.
7. The term “person” or “entity” shall mean an individual, partnership, corporation, or other associations or their agents.
8. “Township” shall refer specifically to Kinross Charter Township.
9. Terms not defined shall be assumed to have the meaning customarily assigned them.
10. The Kinross Charter Township Zoning Board of Appeals shall define any necessary interpretation of this ordinance.

## Section 2.02 Definitions

**Accessory Building:** A supplemental building or structure on the same lot, or part of the main building occupied by or devoted exclusively to an accessory use.

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

**Agriculture:** See Farm

**Airport:** A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators and appropriate lighting.

**Alley:** A public thoroughfare or way not less than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

**Altered:** Any change in the location or use of the building or structure and/or any change in the construction or the structural members of a building or structure such as bearing walls, columns, posts, beams, girders, and similar components.

**Average:** For the purpose of this ordinance, the term “average” will be an arithmetic mean.

**Basement and Cellar:** (a) A basement is that portion of a building partly below the grade but so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling.  
(b) A cellar is that portion of a building partly 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 Facility:** 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 on a daily basis for compensation. Breakfast is the only meal that may be served. May also be referred to as a “tourist home”.

**Boarding House:** A family dwelling where lodging, with or without meals, is furnished for compensation on a weekly or monthly basis to three or more persons who are not members of the family occupying and operating the premises.

**Buildable Area:** The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this ordinance have been complied with.

**Building:** Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, or property of any kind.

**Building Height:** The vertical distance from the established grade at the center of the front of the building, to the highest point of the roof surface is a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs.



**Cabin:** Any building or structure which is used and maintained for recreational lodging; offered or used for overnight sleeping quarters or for temporary occupancy by transients for compensation.

**Cabin Camp:** Any site, lot, tract, or parcel of land on which two (2) or more cabins are located.

**Campground:** Any parcel or tract of land, under the control of any person where 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 three (3) or more recreational vehicles.

**Church or Place of Worship:** A building where 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.

**Condominium Unit:** That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this ordinance. Condominium developments shall follow the requirements of Article XVII Planned Unit Development.

**Dwelling:** Any building or structure, or part thereof, occupied as the home, residence, or sleeping place of one or more persons. Where only a part of a building or structure is occupied for dwelling purposes, the part so occupied shall comply with all provisions applicable to dwellings in the district. Specific exemption may be provided by other sections of this ordinance.

**Single-Family:** A dwelling occupied by one (1) family, and so designed and arranged to provide living, bath, and kitchen accommodations for one (1) family only.

**Multiple-Family:** A building containing two (2) or more independent units designed for residential use and conforming in all other respects to the standards set forth for dwellings. (i.e. duplex, apartments, condominiums, etc.)

**Erected:** Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building; excavations, fill, drainage, and the like shall be considered a part of the erection.

**Essential Services:** The construction or maintenance of: underground, surface, or overhead gas, electrical or water distribution systems; collection, communication supply or disposal systems; and all other equipment and accessories. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

**Family:** Any number of individuals living together on the premises as a single non-profit housekeeping unit.

**Farm:** All of the unplatted contiguous neighboring or associated land, of not less than five (5) acres, operated as a single unit on which bona fide farming is carried out by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of their household or hired employees. Greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farm, and similar specialized agricultural enterprises may be considered as farms.

**Farm Buildings:** Any building or structure, other than a dwelling, moved upon, maintained, and customarily used on farms in pursuit of agricultural activities.

**Farm Dwelling:** Any dwelling located on a farm and occupied as the home, residence, or sleeping place of the owner-operator, manager, or tenant farmer of that farm.

**Garage, Private:** Any building or part thereof not over one story for storage of personal property, motor vehicles, recreational vehicles, and the like, where no servicing for profit is conducted.

**Garage, Commercial:** Any garage other than a private garage.

**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 auto body repair.

**Grade:** The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

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

**Guest House:** A building which is on the same lot or building site as the principal dwelling, and is used for the accommodation of guests.

**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 material or substance.

**Highway:** Any public thoroughfare in the township road system, including local, county, state, and federal roads and highways.

**Home Occupation:** A gainful occupation conducted by members of the family only within its place of residence; provided that the space used is incidental to residential use and that no article is sold or offered for sale except those produced by such home occupation.

**Hospital:** An institution providing health services, primarily for in-patients 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/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. Principally used for overnight accommodations for compensation.

**Junk:** Worn out and discarded material that may be returned to some use, and rubbish of any kind.

**Junkyard:** Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition, or use of junk including scrap metals, motor vehicles, machinery, building, and construction materials.

**Kennel, Commercial:** An establishment licensed to house dogs, cats, or other household pets where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

**Lot:** The parcel of land on which one (1) principal building and its accessories are located or intended to be located together with any open spaces required by this ordinance.

**Lot, Corner:** A lot located at the intersection of any two streets which form an angle of one hundred thirty-five (135) degrees or less. The front lot lines shall be the lines separating said lot from both streets.

**Lot, Double Frontage:** A lot having frontage on two (2) streets. One street shall be designated as the front street for all lots in the plat and in the request for zoning permit.

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

**Lot, Waterfront:** A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the front of the lot.

**Lot, Zoning:** A contiguous tract of land which 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 open as a unit.

**Lot Coverage:** The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

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

**Lot Line:** The property lines bounding the lot.

**Lot Line, Double Frontage:** In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for a zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front.

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

**Lot Line, Front, Corner Lot:** In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets.

**Lot Line, Rear:** The lot 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 lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**Lot of Premises:** The parcel of land occupied or to be occupied by a use or building including its accessory structures together with such open spaces, minimum area, and width.

**Lot of Record:** A parcel of land defined by a legal description and recorded in the office of the Chippewa 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 building setback line intersects the side lot line.

**Manufactured Home:** Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act of 1974), is transportable in one or more sections, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frame. May also be referred to as a mobile home.

**Manufactured Home Site:** A plot of land within a manufactured housing development designed for the accommodation of one manufactured home.

**Manufactured Housing Development:** A parcel of land that has been planned and improved for the placement of three (3) or more manufactured homes for residential dwelling use. May also be referred to as a mobile home park.

**Motor Home:** See "Recreational Vehicle".

**Non-conforming Structure and/or Land:** A structure or land that does not meet the standards on building size, building location on a lot, or lot size for the district in which such structure or land is located.

**Non-conforming Use:** A lawful use of a structure or land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

**Ordinary High Water Line:** Defined in the Michigan Inland Lakes and Steam Act. (MCL #324.320101)

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

**Parking Lot:** An exterior area where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

**Pick-up Camper:** See “Recreational Vehicle”.

**Planned Unit Development (PUD):** Land under unified control which allows a development to be planned and built as a unit.

**Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed.

**Porch, Open:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof.

**Principal Use:** The main use of land or structures.

**Professional Office:** The office of a professional person such as a doctor, dentist, engineer, architect, attorney, etc.

**Public Utility:** Any entity authorized to furnish, under current regulations, electricity, gas, steam, communications, transportation, water services, or sewage disposal.

**Quarry:** An open excavation from which topsoil, gravel, sand, soil, peat, clay, or similar materials are extracted.

**Quarry Plant:** A plant for the production of building materials (e.g., asphalt, brick, concrete, or cement blocks/bricks) from earthen materials (e.g., topsoil, gravel, sand, soil, peat, clay, or similar materials) that have been extracted from a quarry.

**Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including but not limited to: snowmobiles, ATV/off-road vehicles, self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers. A unit may include temporary sleeping quarters and/or cooking facilities, or be designed to be attached to a vehicle and used for recreational purposes. However, any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a manufactured home and shall be subject to all regulations of this ordinance applicable to a manufactured home.

**Restaurant:** A business where meals are habitually prepared for consumption on or off the premises.

**Retail Commercial Establishment:** A store, market, or shop in which commodities or services are sold. Grocery and general stores, meat markets, public garages, automobile service stations are included in this classification.

**Roadside Stand:** A temporary farm structure used for the sale of the seasonal farm products.

**School:** A public or private educational institution offering students an academic curriculum.

**Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property.

**Special Approval:** Approval by the Township Planning Commission of a use of land in a district that is compatible to other land uses in the district when such use is specified within that district.

**Stable, Commercial:** A stable used to house horses for hire.

**Story:** That part of a building, included between the surface of any floor and the surface of the next floor of the roof above it.

**Story, Half:** A loft area or living space between the ceiling and roofline of the first floor.

**Street:** A public thoroughfare, which affords a principal means of access to abutting property.

**Structure:** Any construction artificially built up or composed of parts joined together in some definite manner, which requires permanent location on the ground or attached to something having permanent location on the ground.

**Tavern:** Any place where alcoholic beverages are sold for consumption on the premises.

**Telecommunication Towers and Facilities:** All structures and accessory facilities, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. 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 laws or regulations which pre-empt municipal regulatory authority.

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

**Temporary Business:** A business performing operations at a location within Kinross Charter Township for not more than one (1) year.

**Theater, Facility:** Any building used primarily for the exhibition of entertainment or informative presentations.

**Tourist Home:** See "Bed and Breakfast Facility".

**Undevelopable Land:** Land which has soil types or a high water table condition which present severe limitations on septic tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.

**Use:** The lawful purpose for which property, or a building thereon, is designed, arranged, or intended.

**Variance:** A modification of literal provisions of this ordinance which the Zoning Board of Appeals is permitted to grant.

**Yard:** A space between a building and the lot lines of the parcel of land on which the building is located. Yard measurements shall be the minimum horizontal distances.

**Yard, Front:** A yard extending across the full width of the lot between the front line and the nearest line of the main building.

**Yard, Rear:** A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

**Yard, Side:** A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.

**Zoning Administrator:** The official designated by the Kinross Charter Township Board to administer and enforce the provisions of this ordinance.

**Zoning Permit:** Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving exterior alteration or use of a building in conformity with the provisions.

## ARTICLE III GENERAL PROVISIONS

### Section 3.01 Scope

Beginning with the effective date of this ordinance, and except as otherwise provided in this ordinance, no new building, or structure, or part thereof, shall be erected; no existing building or structure shall be enlarged, rebuilt, or altered; no building structure, land premises, or part thereof shall be used for purposes other than in conformity with the provisions of this ordinance.

### Section 3.02 Unlisted Property Uses

The Township Planning Commission shall have the power to classify a use not listed with a comparable permitted use in the district and grant permission for such use, giving due consideration to the provisions of Article I of this ordinance. Written petition for such classification shall be made through the office of the Township Zoning Administrator. In granting permission for any such classified use, the Planning Commission may attach such conditions and safeguards necessary for the protection of the public welfare, and for the proper use or development of the general neighborhood and adjacent properties. If incompatible, then such use shall only be provided for by due amendment of the ordinance.

### Section 3.03 Conflicting Laws, Ordinances, Regulations, and Restrictions

It is not the intent of this ordinance to repeal or interfere with:

- existing provisions of the law or ordinances
- rules previously adopted relating to the erection or use of buildings or land
- existing easements, covenants, or other agreements between parties.

Where any provisions of this ordinance impose more stringent requirements upon the erection or use of land or buildings, then the provisions of this ordinance shall govern. The requirements of this ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction running with the land, except where such covenant or restrictions imposes lesser requirements.

### Section 3.04 Non-conformities

**Non-conforming Lots of Record:** Structures may be erected on any non-conforming lot which was a lot of record at the time of adoption of this ordinance.

**Non-conforming Uses:** Any non-conforming use of property which is discontinued through vacancy, lack of operations or otherwise for a period of twelve (12) months or more shall be construed as abandonment of use, following which any use thereof shall conform to this ordinance.

A non-conforming use shall only be changed to a conforming use.

Under no circumstances shall the footprint of a non-conforming use be changed.

**Non-conforming Buildings:** A non-conforming building may be enlarged, altered, or rebuilt only in a way that brings it more into conformance with the provisions of this ordinance.

### Section 3.05 Repair, Alteration and Completion of Non-conforming Buildings and Structures

Nothing in this ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of a non-conforming building, structure, or part thereof existing at the effective date of this ordinance, that may be necessary to secure or insure the continued advantageous use of the building or structure during its natural life; provided, that such repairs, reinforcement, improvements, or rehabilitation proposes no change in the use of said building or part thereof.

### Section 3.06 General Yard and Area Requirements

Where a lot abuts upon an alley, one-half (1/2) of the width of said alley may be considered a part of such a lot for the purpose of computing the area of such lot and for the purpose of computing the depth of any rear yard required under this ordinance.

Where shape of lot or other circumstances result in conditions to which the provisions of this ordinance governing yard requirements are inapplicable, the Zoning Board of Appeals shall prescribe such yard requirements.

### Section 3.07 Limitations of Dwellings Per Lot

Only one dwelling shall be erected on a lot or parcel, except as provided in the R-1 Residential, Agricultural and Forest Recreational Districts.

### Section 3.08 Vehicular Parking Space, Access, and Lighting

There shall be provided and maintained suitable space off the public right-of-way that is adequate for the parking, loading, or unloading of vehicles in proportions shown on the following table.

- The parking area shall be provided with safe entrance and exit the public thoroughfare, but not less than one (1) entrance and one (1) exit, which may be combined or provided separately. Approval for the location of exit and entrance shall be obtained from Michigan Department of Transportation (MDOT) for all state trunk line highways and from Chippewa County Road Commission for all other roads and highways in the township. Approval shall also include the design and construction in the interests of safety, adequate drainage, and other public requirements.



- A parking space shall consist of a minimum of two hundred (200) square feet.
- All public parking shall be provided with adequate artificial lighting between dusk and dawn.
- Loading and unloading space: Every structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles, to avoid undue interference with use of public highway.
- Computation of usable floor area: Usable floor area of buildings shall not include areas used for storage or utilities. In the case of a single story structure, the total floor area may be calculated using the outside perimeter of the building, reduced by ten percent (10%), to accommodate storage or utilities.
- Adequate area must (1) provide for snow piling, (2) provide handicap parking as required by state and federal regulations.
- In public areas where storm sewer is provided, parking lots shall be paved.
- The Township Planning Commission shall determine the required parking space for uses not specified in the following table.

VEHICULAR PARKING STANDARDS

| Use   | Minimum Number of Spaces Per Unit  |
|---|--|
| Auto repair and service stations.   | Two (2) spaces for each service bay; plus one (1) space for each employee on the maximum working shift.  |
| Banks, business offices, and professional offices of architects, engineers, lawyers, and similar professionals. | One (1) for each four hundred (400) square feet of usable space.   |
| Barber shops and beauty parlors.  | Two (2) for each operator chair.   |
| Bowling alleys.   | Five (5) for each bowling lane.  |
| Churches, theatres, auditorium.   | One (1) for each three (3) seats.  |
| Community clubs, dance halls, civic organizations, and private clubs.   | One (1) for each one hundred (100) square feet of usable floor space.  |
| Dwellings.  | Two (2) for each dwelling unit.  |
| Hospitals, clinics, and similar establishments.   | One (1) for each four (4) beds, and one (1) for each employee and/or staff member on maximum working shift.  |
| Laundromats.  | One (1) for each two (2) washing machines.   |
| Motels, hotels, resorts, and similar lodging establishments.  | One (1) for each sleeping room; plus one (1) for each two (2) employees on the maximum working shift.  |
| Manufacturing or industrial establishments, warehouses, and similar establishments.                             | Two (2) for each three (3) employees on the maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment. |

|   |   |
|---|---|
| Plumbing, printing, and similar service shop businesses.                    | One (1) for each employee; plus one (1) for each three hundred (300) square feet of usable floor area.  |
| Professional offices: doctors, dentists, and similar professions.           | One (1) for each one hundred (100) square feet of usable floor area, and not less than four (4) spaces, whichever is greater.                       |
| Restaurants and similar establishments sale and service of food and drinks. | One (1) for each one hundred (100) square feet of usable floor space.   |
| Retail stores.  | One (1) for each one hundred fifty (150) square feet of usable floor space.   |
| High schools.   | One (1) for each six (6) seats in the main auditorium, or one (1) for each employee; plus one (1) for each four (4) students, whichever is greater. |
| Schools (except high schools)   | One (1) for each ten (10) seats in main assembly room, or one (1) for each employee plus two (2) for each classroom, whichever is greater.          |
| Tourist, boarding, and lodging homes, and bed and breakfast facilities.     | One (1) for each guest room; plus two (2) for the operator  |

### Section 3.09 Temporary Dwelling Structures

Any substandard structure or recreational vehicle shall not be erected, altered, or moved upon any premises and used for dwelling purpose except under all the following applicable limitations:

1. Shall not be adverse to health, safety, or the public welfare.
2. Shall conform to the regulations governing the yard requirements for dwellings or similar conformable structures in the district in which it is situated.
3. Shall be for the sole purpose of providing dwelling facilities for the owner of premises during the period in which a dwelling conforming to the provisions of this ordinance is in the process of erection and completion; provided, however, that such a period shall not exceed twelve (12) months beginning with the date of issuance of the permit. The substandard dwelling, or recreational vehicle, shall be removed upon completion of construction of a dwelling complying with the requirements of this ordinance.
4. Application for permit shall be made to the Zoning Administrator as provided by Section 18.04 of this ordinance. On approval of the permit, the applicant shall certify in a space allotted for that purpose that he has knowledge of the limitations. No permit shall be transferable to any other person.

### Section 3.10 Mobile Homes on Individual Lots

Mobile homes sited on individual lots shall meet the standards for minimum lot size, 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:

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.

Mobile homes shall be installed according to the 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.

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.

Mobile homes shall not be used as an accessory building.

### Section 3.11 Mobile Home Parks and Manufactured Housing Developments

No mobile home parks shall be established after June 1, 2021. Manufactured housing developments for the location of three (3) or more manufactured housing units on the same parcel shall be developed pursuant to the requirements of the Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, and shall be licensed by the State of Michigan according to the Act.

### Section 3.12 Accessory Buildings

Where any accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.

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.

### Section 3.13 Home Occupations

While Kinross Charter 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 ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.

The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered or the occupation within the residence shall not be conducted in a manner which would substantially alter the premises' residential character.

The home occupation is conducted by the person or person occupying the premises as their principal residence.

Non-resident persons shall not be employed. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit.

The dwelling has no exterior evidence to indicate that the dwelling is being utilized for a non-residential purpose, except signage, which shall comply with the Township Sign Ordinance.

No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations,

or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil, or atmosphere.

Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.

The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.

There shall be no open display of goods, materials, or services in connection with a home occupation, and no off-street parking shall be permitted within the setback area.

Any such home occupation shall be subject to special approval by the Planning Commission and inspection by the Zoning Administrator. The permit for it may be terminated for failure to comply with the Zoning Ordinance.

### Section 3.14 Water Supply and Sewage Disposal Facilities

All private water supply and sanitary sewage disposal systems for any building erected, altered or moved shall be subject to compliance with County Health Department sanitary code requirements.

### Section 3.15 Essential Services

Essential services shall be permitted as authorized and regulated by law.

### Section 3.16 Temporary Business

A temporary business setting up in the Township must obtain a permit from the Zoning Administrator, and meet conditions for the zoning district in which it is located.

### Section 3.17 Special Approval Use Permit Procedures and Review Standards

Special Approval Use Permits are required for proposed activities, which are essentially compatible with other permitted uses in a zoning district, but possess characteristics or locational qualities which require individual review. Special Approval Uses are listed in this ordinance under each zoning district.

#### PROCEDURES

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission and shall include the following:

- Name and address of owner and applicant, if different, of the premises.
- Legal description of the premises.
- Description of the proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- Site plan drawn to scale showing the development plan of the total property, and proposed structures, types of buildings and their uses.
- Sewage and waste disposal facilities and water supply, existing and/or proposed for installation.
- Use of existing premises and zoning district designation of all adjacent properties.
- An application fee, established by the Township Board, shall accompany the application.

The Zoning Administrator shall file his/her recommendation of the proposed development with the Planning Commission. If required, a special meeting may be requested.

In the event of an application for a use not listed in the ordinance, the Planning Commission shall hold a special use request meeting after notice has been given, as follows:

- The notice shall be given neither less than five (5) nor more than fifteen (15) days before the date the application will be considered.
- Notice shall be published in a newspaper which circulates in the Township, if available; as well as social media outlets.
- Notice will be sent by mail, or personal delivery, to the property owners for which approval is being considered, and to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to occupants of all structures within three hundred (300) feet.
- The notice shall describe the nature of the special use request, indicate the property which is subject of the special use request, state when and where written comments will be received concerning the request, and state the time, date, and place of public hearing.

After the public hearing and review, the Planning Commission shall:

- Approve the special use application and site plan. The Zoning Administrator shall then be directed to allow the special use permit, or;
- Approve the special use application and site plan subject to conditions, which are imposed in order to ensure the special use complies with standards stated in this ordinance. The Zoning Administrator shall then be directed to allow the special use, or;
- Disapprove the special use application and site plan.

If the Zoning Administrator finds that the conditions and stipulations of a special use permit are not being met, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval. Intent to revoke shall be made known to the applicant by registered letter, signed by the Planning Commission Chair, sent not less than thirty (30) days prior to the stated date of revocation, and shall contain the reasons for revoking special use approval.

If the applicant notifies the Planning Commission within the thirty (30) day notification period of his/her intent to rectify the violation, the Planning Commission may defer the revocation.

A disapproval of the special use application and site plan by the Planning Commission may be appealed by the property owner or designated agent to the Zoning Board of Appeals. Request for appeal shall be made by written letter from the applicant to the Zoning Board of Appeals within thirty (30) days of disapproval or revocation of special use permit and site plan by the Planning Commission.

#### STANDARDS FOR REVIEW

Special approval use permits shall be subject to the following requirements, in addition to the requirements and standards of the zoning district where located:

- There is no detrimental impact upon the surrounding uses in the district particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic.
- The site size shall accommodate the use, customary accessory uses, and on-site services (sewage disposal and water supply).
- The proposed use shall not negatively impact the quality and quantity of water resources, domestic water supplies, and capacity to absorb the anticipated sewage disposal demand.
- Entrance drives to off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
- The use shall not diminish the value of land, buildings, or structures in the neighborhood, nor increase hazards from fire or other dangers to either the property or adjacent properties.
- Access to the site is suitable, and limits use of residential streets.
- Allowance is made for vehicle to enter and exit the site safely and provides no visibility impediments to drivers.

### Section 3.18 Supplemental Site Development Requirements

Permitted uses allowed by special approval in any zoning district, shall be subject to the following conditions and requirements:

#### **Commercial Energy Producing and Transmitting Towers and Antennas – television, radio, cellular, public utility microwave, wind farms, etc.**

- Towers and/or antennas shall be located centrally on a continuous parcel of not less than two (2) times the height of the tower measured from the base of said tower to all points on each property line.
- Any tower or antenna shall be so constructed and placed that there is no danger of structure falling on adjacent properties, public streets, or off-premises electric power lines, and the operation of any facilities shall not interfere with normal radio-television reception in the area.
- The approval for any of the above-mentioned towers or antennas shall cease when the tower is no longer used for the purpose for which the permit was initially granted.
- The applicant shall be responsible for the maintenance of any permitted tower or antenna, in a safe condition for as long as the tower or antenna remains in operation, and shall dismantle the tower within nine (9) months after operations cease.
- The multiple-use of each tower or antenna shall be encouraged to limit the number of towers or antennas within the Township. The Township reserves the right to deny a permit for a new tower or antenna if any existing tower or antenna can be adapted to serve the expressed need.

**Wind Turbines**

- Wind Turbines shall be located on a continuous parcel of not less than two (2) times the height of the turbine measured from the base of said turbine to all points on each property line.
- Any turbine shall be so constructed and placed that there is no danger of structure falling on adjacent properties, public streets, or off-premises electric power lines and the operation of any facilities shall not interfere with normal radio-television reception in the area.
- The approval for any turbine shall cease when the turbine is no longer used for the purpose for which the permit was initially granted.
- The applicant shall be responsible for the maintenance of any permitted turbine, in a safe condition as long as the turbine remains in operation, and shall dismantle the turbine within nine (9) months after operations cease.

**Race Track (including midget auto and carting tracks)**

Race tracks shall be permitted only in the Recreational and Commercial Districts, and are subject to the following conditions:

- All parking shall be provided off-street parking within the boundaries of the development.
- All access to the parking areas shall be provided from major traveled roads.
- All sides of the development, except access points, shall be provided with a twenty (20) foot wide greenbelt planting to screen from view all activities within the development.

**Riding Academies or Public Stables**

- Commercial facilities for horseback riding or horse boarding may be allowed in the Agricultural and Forest Recreation Districts.
- Animal housing facilities shall be located at least three hundred (300) feet from any off-premises residential structure.

**Recreation Camps, Recreation Lodges, Cabin Camps and Resorts**

Recreation camps, recreation lodges, cabin camps and resorts, when operated for profit, may locate in Commercial and Forest Recreation Districts by special approval of the Planning Commission, provided the following conditions are met:

- The use is established on a minimum site area of forty (40) acres.
- All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least one hundred (100) feet from the property lines. The resulting setback shall be maintained as a buffer area. Planting greenbelts may be required by the Planning Commission as deemed necessary.

**Hospitals and Nursing Homes**

Hospitals, nursing and convalescent homes, medical care facilities and similar uses may be established in Commercial and Institutional Districts upon special approval of the Planning Commission.

**Pets and Other Animals**

- The keeping of farm animals for domestic purposes on residential lots shall be subject to Planning Commission review, who shall consider the character of the surrounding area, the lot size, and the design and placement of animal housing structures on the premises. However, raising farm animals shall be strictly prohibited in an R-2 district. These review requirements shall not apply to active farms or any property encompassing five (5) acres or more.
- In the R-1 and R-2 Residential Districts, domestic household pets, including dogs, cats, and birds, but specifically excluding poisonous or dangerous reptiles, or wild or dangerous animals, may be kept on any premises without a permit, provided not more than three (3) adult animals of any one species are so kept and reasonable control is maintained to prevent nuisances to adjoining residentially used properties. The keeping of more than three (3) adult domestic pets of any one specie shall be interpreted to be a kennel; except on active farms encompassing an area of five (5) acres or more, in which case the number of domestic animals shall not be restricted.

**Soil, Sand, Clay, Gravel, Stone or Similar Materials**

Please refer to Michigan Zoning Enabling Act.

**Sanitary Landfills**

All sanitary landfill operations shall be approved by the Planning Commission and shall comply with standards prescribed by applicable State and County Health regulations provided:

1. No such operations shall be permitted in any residential district;
2. Shall be conducted on sites located not less than one thousand (1,000) feet from any public street; and
3. Shall be screened from sight by natural terrain, greenbelts, natural wooded areas, or finished and maintained screening fences.

**Quarry Plants**

Permitted Districts:

1. Except as provided below in subsection 2), a quarry plant may be permitted by special approval of the Planning Commission only in the "I-1" Light Industrial and "I-2" Heavy Industrial District.
2. A quarry plant may also be permitted by special approval of the Planning Commission in the "A" Agricultural District, but only if the quarry plant will be in operated in conjunction with a quarry that is in active operation on the same lot or parcel. A quarry plant shall be considered to be operated in conjunction with an actively operating quarry located on the same lot or parcel only if at least 35%, by weight, of the sand, gravel and other raw materials used at the quarry plant, in any consecutive 12- month period, shall have been extracted from the quarry located on the



same lot or parcel. The Planning Commission may, however, as a condition of special approval, permit a lesser percentage of sand, gravel and other raw materials to originate from the active quarry on the same lot or parcel, if a lower percentage is necessary because of the type of building material produced at the quarry plant, and if the lower percentage is determined to be consistent with the objective of ensuring that the quarry plant is operated in conjunction with a quarry that is in active operation on the same lot or parcel.

3. All equipment and other facilities associated with a quarry plant located in the "A" Agricultural District shall be completely removed from the property on which it is located, within six (6) months after operations have ceased.
4. The Planning Commission may impose reasonable conditions on a special approval for a quarry plant in the "A" Agricultural District which are necessary or convenient toward achieving the objective of ensuring that the quarry plant is operated in conjunction with a quarry that is in active operation on the same lot or parcel, and is otherwise operated in compliance with subsections 2) and 3) above.

#### General Regulations:

1. Best management practices shall be employed for the control of odor from a quarry plant. For asphalt manufacturing plants, the use of anti-oxidizing compounds shall be used for the control of odor, unless the applicant demonstrates, to the Planning Commission's satisfaction, that another odor control measure will be used that is equally or more effective. In addition, all quarry plant operations shall be conducted in accordance with the applicable air quality permit issued by the Department of Environmental Quality, and in accordance with all other requirements of state and federal law.
2. All quarry plant operations must comply with the requirements of Kinross Township Anti-noise Ordinance #1.109, as it may be amended.
3. All interior roads, trails or other areas used by motor vehicles in connection with the transportation to or from a quarry plant and any dust arising therefrom shall be controlled by best management practices, in compliance with the United States Mine Safety and Health Administration's regulations.
4. In granting special approval for a quarry plant, the Planning Commission may impose reasonable conditions designed to protect the safety and integrity of public roads within the Township, including, without limitation, by requiring that: (a) all vehicular traffic traveling to and from the quarry plant carrying mineral materials and/or raw building materials use only designated haul routes within the Township; and (b) the applicant for special approval post with the Township a suitable performance bond, in a form approved by the Township attorney, that can be drawn upon by the Township for the purpose of repairing roads within the Township that are damaged by the quarry plant operations. The amount of the performance bond, if one is required, shall be determined by the Planning Commission, taking into account the anticipated cost of road repairs that might result from the quarry plant operations, plus a reasonable contingency.

5. The Planning Commission may limit the hours or days of operation if the Planning Commission determines that such limitation is required in order to avoid adverse effects upon adjoining or nearby lands.
6. The operations of a quarry plant, including the stockpiling, processing, and transport of mineral materials, shall not be located closer than three hundred (300) feet from the nearest occupied dwelling, measured in straight-line distance; provided, however, that the Planning Commission may approve a shorter distance based on a finding that the reduced separation distance would be adequately protective of the health, safety and welfare of surrounding residents and land uses.
7. Drainage on a quarry plant site shall be maintained in a manner that most closely approximates the natural drainage patterns to avoid or mitigate run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion, or other effects.
8. The site for a quarry plant shall provide sufficient off-street parking, loading, and queuing areas for trucks that are delivering materials to or from the site, so as to ensure that truck traffic will not back-up onto public streets or otherwise interfere with safe traffic circulation either on or off the plant site.
9. The Planning Commission may require compliance with such other conditions as may be necessary to ensure compliance with the terms of this ordinance.

### Section 3.19 Site Plan Review (All Districts)

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

#### Circumstances Requiring a Site Plan:

- All new uses except one-family and two-family residential units.
- Expansion or renovation of an existing use, other than a one-family and two-family residential use, which increases the existing floor space more than twenty-five percent (25%).
- Changes of use for an existing structure.

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, or unless otherwise required by ordinance specific to that use.

1. The date, north arrow, scale, and name of 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.
2. The boundary lines of the property, to include all dimensions and legal description.

3. The location of all existing and proposed structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
4. The location and width of all abutting rights-of-way.
5. The location of existing environmental features, such as: streams, wetlands, shorelines, mature specimen trees, wooded areas, or any other unusual environmental features.
6. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
7. The name and address of the property owner.
8. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
9. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
10. A locational sketch of the proposed use or structure.
11. The type, location, and size of all existing and proposed utilities.
12. The location, size, and slope of all surface and subsurface drainage facilities.
13. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
  - a. The number of units proposed, by type, including a typical floor plan for each type of unit.
  - b. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
  - c. Typical elevation drawings of the front and rear of each building.
14. 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.
15. Anticipated hours of operation for the 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.

Submittal and Approval Procedures: Two (2) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or designated agent at least ten (10) days prior for the Planning Commission meeting where the site plan will be considered. The Planning Commission shall approve, disapprove, or approve with modifications of the Site Plan. Evaluation criteria:

1. The location and design of driveways providing ingress and egress in relation to streets giving access to the site, and pedestrian traffic.
2. The traffic circulation features and parking, meet parking area and street access requirements.
3. Whether the sewage disposal facilities, water supply, storm water drainage, fire protection, and other utility provisions will be safe and adequate.
4. Whether the location, use and the nature of the operation will be in conflict with the primary permitted uses of the district or neighborhood.
5. Whether the use will be objectionable to adjacent and nearby properties by reason of: traffic, noise, vibration, dust, fumes, odor, fire-hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.
6. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.
7. Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

When approved, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chair of the Planning Commission and the petitioner. One of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or designated representative. Any changes deemed necessary, after final approval, requires mutual consent of both the Planning Commission and the petitioner.

Site Plan Amendments: An approved Site Plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the Site Plan amendment is major, the provisions "Submittal and Approval Procedures" as set forth above shall be followed.

Administrative Fees: Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant.

Revocation: If the Zoning Administrator finds the construction of a building or creation of a use to be in nonconformance with the approved Site Plan, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval. Intent to revoke shall be made known to the applicant by registered letter, signed by the Planning Commission Chair, and sent to the applicant not less than thirty (30) days prior to the stated date of revocation, and shall contain the reasons for revoking Site Plan approval.

If the applicant notifies the Planning Commission within the thirty (30) day notification period of his/her intent to rectify the nonconforming issue, the Planning Commission may defer the revocation.

**Appeal of Revocation:** The decision of the Planning Commission may be appealed by the property owner or designated agent to the Zoning Board of Appeals. Request for appeal shall be made by written letter from the applicant to the Zoning Board of Appeals within thirty (30) days of disapproval or revocation of site plan by the Planning Commission

### Section 3.20 Temporary Use of Recreational Vehicles as Dwellings

Travel trailers, motor homes and other similar recreational vehicles designed with sleeping accommodations shall not be occupied for transient purposes for a period exceeding thirty (30) days unless connected to electrical service and County Health Department approved sanitary facilities. Temporary occupancy of such vehicles connected to electrical and sanitary facilities shall not exceed two hundred fifteen (215) days during the period May 1<sup>st</sup> through December 1<sup>st</sup>. Permits for temporary use shall be obtained from the Zoning Administrator, as provided in Section 18.04 hereof, excepting those set up in an established RV park. These requirements apply except for the provisions of Section 3.09 Temporary Dwelling Structures.

### Section 3.21 Greenbelt

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront property. The greenbelt shall include all the land area located within thirty-five (35') feet of the ordinary high-water mark of a lake or a stream. Within the greenbelt, the following development or use restrictions shall apply:

1. No structures shall be allowed except for boathouses, launching ramps and docking facilities, and such facilities shall meet the side yard setback for the district in which they are located. No boathouse shall exceed twelve (12') feet in height above the ordinary high-water mark.
2. No dredging or filling shall be allowed except for reasonable sanding of beaches where permitted by state or federal law.
3. The use of asphalt, concrete and other impervious surfaces shall be limited to walkways necessary for water access or boat launch ramps.
4. The use of pesticides, herbicides and fertilizers is strongly discouraged.
5. Leaves, grass clippings and similar hard and garden wastes may not be burned or stored.
6. Neither septic tanks nor septic system filtration fields may be located within the greenbelt except for constructed wetlands as approved by Chippewa County Health Department.
7. Natural vegetation cover, including trees, shrubs or grass shall be maintained on at least sixty (60%) percent of the lake or stream frontage within the greenbelt. Beach sand, gravel, cobblestone, or rock may be substituted for vegetated areas where these materials naturally exist.
8. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.

### Section 3.22 Fences, Walls, and Hedges

Notwithstanding the other provisions in this ordinance, fences, walls, or hedges may be permitted on any property in any residential district, provided that no fence, wall, or hedge exceeds a height of six (6') feet, unless otherwise provided for in this ordinance, and shall be no closer than five (5') feet to the front property line or road right-of-way, and 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 are to be erected with the finished side out, and maintaining a minimum of 4" setback from all lot lines. Adjoining property owners may jointly request that the Zoning Administrator waive setback requirements.

### Section 3.23 Hazardous Substances

All business or industries that store, use, or generate hazardous substances as defined in this ordinance, in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month, whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

### Section 3.24 Groundwater Protection

These provisions apply to uses and/or generation or storage of hazardous substances as described in Section 3.24:

1. Sites at which hazardous substances and polluting material are stored, used, or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
2. Secondary containment for above-ground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five (5) year intervals.

### Section 3.25 Bed and Breakfast and Homestay Facilities

While this ordinance is established to enable single family dwelling units to be used as bed and breakfast, and home stay operations, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. Operations are a subordinate use to a single-family dwelling unit subject to the following conditions:

- a. Shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
- b. The number of rooms available for guests shall be limited to six (6). Each guestroom shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
- c. Two (2) off-street paved or graded parking spaces shall be provided for the operator, plus one (1) parking space for each available guestroom and one (1) for any non-resident employee.
- d. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of the Township sign ordinance, to indicate that the same is being utilized for any purpose other than as a residence; and the sign be in conformance with the requirements of this ordinance.
- e. Breakfast may be served only to overnight guests, and in accordance with state and county public health regulations.
- f. Any number of dwelling residents may assist with the operation, but not more than two (2) non-resident employees may be hired.
- g. The operation shall produce no excessive noise, traffic, glare, or other nuisance that would be detrimental to the character of the neighborhood.
- h. Persons operating a facility shall apply for and receive a permit from the Zoning Administrator prior to commencing operations. The permit shall be renewed and updated at three (3) year intervals thereafter. Facilities are subject to inspection by the Zoning Administrator.

### Section 3.26 Garage or Yard Sales

Not more than four (4) garage or yard sales shall be conducted by a resident of the Township during a calendar year. Garage or yard sales shall not exceed three (3) days duration. Temporary signs for the sale shall be removed within forty-eight (48) hours of the end of the sale.

### Section 3.27 Wellhead Protection

For the protection of municipal water wells, the Kinross Charter Township Wellhead Protection Plan shall be adhered to, regardless of the zoning district. Types of development or absence of development (as recommended by the Wellhead Protection Plan) within a prescribed radius of surrounding municipal wells shall be followed.

## ARTICLE IV DISTRICTS

### Section 4.01 Classification of Zoning Districts

For the purpose of this ordinance, Kinross Charter Township is divided into the following zoning districts:

- Single-Family Residential (R-1)
- Mixed Residential (R-2)
- Agricultural (A)
- Forest Recreational (FR)
- Institutional (Inst)
- Recreational-Commercial (Rec. Com.)
- Residential-Commercial (Res. Com.)
- Commercial (C)
- Aviation (AV)
- Light Industrial (I-1)
- Heavy Industrial (I-2)

### Section 4.02 Zoning Districts Map

The areas assigned to these districts, the designation of the districts and the boundaries of the districts shall be shown upon the zoning map attached and made a part of this ordinance. The map shall be designated as the "Zoning Map of Kinross Charter Township, Chippewa County, Michigan". The map and the proper notations, references and other information shown on it shall be as much a part of this ordinance as if the matters and information set forth by the map were fully described in the ordinance.

### Section 4.03 Boundaries of Districts

Unless otherwise specified in this ordinance, or otherwise shown on the zoning map, the boundary lines of zoning districts shall follow along section lines; or lines of customary subdivision of a section such as quarter and eighth lines; or the center line of highways, streets, alleys, or waterways; or the shore lines of water bodies; or the boundaries of incorporated areas; or the boundary lines of recorded plats or subdivisions; or the property lines of legal records on the date of enactment of this ordinance; or the extension of any said lines.

### Section 4.04 Determinations by Township Zoning Board of Appeals

All questions concerning the exact location of any zoning district not clearly described shall be determined by the Township Zoning Board of Appeals, consistent with the purpose of this ordinance, upon written application through the Township Zoning Administrator, or upon its motion.

## ARTICLE V SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

### Section 5.01 Intent

It is the intent of the R-1 district to reserve areas principally for single-family residential use and to maintain safe and desirable conditions for year-round family living. Also to promote the proper use, enjoyment, and conservation of the water, land topography and vegetation resources of the Township deemed particularly adapted to such uses.



### Section 5.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

- Detached single-family dwellings
- Farms, farm dwellings and farm buildings, including roadside stands and signs not to exceed twelve (12) square feet in area, advertising the sale of farm products.
- Public parks, recreation areas and playgrounds, with customary service buildings and structures
- Community clubs, civic or social organizations when not operated for profit
- Planned Unit Developments subject to the provisions of Section 17.01
- Home occupations subject to the provisions of Section 3.13
- Bed and breakfast facilities subject to the provisions of Section 3.26
- Churches and other places of worship
- Publicly owned buildings
- Public utility buildings, telephone exchanges and substation without service or storage yards
- On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of this district, and provided adequate yard area is provided should a lot split occur in the future
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

### Section 5.03 Uses Subject to Special Approval

- Schools - preschool and K-12
- Privately owned country clubs, golf courses and similar recreational facilities
- Quarries - gravel or sand pits
- Day care
- Accessory uses, buildings, and structures customarily incidental to special approval uses

## ARTICLE VI MIXED RESIDENTIAL DISTRICT (R - 2)

### Section 6.01 Intent

It is the intent of the Mixed Residential (R - 2) district to provide for the widest variety of housing types in a single district.

### Section 6.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

- Single-family dwellings
- Two-family dwellings
- Multiple-family dwellings
- Public parks
- Manufactured housing developments
- Mobile home parks (established prior to June 1, 2021), subject to the provisions of the Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, and shall be licensed by the State of Michigan according to the Act.
- Home occupations subject to the provisions of Section 3.13
- Bed and breakfast facilities subject to the provisions of Section 3.26
- Planned Unit Developments subject to the provisions of Section 17.01
- Churches and other places of worship and facilities customarily incidental thereto, but not including tents and other temporary structures
- Schools - preschool and K - 12
- Community clubs, civic or social organizations when not operated for profit
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

#### Section 6.03 Uses Subject to Special Approval

- Publicly owned buildings
- Boarding and rooming houses
- Quarries - gravel or sand pits
- Campgrounds/recreational vehicle parks
- Accessory uses, buildings, and structures customarily incidental to special approval uses

### ARTICLE VII AGRICULTURAL DISTRICT (A)

#### Section 7.01 Intent

It is the intent of the Agricultural District (A) to conserve and promote the agricultural uses and rural character of this district, in accordance with the Michigan Right to Farm Act.

However, the provisions of this section also recognize the gradual extension of residential and other property uses into the district and the importance of adopting good standards to guide such developments in the interest of overall good land and resource use.

## Section 7.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

- Farm dwellings, farm buildings and structures, including roadside stands
- Home occupations subject to the provisions of Section 3.13
- Portable sawmills not to exceed one (1) year
- Farms, including both general and specialized farms and similar agricultural enterprises
- Tourist homes, boarding houses, lodging houses and bed and breakfast facilities when situated in farm dwellings
- Fire control structures
- Churches and other places of worship
- Schools
- Publicly-owned buildings
- Telephone exchanges and substations
- Community clubs, country clubs and civic or social organizations
- Land for parks, picnic groves, golf courses, and similar facility for outdoor recreation
- Commercial riding stables and academies
- Raising of fur bearing animals
- On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of the R-1 District, and provided adequate yard area is provided should a lot split occur in the future
- A single-family dwelling may be erected on a parcel of land of less than five (5) acres in size, provided that said dwelling shall be erected under the requirements of Single-Family Residential District (R-1)
- Accessory uses, buildings, and structures customarily incidental to permitted uses

## Section 7.03 Uses Subject to Special Approval

- Airfield and airports
- Animal sales yards
- Energy producing facilities (i.e.: wind turbines)
- Communications and electrical transmission towers and lines
- Cemeteries, including columbarium, mausoleums, and crematories

- Circus and carnival lots
- Radio, TV stations, and studios
- Rifle ranges
- Sawmills, when the use exceeds one (1) year
- Commercial kennels and veterinary hospitals
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE VIII FOREST RECREATIONAL DISTRICT (FR)

### Section 8.01 Intent

It is the intent of the Forest Recreational District (FR) to promote use, enjoyment and conservation of the water, land topographic and natural resources of the recreational and forest areas within the township.

### Section 8.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

- Single - family dwellings following the requirements of the R - 1 District
- On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of the R - 1 District, and provided adequate yard area is provided should a lot split occur in the future
- Legal harvesting of forestry products and native crops
- Seasonal hunting and recreational cabins or cottages not meeting the minimum floor requirements for single-family dwellings
- Accessory uses, buildings, and structures customarily incidental to permitted uses

### Section 8.03 Uses Subject to Special Approval

- Forest products processing and sales
- Gun or archery clubs
- Commercial hunting resorts or clubs, recreation camps, recreation lodges or cabin camps
- Quarries - gravel or sand pits
- Commercial riding academies or stables
- Energy producing facilities (i.e.: wind turbines)

- Communications and electrical transmission towers and lines
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE IX INSTITUTIONAL DISTRICT (Inst)

### Section 9.01 Intent

It is the intent of the Institutional District (Inst) to provide a location for institutional uses separate from other types of development.

### Section 9.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

- Correctional facilities
- Hospitals, nursing homes, medical care facilities and similar uses
- Trade schools
- Community colleges
- Educational facilities
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

### Section 9.03 Uses Subject to Special Approval

- Any other institutional uses not provided for under Section 9.02 Permitted Uses
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE X RECREATIONAL-COMMERCIAL (Rec. Com.)

### Section 10.01 Intent

It is the intent of the Recreational-Commercial (Rec. Com.) District to reserve specific areas for recreational use, whether privately or publicly owned, and whether commercial in nature or free for public use.

### Section 10.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

- Golf courses and related uses, such as club house, restaurant, and other accessory uses and structures
- Fairgrounds
- Museums

- Fitness center
- Theatre
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

#### Section 10.03 Uses Subject to Special Approval

- Any other recreational use not provided for under Section 10.02 Permitted Uses
- Quarries - gravel or sand pits
- Race tracks
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

### ARTICLE XI RESIDENTIAL-COMMERCIAL DISTRICT (Res. Com.)

#### Section 11.01 Intent

It is the intent of the Residential-Commercial (Res. Com.) District to reserve areas for mixed residential uses as well as retail and service-related businesses to accommodate Township residents.

#### Section 11.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses. If use as a permanent residence is authorized, such dwelling shall be erected under the requirements pertaining to the Single-Family Residential District (R-1).

- Single-family dwellings
- Two-family dwellings
- Retail sales
- Personal services businesses
- Restaurants and bars
- Churches and other places of worship
- Community facilities
- Campgrounds/recreational vehicle park
- Community clubs, country clubs, civic or social organizations
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

### Section 11.03 Uses Subject to Special Approval

- Multiple-family dwellings
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

### Section 11.04 Special Provision for M-80

Where commercial development occurs along the M-80 corridor in this district, such commercial development shall be placed not more than three hundred thirty (330) feet from the center line of M-80.

## ARTICLE XII COMMERCIAL DISTRICT (C)

### Section 12.01 Intent

It is the intent of the Commercial District (C) to provide for the continuation of and enhancement of existing commercial areas and development of new commercial areas. This district typically accommodates those retail and business activities that cater to the needs of the permanent residents and visitors to the area.

### Section 12.02 Permitted Uses

No building or structure, or any part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

- Antique shop
- Appliance sales and service
- Art galleries
- Bakeries
- Banks and similar financial institutions
- Bowling Alleys
- Business and professional offices
- Carpentry, plumbing, electrical sales, service and contracting offices
- Community clubs, country clubs and civic or social organizations
- Curio stores
- Florist shops
- Furniture stores
- Golf driving range and miniature golf
- Grocery stores

- Hardware stores
- Jewelry stores
- Boarding and rooming houses
- Libraries and museums
- Motels and hotels
- Music shops
- Nurseries, garden supply, greenhouse, fruit, and vegetable stands
- Parking lots
- Pet sales and veterinary clinics, not including kennels
- Printing, publishing, and office supply shops
- Public buildings
- Electronics sales and service
- Real estate offices
- Restaurants
- Second-hand stores not including outside sales or displays
- Sign shops
- Swimming pools - public
- Taverns and bars
- Rental storage units
- Upholstering, interior design
- Sporting goods shop
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

#### Section 12.03 Uses Subject to Special Approval

- Automotive sales and service, including body repair
- Boat sales and service
- Building material/home improvement sales
- Farm machinery sales and service
- Laundromats, laundries, and dry-cleaning establishments



- Manufactured and mobile home and travel trailer sales and service
- Service stations
- Recreational vehicle sales and service
- Quarries - gravel or sand pits
- The manufacture, compounding, processing, assembling, packaging, or treatment of products, including but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, pottery, musical instruments, toys, novelties, household, and electronic appliances
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE XIII AVIATION DISTRICT (AV)

### Section 13.01 Intent

It is the intent of the Aviation District (AV) to provide an area apart from other uses specifically for Chippewa County International Airport uses, buildings and associated activities.

### Section 13.02 Permitted Uses

No building, structure, or part thereof shall be erected or altered, and no premises used or occupied in the district except by permit, for other than one or more of the following specified uses.

- Airport terminal
- Commercial airlines facilities
- Commercial freight carrier facilities
- Aircraft hangars
- Aviation offices
- Control tower
- Fuel storage and dispensing
- Accessory uses, buildings, and structures customarily incidental to permitted uses

### Section 13.03 Uses Subject to Special Approval

- Any other aviation related uses not provided for under Section 13.02 Permitted Uses
- Space launch related uses
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

## ARTICLE XIV LIGHT INDUSTRIAL DISTRICT (I -1)

### Section 14.01 Intent

It is the intent of the Light Industrial District (I-1) 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. It is also to accommodate wholesale activities, warehouses, and industrial operations whose external and physical effects are restricted to prevent detriment to the surrounding districts.

### Section 14.02 Permitted Uses

No building, structure, or part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one of the following uses:

- Warehousing and wholesale establishments
- Trucking facilities
- The manufacture, compounding, processing, assembling, packaging, or treatment of products, including but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, pottery, musical instruments, toys, novelties, household, and electronic appliances
- Tool, die, gauge and machine shops
- Bulk dry-cleaning plants or laundries
- Laboratories for research and testing excluding explosive or radioactive materials
- Public utility facilities and related structures
- Heating and electric power generating plants
- Lumber yards and contractor storage yards
- Warehousing and rental storage facilities
- Accessory uses, buildings, and structures customarily incidental to the permitted uses

### Section 14.03 Uses Subject to Special Approval

- Junkyards
- Gas and oil bulk storage and distribution facilities
- Petroleum and other flammable materials storage tanks when not closer than three hundred (300) feet from any residential district and one hundred (100) feet from any other district
- Manufacture of homes, mobile homes, and travel trailers
- Metal plating, buffing, polishing, painting, varnishing and undercoating shops when setback is at least seventy-five (75) feet from any adjacent residential district and when conducted within a completely enclosed building

- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

#### Section 14.04 Performance Standards

Any use permitted or permitted by special approval in this district shall adhere to the following additional requirements.

- a. Polluting Materials - It shall be unlawful for any person, firm, or corporation to permit the emission or discharge of any gases, smoke, dust, dirt or fly ash into the atmosphere in quantities sufficient to create a nuisance within the Township. No use shall discharge polluting solids or fluids into the groundwater, surface water or municipal water supply.
- b. Open Storage - The open storage of any equipment, vehicles and all materials including wastes shall be screened from public view, from public streets, and from adjoining properties by a wall or an obscuring fence of a height of not less than six (6) feet to obscure such stored materials. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet.
- c. Glare and Radioactive Materials - Glare from any process (such as arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.
- d. Fire and Explosive Hazards - The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Township's fire protection authority, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and provided that the following conditions are met:
  1. Said materials or products shall be stored, utilized, or produced within completely enclosed buildings or structures having incombustible exterior walls.
  2. All such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
  3. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with applicable state and federal regulations.

### ARTICLE XV HEAVY INDUSTRIAL DISTRICT (I-2)

#### Section 15.01 Intent

It is the intent of the Heavy Industrial District (I-2) to permit the manufacturing, processing, and compounding of semi-finished and finished products from raw materials in an Industrial Park. It is also to accommodate manufacturing, assembling, and fabrication activities including large scale or specialized

industrial operations, whose external physical effects will be noticed to some degree in surrounding districts.

#### Section 15.02 Permitted Uses

No building, structure, or part thereof, shall be erected, altered, or used, or land or premises used, in whole or in part, except by permit, for other than one of the following uses:

- Any permitted use or use subject to special approval in the I-1 Light Industrial District
- Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which shall not be injurious or offensive to the occupants of adjacent premises by reason of noise, vibration, smoke, dust, toxic or noxious materials, odors, fire or explosive hazards, glare, or heat

#### Section 15.03 Uses Subject to Special Approval

- Processing of gas, oil, petroleum, and other flammable materials
- Quarries - gravel or sand pits
- Accessory uses, buildings, and structures customarily incidental to the special approval uses

#### Section 15.04 Performance Standards

Performance standards as set forth in the I - 1 Light Industrial District (Section 14.04) shall apply to the I - 2 Heavy Industrial District.

### ARTICLE XVI SCHEDULE OF REGULATIONS

The following provisions shall apply to all buildings erected after June 1, 2021.

#### Section 16.01 Principal and Accessory Building Requirements

Lot area, lot width, yard setbacks, floor area and height limitations for principal and accessory buildings, erected, altered, removed, enlarged after June 1, 2021 must conform to the standards shown in Section 16.02.

#### Section 16.02 Zoning District Requirements for Principal and Accessory Buildings on Lots or Parcels

See Exhibit "A" chart.

#### Section 16.03 Dwelling Lots

Any lot or parcel of land on which more than one {1} dwelling is erected must have sufficient dimension so that a division of the land could be made in such a way so that each parcel on which a dwelling is located would comply with the dimension requirements of this ordinance.

#### Section 16.04 Corner Lots

Corner lots shall have required front yards on both streets.

### Section 16.05 Double Frontage Lots

Where lots have double frontage as distinguished from corner lots, the required front yard setback shall be provided on both streets.

### Section 16.06 Water Frontage Lots

On all lots abutting lakes or streams no building or structure, landing ramps, or docks shall be erected less than thirty-five (35) feet from the ordinary high-water mark, PROVIDED, that no landing ramp or dock shall be erected less than ten (10) feet from any side lot lines.

### Section 16.07 Supplementary Yard Provisions

1. Accessory Buildings and Structures - Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.
2. Commercial Buildings - No open side yard shall be required in the Commercial District (C) when walls abutting a side lot line are fireproof and constructed of solid masonry and wholly without openings PROVIDED
  - a. On corner lots, there shall be an open side yard not less than twenty-five (25) feet in width measured from the street side lot line, and
  - b. Where any adjacent lot is occupied or zoned for residential use, an open side yard not less than twenty-five (25) feet in width shall be maintained, and an obscuring screen (i.e. evergreens, neatly finished wooden fence, or masonry wall) not less than six (6) feet in height shall be provided.
3. Official Setback Lines - Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the setback or side yard shall be measured from such official line to the nearest line of the building.
4. Street, Avenue, Road or Highway Intersection - To maintain traffic visibility, no building, structure, trees, bushes, or other obstructions exceeding three (3) feet in height shall be erected, planted, or maintained less than twelve (12) feet from the intersection of the right-of-way boundary lines of any public roads or highways; excepting open fences through which there is clear vision.
5. Restricted Yard Uses - No yard area shall be used for open or unenclosed storage, disposition, wrecking, dismantling, baling, salvaging, location, accumulation, or abandonment, either temporarily or otherwise, of any discarded, disused, or dismantled vehicles, machinery junk, or junked household articles, or any parts thereof.
6. Supplementary Height Provisions - Height limitations shall apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulk heads, fire towers, scenery lofts, water tanks, water towers, wind turbines, and transmission towers/antennas, as approved by the Planning Commission.

## ARTICLE XVII PLANNED UNIT DEVELOPMENT

### Section 17.01 Purpose

It is the intent of a Planned Unit Development (PUD) is to permit and encourage design flexibility and efficient use of land for circulation, open space, and utilities.

### Section 17.02 Procedures for Application and Approval

The procedures for application and approval of a PUD permit shall include: one (1) or more informal conferences between the applicant and the Zoning Administrator, during which the Zoning Administrator may seek guidance from county and township agencies; and the applicant filing a preliminary development plan with the Zoning Administrator. The application and preliminary development plan shall be scheduled to be reviewed by the Planning Commission at a public hearing scheduled within forty-five (45) days of the receipt of the preliminary plan by the Zoning Administrator.

### Section 17.03 Preliminary Development Plan Requirements

The applicant's preliminary development plan shall include: types and placement of residential structures; utilities and public facilities, such as schools, fire departments, recreational facilities; minimum lot sizes; densities; environmental treatment; pedestrian and auto circulation; and commercial areas. Also, conformity of the proposed development with surrounding uses; financing of the project; type of homeowners' organization, if any; and all other information local administrative agencies and legislative bodies may require for analysis for approval or denial of a special use permit.

The preliminary plan shall contain the following:

1. Written documentation giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development including phasing of residential, public, and commercial areas; and future selling and/or lease intentions and accompanying management techniques.
2. Graphic presentations including a base map with topographic identification (preferably using five (5) foot contour intervals) and important environmental features including water bodies, vegetation (type and size) and soils. Additional maps shall contain proposed lot lines, location and floor area dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, layout of proposed and existing utility systems, general landscape plans, information pertinent to the identification of areas adjacent to the proposed development, and a general description of the architectural and landscape elements on the perimeter of the planned development.

### Section 17.04 Final Plan Requirements

Following approval of the preliminary plan, the applicant shall submit a final plan. The final plan is to encompass all the elements of the preliminary plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary development plan. The final plan shall include enough detail in written and graphic presentation to assure the Township Board that the proposed Planned Unit Development will conform to all state and local requirements as well as reflect, as closely as possible, the finished Planned Unit Development.

### Section 17.05 Approval of the Final Plan

Upon submittal of the preliminary plan to the Planning Commission and approval of a special use permit by the Planning Commission, with or without recommended modifications and stipulations, the applicant must, within a period of three (3) months to one (1) year from the date of approval of the special use permit present to the Zoning Administrator the final development plan. The Zoning Administrator shall submit the final, detailed plan to the Planning Commission, which shall review it within sixty (60) days of such submittal.

The final plan shall not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met: (1) the final plan does not violate the content of the ordinance; (2) the lot area requirement has not been changed by more than ten (10%) percent; (3) land reserved for open space (common and usable) has not been reduced by more than ten (10%) percent; and (4) the total building coverage has not increased by more than five (5%) percent.

The final plan shall include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans shall be presented in detailed character in the final plan.

Any modifications not included in the preliminary plan must be reviewed by the Planning Commission. Legal documents, such as easements, agreements, the final draft of articles of incorporation, and any indentures, as well as dedications, shall be submitted by the applicant.

The Planning Commission and members of other appropriate agencies, if any, shall review the final development plan. The Planning Commission shall then approve the final plan, disapprove it, or approve it with modifications. No public hearing is necessary, beyond the public hearing on the preliminary development plan (reference Section 17.02). If the Planning Commission gives approval, the legislative body shall accept and record site maps and plans, dedicated streets, properties and open spaces, rights-of-way, and any additional dedications within the development.

### Section 17.06 Design Requirements

The design standards incorporated into a PUD ordinance may be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to insure desired performance. These design requirements also offer incentives to developers to invest in PUDs.

**Density:** Density increases can be allowed for Planned Unit Development over and above those set forth through Exhibit "A". Since successful PUD design can occur in almost any sized area, the planned development shall not be allowed on any site of less than ten (10) acres. It should be controlled by one (1) owner or group of owners, and be planned and developed as a single unit. Density increases are to be permitted for the following amenities:

1. Character, identity, architectural and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen (15%) percent, provided these factors make a substantial contribution to the objectives of a Planned Unit Development.
2. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase, which requires approval of the Planning Commission.

**Lot Size Variations:** Lot sizes shall be computed using gross acreage computations. Land utilized for public utilities, such as easements and flood plain areas shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, and the result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum number of residential units allowed.

**Open Space:** Open space shall be distinguished as private (for personal or family use), common (for use by all homeowners in the PUD), and public (open to all members of the general public).

The following open space requirements shall be:

- a. Easily accessible to all residents of the PUD
- b. Shall comprise at least forty (40%) percent of the total gross area
- c. Not less than fifty (50%) percent of the net area of the property. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways and all other paved vehicular ways and facilities
- d. Common open space shall comprise at least twenty-five (25%) percent of the gross area of the Planned Unit Development
- e. Active open spaces for recreational purposes should not be less than six thousand (6,000) square feet in area.
- f. Any portions of the PUD site, if deemed environmentally significant by the Planning Commission or other local or state agency shall be preserved in their natural state.

**Homeowners Association:** In the event the developer institutes a homeowners' association, the following minimum criteria must be met:

- a. The homeowners' association must be set up before the homes are sold
- b. Membership must be mandatory for each homebuyer and any successive buyer
- c. The open space restrictions must be permanent, not just for a period of years
- d. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property
- e. The association must be able to adjust the assessment to meet changed needs

The developer must file a restrictive covenant with the Chippewa County Register of Deeds at the time the final plan is approved, guaranteeing those open spaces included in the final plan will remain open for their designated purposes, or for other open space uses desired by the homeowners' association.

**Environment Design Requirements:** The Planning Commission shall require the following in accordance with applicable provisions of this ordinance: the preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation and the planting of vegetation



or placement of protective cover on slopes of twenty (20%) percent or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.

Traffic Circulation: Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. Vehicular circulation systems in PUDs should not be connected with external streets to discourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and overall design of the PUD.

Private Streets: Private streets, particularly in PUDs must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radii. Those developments with homeowner's associations may maintain private streets within the development through agreements of indenture. All private streets may deviate from existing public street standards if, upon review and recommendation by local or state agencies and the Planning Commission authorizes such modifications.

Private Streets may be dedicated into the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards, and agree to dedicate these streets without compensation by the local government. The following residential street standards should be adhered to, unless the Planning Commission permits modification:

| TYPE OF STREET                       | USERS SERVED                             | REQUIRED FOOTAGE |              |
|--------------------------------------|--|------------------|--------------|
|                                      |  | RIGHT-OF-WAY     | ROAD SURFACE |
| Residential dead end or local street | 1 – 6 dwellings                          | 66               | 18           |
|                                      | 7 – 20 dwellings                         | 66               | 24           |
|                                      | 21 – 50 dwellings                        | 66               | 30           |
| Residential Collector                | 51 – 200 dwellings                       | 66               | 36           |
| Neighborhood Collector               | Over 200 dwellings or any commercial use | 66               | 36           |

Parking Standards: The following minimum requirements shall be adhered to:

- a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each.
- b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- c. Parking areas shall be screened from adjacent roads, structures and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
- d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
- f. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked so as to provide for orderly and safe loading, parking, and storage.

- g. All parking areas shall be graded and drained to dispose of all surface water without erosion, flooding, or other inconveniences.
- h. All parking areas must meet state and local agency standards.

**Perimeter Treatment:** To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30) foot buffer zone shall be established on the perimeter of the development, in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation is not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category shall be adequately screened or landscaped.

### Section 17.07 General Standards

The following guidelines shall be established in the determination of structural siting on lots; reduction of spacing is based upon standards within the existing zone.

**Building Spacing:** Residences having no windows or windows at higher levels, and have light and ventilation from other areas of the room, may decrease building spacing. Residences incorporating effective utility spaces in side yards may be eligible for reduced separation between houses. Where building configuration incorporates the above criteria, and have unusual shapes, the spacing of structures may be reduced.

**Front Yard Requirements:** Front yard requirements may be reduced if street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or through interior room design use of the front yard is minimized.

**Lot Width Requirements:** See Exhibit "A"

EXHIBIT A

| Zoning District                  | Minimum Lot or Parcel Area | Average Minimum Lot Width | Minimum Front Yard | Minimum Side Yard | Minimum Rear Yard | Dwelling Minimum Floor Area | Maximum Height of Structures <sup>3</sup> |
|----------------------------------|----------------------------|---------------------------|--------------------|-------------------|-------------------|-----------------------------|---|
| Residential (R1)                 | 15,000 sq. ft.             | 100'                      | 30'                | 10'               | 20'               | 720 sq. ft.                 | 30'                                       |
| Residential (R2)                 | 15,000 sq. ft.             | 100' <sub>1</sub>         | 54' <sub>1</sub>   | 4' <sub>5</sub>   | 15'               | 600 sq. ft.                 | 30'                                       |
|                                  | 6,000 sq. ft. <sub>2</sub> | 60' <sub>2</sub>          | 54' <sub>2,6</sub> | 4' <sub>5</sub>   | 15'               | 600 sq. ft.                 | 30'                                       |
| Agricultural (A)                 | 5 acres <sub>4</sub>       | 100'                      | 40'                | 10'               | 20'               | 600 sq. ft.                 | 35'                                       |
| Forest Recreational (FR)         | 10 acres <sub>4</sub>      | 100'                      | 40'                | 10'               | 20'               | 600 sq. ft.                 | 35'                                       |
| Institutional (Inst)             | 1 acre                     | 100'                      | 50'                | 30'               | 30'               | NA                          | 35'                                       |
| Recreational Commercial (RecCom) | 5 acres                    | 200'                      | 40'                | 25'               | 25'               | NA                          | 35'                                       |
| Residential Commercial (ResCom)  | 15,000 sq. ft.             | 100'                      | 40'                | 10'               | 20'               | 600 sq. ft.                 | 35'                                       |
|                                  | 6,000 sq. ft. <sub>2</sub> | 100'                      | 40'                | 10'               | 20'               | 600 sq. ft.                 | 35'                                       |
| Commercial (C)                   | 20,000 sq. ft.             | 100'                      | 30'                | 10'               | 20'               | NA                          | 35'                                       |
|                                  | 7,500 sq. ft. <sub>2</sub> | 100'                      | 30'                | 10'               | 20'               | NA                          | 35'                                       |
| Aviation (AV)                    | NA                         | NA                        | NA                 | NA                | NA                | NA                          | Determined by FAA                         |
| Light Industrial (I-1)           | S.I. 1 acre                | 100'                      | 75'                | 50'               | 50'               | NA                          | 35'                                       |
| Light Industrial (I-2)           | I.P. 20 acres              | 500'                      | 100'               | 75'               | 75'               | NA                          | 35'                                       |

Abbreviations: sq. ft. = square feet; NA = not applicable; S.I. = single industry; I.P. = industrial park

Footnotes:

<sub>1</sub>For each lot without public water and sewer

<sub>2</sub>For each lot with public water and sewer (Amended June 16, 2003)

<sub>3</sub>For certain properties adjacent to or near the airport, height limitations may be specified in deed restrictions.

<sub>4</sub>Single family dwellings may be erected on a parcel of land less than required following the requirements of the R-1 District

<sub>5</sub>For reconstruction of damaged duplex units in Cedar Grove Estates #1, #2, and #3, the side yard setback shall not apply

<sub>6</sub>The front yard setbacks shall be measured from a point at the edge of the pavement in Cedar Grove Estates #1, #2, & #3, and Windermere Condominiums, the front yard setback may be reduced to thirty-

four (34) feet, provided no vehicles are parked on the sidewalk portion of the driveway and providing the setback is of sufficient distance to ensure no encroachment into the road right of way.

EXHIBIT B

Family Dwelling – Minimum Floor Area

| <b>Dwelling Type</b> | <b>Minimum Floor Area Per Unit</b> |
|----------------------|------------------------------------|
| Efficiency           | 240 sq. ft.                        |
| 1 Bedroom Unit       | 320 sq. ft.                        |
| 2 Bedroom Unit       | 420 sq. ft.                        |
| 3 Bedroom Unit       | 520 sq. ft.                        |
| 4 Bedroom Unit       | 620 sq. ft.                        |
| Duplex Two-Family    | 600 sq. ft.                        |

ARTICLE XVIII ADMINISTRATION AND ENFORCEMENT

Section 18 .01 Zoning Administrator

A Zoning Administrator, who shall be appointed by the Kinross Charter Township Board for such term and subject to such conditions as said Board deems desirable to carry out the provisions of this ordinance, shall administer the provisions of this ordinance. The Zoning Administrator shall hold office at the pleasure of the Township Board and receive such compensation as shall be determined by the Board. The Board may also appoint a Deputy Administrator under such conditions, for such term, and for such compensation as the Board may deem desirable, to work under and assist the Zoning Administrator in the discharge of the duties of the office.

Section 18.02 Duties and Powers of the Zoning Administrator

The Zoning Administrator shall enforce this ordinance, and shall:

- a. Approve all zoning permits and certificates of compliance.
- b. Conduct inspections of all buildings and structures and the use of all lands subject to the provisions of this ordinance to determine compliance.
- c. Maintain permanent and correct records of this ordinance including, but not limited to zoning permits, compliance certificates issued, non-conforming uses, maps, amendments, special use permits, exceptions, variances and appeals; and report the same to the Township Board annually.
- d. Provide and maintain a public information office relative to all matters arising out of the administration of the ordinance.
- e. Investigate all applications for uses subject to special approval and variances addressed to the Township Planning Commission and Zoning Board of Appeals, and report findings to said Commission and Board.
- f. Initiate appropriate action for proceedings to prevent, restrain, correct, or abate any illegal act in violation of this ordinance.

### Section 18.03 Record of Non-Conforming Uses

1. A record of all instances of uses, location, size and construction of buildings, structures, premises, lots, and lands which are not in conformity with the provisions of this ordinance shall be annually reviewed by the Zoning Administrator. Such record shall contain the legal description of the property and the nature and extent of all non-conformities, and be deposited with the Zoning Administrator's permanent records.
2. Errors and omissions in such records shall be corrected upon appeal and presentation of proof to the Township Board during its first session following the close of said examination period, following which the corrected records shall be permanently filed in the office of the Zoning Administrator. The corrected record shall constitute prima facie evidence of the nature and extent of non-conformance with reference to any land, premises, lot, building, or structure existing at the time this ordinance becomes effective.
3. It shall be the duty of the Supervisor to observe these non-conformances when making property assessments, and to report annually to the Township Board on the discontinuance of any non-conformance in the Township, including the date thereof. Such reports shall be filed with the Zoning Administrator.

### Section 18.04 Zoning Permits

1. Except as otherwise provided, no dwelling or building subject to the provisions of this ordinance shall be erected, altered, enlarged, or moved upon any land, lot or premises until a permit therefore has been issued by the Zoning Administrator in conformity with the provisions of this ordinance.
2. Such permit shall be non-transferable and must be granted before any work of excavation, construction, alteration, enlargement, or movement is begun.
3. All applications for permits shall be submitted in duplicate to the Zoning Administrator not less than fifteen (15) days prior to the time when erection, alteration, enlargement or movement of a dwelling or building is intended to begin. Such application shall be accompanied by a duplicate drawing to scale showing:
  - a. The location and actual dimension of the land to which the permit is to apply
  - b. The kind of building to be erected
  - c. The width of all abutting streets and highways, easements, and public open spaces
  - d. The area, size and location of all dwelling or buildings erected or to be erected, altered, or moved upon the premises
  - e. Required yard setbacks
  - f. The front yard dimensions for the nearest building on both sides of the proposed dwelling or building

The application shall also show:

1. The location, dimensions, and description of the water supply

2. The location, dimensions, and description of sewage disposal facilities to be constructed, such as septic tanks and disposal fields, privies, or any other facility used in the disposition of human excreta, sink wastes and laundry wastes
3. The location of existing wells on the premises adjoining the premises to be built upon
4. The location of existing sewage disposal facilities on such adjoining premises

The Zoning Administrator is hereby empowered to waive the inclusion of any details specified in paragraphs (2) and (3) of this section in the case of an application where facts are not pertinent to the purpose of this ordinance.

Nothing in this section shall be construed as to prohibit the owner or his agent from preparing his own plans and specifications, provided the same are clear and legible.

For each zoning permit issued, a fee set by the Township Board shall be paid to the Treasurer who shall place the same in the Township General Fund, which shall be used for the administration of this ordinance, as directed by the Township Board. No permit shall be valid until the required fee has been paid.

Within fifteen (15) days after the receipt of the application, the Zoning Administrator shall issue a zoning permit to the owner, or his duly authorized agent, provided the dwelling or building and the land and uses thereof as set forth in the application are in conformity with the provisions of the ordinance, and when such permit is refused, the Zoning Administrator shall state such refusal in writing with cause. The Zoning Administrator shall file one (1) copy of the application with proper notations thereon, or attached thereto, relative to approval or disapproval including the date thereof, as a record. The second copy of the application shall be returned to the applicant with similar notations.

Accessory buildings when erected at the same time as the principal building on a lot and shown on the application therefore shall not require a separate zoning permit.

The Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this ordinance, or in case of any false statement or misrepresentation made in the application. The owner, or owner's duly authorized agent, shall be notified of such revocation or cancellation in writing.

#### Section 18.05 Certification of Compliance

No dwelling or building, subject to the provisions of this ordinance shall be occupied or used until a Certificate of Compliance has been obtained by the owner, or owner's duly authorized agent. Within five (5) days after notification that the dwelling or building is ready for occupancy, the Zoning Administrator shall make final inspection thereof, to assure conformity with the provisions of this ordinance. Zoning Administrator shall also record this action, including the date, on the copy of the application retained on file as a record.

#### Section 18.06 Violations

Buildings and structures erected, altered, moved, or converted, or any use of land or premises carried on in violation of any provision of this ordinance are hereby declared to be nuisance. The Zoning

Administrator shall inspect each alleged violation and shall order correction in writing to the owner of the premises of all conditions found to be in violation.

#### Section 18.07 Corrections

The owner shall within forty-eight (48) hours after receipt of notification of violation, suspend operation and/or construction of conditions found to be in violation. Upon suspension of said non-conforming use, the owner may correct conditions found to be in violation within sixty (60) days following issuance of written notice to correct. If not corrected, violations shall be remanded to the court for prosecution. If the owner shall neglect or refuse to suspend the non-conforming use as directed while making corrections, the above sixty (60) day period shall be nullified and the violation shall be subject to immediate prosecution.

#### Section 18.08 Enforcement and Penalties

The Township may enforce any violation of this Ordinance by resorting to one of the following:

- **Criminal Enforcement:**  
Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$1,000.00, or shall be imprisoned in the Chippewa County jail for not more than ninety (90) days or both, such fine and imprisonment at the discretion of the court.
- **Municipal Civil Infraction Citation:**  
Any person who is found responsible or admits responsibility for violation of this ordinance shall be subject to a civil fine and costs. The civil fines are set forth in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.132, unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine costs of the action, which are not limited to the costs taxable in any ordinary civil action and may include all expenses, direct and indirect, including attorney fees, that the Township bears in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of less than \$100.00 nor more than \$1,000.00 be ordered.
- **Municipal Civil Infraction Violation Notice:**  
Municipal civil infraction violation notices shall be issued and served by authorized township officials under the same circumstances and upon the same persons as municipal civil infraction citations, as provided in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.132. Any person who receives a municipal civil infraction violation notice (as opposed to a citation) may choose to dispose of the municipal civil infraction at the Kinross Charter Township Police Department by admitting responsibility and paying the scheduled fine. The Kinross Charter Township District Police Department shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation.

#### Section 18.09 Proceedings

The Township Board, the Planning Commission, the Zoning Administrator, or any owner of real estate may institute injunction mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance, use or violation. The

rights and remedies provided herein are cumulative, and in addition to all other remedies provided by law.

## ARTICLE XIX BOARD OF APPEALS

### Section 19.01 Board of Appeals

There is hereby created a Board of Appeals which shall perform its duties and exercise its powers as provided by Act 184 of Public Acts of 1943 as amended in such a way that the objectives of this ordinance shall be observed, public safety secured and substantial justice done.

### Section 19.02 Establishment and Membership

As provided by said Act, the Board of Appeals shall consist of not less than five (5) members, the first (1st) member of such Board shall be a member of the Township Planning Commission; the second (2nd) member may be a member of the Township Board appointed by the Township Board; and the third (3rd), fourth (4th) and fifth (5th) members shall be selected and appointed by the Township Board from electors residing in the unincorporated area of the Township. No elected officer of the Township shall serve as chair of the Board of Appeals. No employee of the Township Board may serve simultaneously as a member of the Board of Appeals. The Township Board shall provide for the removal of any member for non-performance of duty or misconduct in office. A member shall disqualify himself from a vote in which he has a conflict of interest.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive Board of Appeals meetings. An alternate member may also be called to serve as a regular member for purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

### Section 19.03 Terms of Office

Members shall serve terms of three (3) years, except that members serving by virtue of their membership on the Planning Commission and Township Board shall serve a term expiring at the expiration of their terms on the Planning Commission or Township Board.

### Section 19.04 Quorum

The Board of Appeals shall not conduct business unless a majority of the members are present.

### Section 19.05 Meetings of Board of Appeals

Meeting of the Board of Appeals shall be held at the call of the chair and at such other times as the Board in its rules of procedure may specify. The chair, or in his absence the acting chair, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Zoning Administrator and shall be a public record.



### Section 19.06 Jurisdiction and Appeals

The Board of Appeals shall act upon all questions as they may arise in the administration of the zoning ordinance, and may fix rules and regulations to govern its procedure sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision, or determination made by the Planning Commission, the Township Board, the Zoning Administrator, or any administrative official charged with enforcement of this ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to act under the provisions of this ordinance. Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the County or State. The grounds of every determination shall be stated.

Appeals shall be taken within thirty (30) days and specify the grounds thereof.

Any appeal stays all proceedings in furtherance of the action appealed, unless the stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court.

The Board of Appeals shall fix a time for the hearing of the appeal and give due notice thereof to the parties and decide the same within thirty (30) days of receipt of the appeal. Upon the hearing any party may appear in person, by their agent or by attorney. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination, and may issue or direct the issuance of a permit. The Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations, or provisions so that the spirit of the ordinance shall be observed, public safety secured and substantial justice be done. The decision of such Board shall not be final, and any person having an interest affected by any such ordinance shall have the right to appeal to the Circuit Court.

### Section 19.07 Interpret

The Board of Appeals shall have the power to hear and decide upon requests for interpretation of the provisions of this ordinance and accompanying zoning map.

### Section 19.08 Variance

The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the BASIC conditions listed herein and any ONE (1) of the SPECIAL conditions listed hereafter can be satisfied.

BASIC CONDITIONS - any variance granted from this ordinance:

1. Will not be contrary to the public interest or to the intent and purpose of this ordinance.
2. Will not cause a substantial adverse effect upon property values in the immediate vicinity, in the district in which the property of the applicant is located or in similar districts throughout the Township.
3. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.

4. Will relate only to property that is under control of the applicant.

SPECIAL CONDITIONS - when ALL of the foregoing BASIC CONDITIONS can be satisfied, a variance may be granted when any ONE (1) of the following SPECIAL CONDITIONS can be clearly demonstrated:

- a. Where there are practical difficulties or unnecessary hardships, which prevent carrying out the strict letter of this ordinance. These hardships or difficulties shall not be deemed economic, but evaluated in terms of the use of the particular parcel of land.
- b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same Zoning District. Such circumstances or conditions shall not have resulted from any act of the applicant after the adoption of this ordinance.
- c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.

Rules - the following rules shall be applied in the granting of variances:

1. The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit granted.
2. Each variance granted under the provisions of this ordinance shall become null and void unless: the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance and the occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance.
3. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds, or newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

## ARTICLE XX VALIDITY

This ordinance and the various parts, sections, subsections, 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 section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more sections, subsections, phrases, sentences, or clauses be declared invalid.

## ARTICLE XXI AMENDMENTS

Amendments or supplements to this ordinance may be adopted from time to time in the same manner as provided by the Township Zoning Act, Public Act No. 184 of 1943 for the enactment of the original ordinance.

### Section 21.01 Initiation

Proposals for amendment may be submitted to the Township Board by the Township Planning Commission, Zoning Board of Appeals, or by written petition signed by any property owner in the Township. The petition shall be accompanied by the fee prescribed in the fee schedule of this ordinance to cover cost of advertising public hearing and investigation. A request for re-zoning a property shall be considered an amendment to the zoning ordinance, since the zoning map is a portion of this ordinance.

### Section 21.02 Action by Planning Commission

All amendments or supplements shall be referred to the Township Planning Commission for study, recommendation, and public hearing. The Planning Commission shall hold not less than one (1) public hearing, notice of which shall be given by two (2) publications in a newspaper of general circulation in the Township, if available, as well as social media outlets, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of the hearing. The notices shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined.

When any amendment proposes the rezoning of any premises, the Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all person to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be made not less than eight (8) days before the hearing.

Following the hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County as required by Section 10 of Public Act No. 184 of 1943. The Planning Commission shall transmit a summary of comments received at the public hearing along with the proposed amendment to the Township Board.

### Section 21.03 Action by Township Board

The Township Board may hold additional public hearing if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township, if available, as well as social media outlets not more than fifteen (15) days or less than five (5) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed by Section 11 of Public Act No. 184 of 1943.

Once adopted by the Township Board, amendments to this ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township if available, as well as social media outlets, within fifteen (15) days after adoption. Any amendments to this ordinance shall take effect upon the expiration of seven (7) days following publication, or at such later date after publication as may be specified by the Township Board.

ARTICLE XXII  
REPEAL OF PRIOR ORDINANCE,  
ENACTMENT OF NEW ORDINANCE,  
EFFECTIVE DATE

Section 22.01 Repeal of 1999 Zoning Ordinance

The 1999 Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.

The 1999 Zoning Ordinance regulating the development and use of land was adopted by the Township Board of the Charter Township of Kinross, Chippewa County, Michigan and took effect upon publication on September 7, 1999.

Section 22.02 Enactment of 2021 Zoning Ordinance

Public Hearing was held on the sixteenth (16th) day of February, 2021, for this 2021 Zoning Ordinance of the Charter Township of Kinross, and the ordinance was adopted by the Kinross Charter Township Board of Trustees at a regular meeting held on the seventh day of February, 2021.

Notice of Adoption shall be published in a newspaper having general circulation in Kinross Charter Township within fifteen (15) days after adoption.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on February 16, 2021, and approved by me on February 16, 2021.

---

James R. Moore, Supervisor  
Charter Township of Kinross

ATTEST:

---

Sheila M. Gaines, Clerk  
Charter Township of Kinross

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, State of Michigan, at a regular meeting held on March 17, 2014, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

---

Sheila M. Gaines, Township Clerk