

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## ARTICLE 1 – TITLE, PURPOSE AND LEGAL CLAUSE

### SECTION 1.01 TITLE

This Ordinance shall be known and may be cited as “The Zoning Ordinance of Rudyard Township”

### SECTION 1.02 – REPEAL OF ORDINANCE

The Rudyard Township Zoning Ordinance adopted in 1976, and all amendments thereto are hereby repealed effective coincident with the effective date of this Ordinance.

### SECTION 1.03 – PURPOSES

An ORDINANCE to establish Zoning Districts and regulations governing the development and use of land within the Township of Rudyard in accordance with the provisions of the MICHIGAN ZONING ENABLING ACT, Act 110 of 2006.

This Ordinance has been established for the purpose of:

1. Promoting and protecting the public health, safety and general welfare;
2. Protecting the character and stability of the agricultural, recreational, residential and commercial areas within Rudyard Township and promoting the orderly and beneficial development of such areas;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Regulating the intensity of the use of land and lot areas and determining the areas of open spaces surrounding building and structures necessary to provide adequate light and air and to protect the public health;
5. Providing for the needs of the agriculture, recreation, residence, commerce, and future growth;
6. Promoting healthful surroundings for family life in residential and rural areas;
7. Fixing reasonable standards to which building and structures shall conform;
8. Prohibiting uses, buildings or structures which are incompatible with the character of development or uses, buildings or structures permitted within specified Zoning Districts;
9. Preventing such additions to, or alteration or remodeling of existing buildings or structures in such a way as to avoid the regulations and limitations imposed hereunder;
10. Protecting against fire, explosions, noxious fumes and odors, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisance and hazards in the interest of the public health, safety, general welfare;
11. Promoting the wise use of the land in the public interest so far as is possible and appropriate in each Zoning District by regulating the use and the bulk of the buildings in relation to the land surrounding them;
12. Conserving the value of the land, buildings, and structures throughout the Township;
13. Providing for the completion, restoration, reconstruction of non-conforming structures/uses;
14. Promoting the protection of ground water resources;
15. Creating a Board of Appeals and defining the power and duties thereof;
16. Designating and defining the powers and duties of the official or officials in charge of the administration and enforcement of this Ordinance;
17. Providing for the payment of fees for Zoning Compliance Permits; and
18. Providing penalties for the violation of this Ordinance.

### SECTION 1.04 – VALIDITY AND SEVERABILITY CLAUSE

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

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If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building, or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot district, use, building, or structure not specifically included in said ruling.

## SECTION 1.05 – CONTINUATION OF PROSECUTION FOLLOWING REPEAL

The passage of this Ordinance does not affect the right of the Township of Rudyard to prosecute any violation of the previous Zoning Ordinance, if the violation occurred while the previous Zoning Ordinance was in effect.

## SECTION 1.06 – CONFLICT WITH OTHER LAWS

1. Where any condition imposed by any provision of this Ordinance upon the use of any lot, building, or structure is either more restrictive or less restrictive than any comparable condition imposed by any other provision of this Ordinance or by the provision of an Ordinance adopted under any other law, the provision which is more restrictive or which imposes a higher standard of requirement shall govern.
2. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement than such easement, covenant or other private agreement, the provision of this Ordinance shall govern.

## SECTION 1.07 – EFFECTIVE DATE

This Ordinance adopted by the Township Board of Rudyard Township, Chippewa County, Michigan at a meeting held on \_\_\_\_\_ (June 17, 2008). This Ordinance is effective on \_\_\_\_\_ (July 17, 2008), following publication of a Notice of Adoption in a newspaper of general circulation within the township.

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## **ARTICLE 2 – DEFINITIONS**

### **SECTION 2.01 – PURPOSE**

For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, the present tense includes the future; words used in the singular also refer to the plural. The word “shall” is always mandatory and not merely permissive. The “person” includes a firm, association, organization, partnership, trust, company,, or corporation as well as an individual, or any other legal entity. The words “used” or “occupied” include the words “intended”, “designed”, or “arranged” to be used or “occupied”. Words referring to the male gender (i.e. “he” or “him”) also refer to the female gender.

### **SECTION 2.02 – DEFINITIONS**

**ABANDONMENT:** The use of a property has ceased and the property has been vacant for 12 months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent or use the property for a legally permissible use.

**ACCESSORY BUILDING/STRUCTURE:** A subordinate building detached from but located on the same lot as a principle building – this includes garages, decks, fences and sheds.

**ACCESSORY USE:** A use that: (1) is subordinate in area, extent, and purpose to the principle use; (2) contributes to the comfort, convenience or necessity of the principle use; (3) is located on the same lot as the principle use.

**AGRICULTURE:** The use of land for agricultural purposes, including, but not limited to: farming, dairying, pasturage, agriculture, horticulture, viticulture, and animal, and poultry husbandry, and the necessary accessory uses for storing products. The term shall include incidental retail sales by the producer of products raised on the farm.

**AIRPORT:** Any area of land or water designated, set aside, used or intended for use for the landing and take-off of aircraft, and any areas designated, set aside, used or intended for use for airport buildings or other airport facilities, rights of way, or approach zones, together with all airport buildings and facilities located thereon.

**APARTMENT:** One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.

**APPLICANT:** The party applying for permits or other approval required by this Ordinance.

**APPLICATION:** The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the applicable department, board, or commission of the Township.

**BASEMENT:** That portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation.

**BED AND BREAKFAST:** An establishment where the resident owner of a detached, single-family dwelling offers in exchange for compensation overnight transient lodging and breakfast to no more than eight (8) persons per night. For the purpose of this definition, “transient lodging” means lodging for less than thirty (30) consecutive days.

**BLIGHT:** Unsightly condition including the accumulation of debris, litter, rubbish, or rubble: fences characterized by holes, breaks, rot, crumbling, cracking, peeling, or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damage, and any other similar conditions of disrepair and deterioration regardless of the condition of other properties in the neighborhood.

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**BOARDING HOUSE:** A single-family dwelling where more than two, but fewer than six rooms are provided for lodging for definite periods of times. Meals may or may not be provided, but there is one common kitchen facility. No meals are provided to outside guests.

**BOILERS/OUTSIDE WOOD BURNING:** Accessory structure used for heating of main dwelling and related structures; see Section 3.15 for Zoning Districts, permitted uses and conditions for approval.

**BUFFER:** An area of land, including landscaping, berms, walls, fences, and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.

**BUILDING:** A structure having a roof supported by columns or walls for shelter, support, or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such structure shall be deemed a separate building.

**BUILDING PERMIT:** A document issued by the County Building Department or their authorized representative, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a building which acknowledges that such use or building complies with the provisions of the Township Zoning Ordinance or an authorized variance therefrom.

**BUILDING PRINCIPAL:** A building in which the primary use of the lot on which the building is located is conducted.

**BUILDING SITE:** A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a principle building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title and having its required frontage on a street, road, highway, or waterway or accessible by legal easement.

**BYLAWS:** Rules adopted by a board which govern its procedures.

**CAMPGROUND:** Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, camping trailer, or tents for dwelling, lodging or sleeping purposes and is held out as such to the public. Campground does not include any manufactured housing community.

**CAR WASH:** The use of a site for washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.

**CERTIFICATE OF OCCUPANCY:** A document signed by the building inspector as a condition precedent to the commencement of a use after the construction/reconstruction of a structure or building which acknowledge that such use, structure, or building complies with the provisions of this Ordinance.

**CERTIFIED SURVEY:** A survey, sketch, plan, map, or other exhibit containing a written statement regarding accuracy or conformity to specified standards certified and signed by the registered surveyor under whose supervision said survey was prepared.

**CHURCH:** A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized for public worship, together with all accessory buildings and uses such as daycare, homeless shelter, etc. Includes synagogue, temple, mosque, or other such place for worship and religious activities.

**COMMUNICATION TOWER:** A structure including but not limited to monopole, skeleton framework or other design which is attached directly to the ground or to another structure which supports one or more antennae used for the transmission or reception of radio, television, microwave or any other form of telecommunication signals.

**CONDITIONAL USE:** A use essentially compatible with uses permitted in a Zoning District, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities and adjacent uses of land. A Conditional

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Use is permitted in a particular district only after review by the Planning Commission and issuance of a permit by the Rudyard Township board, in accordance with the standards set forth in this Ordinance. A Conditional Use is referred to as a special land use in the Zoning Enabling Act.

**CONSERVATION:** The management of natural resources to prevent waste, destruction or degradation.

**CONSERVATION, AGRICULTURAL LAND:** The planting of soil-nourishing plants and trees to achieve soil conservation and environmental benefits, including but not limited to soil nourishment, prevention of soil erosion, improvement of air quality and habitat restoration.

**DAIRY:** An area of land on which cows are kept for the purpose of producing dairy products in commercial quantities, as well as the related buildings, equipment and processes.

**DUPLEX:** A structure containing two dwelling units, each of which has direct access to the outside.

**DWELLING UNIT:** A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

**ESSENTIAL SERVICES:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead communication, electrical, steam, gas, fuel, or water transmission or distribution systems, collection, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and traffic signals, hydrants, and similar accessories in connection therewith but not including structures that are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, and welfare.

**FAMILY:** A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities: (1) any number of people related by blood, marriage, adoption, guardianship, or duly-authorized custodial relationship; (2) two unrelated people and any children related to either of them; (3) not more than six people who are: (a) residents of a "Family Home" as defined in the state code and this Ordinance; or (b) "handicapped" as defined in the Fair Housing Act and this Ordinance. Family does not include any society, club, fraternity, sorority, association, lodge combine, federation coterie, or like organization; any group of individuals whose association is temporary or seasonal in nature; any group of individuals who are in a group living arrangement as a result of criminal offenses.

**FENCE:** An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**FLOODPLAIN:** A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation, or an area subject to the unusual and rapids accumulation or runoff or surface waters from any source.

**FOREST LAND:** Land primarily devoted to forest management activities.

**FORESTRY OPERATIONS:** The use of land for the raising and harvesting of timber, pulp woods and other forestry products for commercial purposes, including the temporary operation of a sawmill and or chipper to process the timber cut from that parcel or contiguous parcels. Excluded from this definition shall be the cutting of timber associated with land development approved by the jurisdiction, which shall be considered accessory to the development of the property.

**GARAGE, PRIVATE:** A detached accessory building or portion of a main building housing the automobiles of the occupants of the premises, but not commercial vehicles.

**GARAGE, PUBLIC:** A building or portion thereof, designed or used for equipping, servicing, repairing, selling, storing or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop, not the rebuilding, dismantling, or storage of wrecked or junked vehicles.

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**GAS STATION/MINIMART:** Any building, structure, or area of land used for the retail sale of automobile fuels, oil, and accessories where repair service, if any, is incidental. May include the sale of propane or kerosene and other items typically found in a convenience store.

**GLARE:** Light directed at a viewer's eye, either from a source reflected or refracted.

**GOLF COURSE:** An area or course for playing golf, consisting of at least nine holes, except miniature golf within which the playing area is not artificially illuminated.

**GRADE:** The elevation established for the purpose of regulating the number or stories and the height of buildings. Grade shall be the mean level of the finished surface of the ground adjacent to the exterior walls of the buildings.

**GRADE, EXISTING:** The vertical elevation of the ground surface prior to excavating or filling.

**GRADE, FINISHED:** The final grade of the site that conforms to the approved plan.

**GROUNDWATER:** The supply of freshwater under the surface in an aquifer or soil that forms a natural reservoir.

**HOME OCCUPATION:** An occupation or profession that is accessory to a residential use and is customarily carried on in a dwelling unit or carried on by a member of the family residing in the dwelling unit or clearly incidental and secondary to the use of the dwelling unit for residential purposes.

**HOTEL:** A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined.

**ILLUMINATION:** Light directed at a working surface or into a space to be illuminated.

**INDUSTRY:** The manufacture, fabrication, processing, reduction, or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof and includes storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**JUNK:** Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage. Worn-out, cast off, or discarded articles or materials that have been collected or stored for salvage, destruction, or conversion to some use, but not including articles or material that, unaltered or unchanged and without further reconditioning, can be used for its original purpose as readily as when new.

**KENNEL:** Any premises, except where accessory to an agricultural use, where domestic animals such as dogs and cats are boarded, trained, or bred. Any place where four or more dogs, cats, or other animals over three months of age are kept, raised, sold, boarded, bred, shown, treated or groomed.

**LANDFILL:** A lot or parcel of land or part thereof used primarily for the disposal, by abandonment, dumping, burial, burning, or any other means of garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof or waste material of any kind.

**LIGHTING, CUT OFF TYPE:** A luminaire with elements such as shields, reflectors, or refractor angles that direct and cut off the light at cutoff angle less than 90 degrees.

**LIGHTING, ARTIFICIAL:** Any fixed source of light emanating from a manmade device, including but not limited to incandescent mercury vapor, metal halide or sodium lamps, LED's, spotlights, streetlights, construction or security lights.

**LIGHT SHIELD:** An opaque box or other device that eliminates or greatly diminishes glare. (4.03 1)

**LIGHT SOURCE:** A single artificial point source of luminescence that emits measurable radiant energy in or near the visible spectrum.

**LIVESTOCK:** Generally accepted outdoor farm animals (i.e. cows, goats, horses, pigs, barnyard fowl, etc.) not to include cats, dogs, and other house pets.

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**LOT:** A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance, including one main building, together with any accessory buildings, open spaces, and parking spaces required by this Ordinance and having its principle frontage upon a street or upon an officially approved place.

**LOT, CORNER:** A lot located at the intersection of two or more streets.

**LOT COVERAGE:** A measure of intensity of land use that represents the portion of a site that is impervious. This portion includes but is not limited to, all areas covered by buildings, parking structures, driveways, roads, sidewalks, and any area of concrete or asphalt. In the case of lumberyards, areas where lumber is stored also constitutes impervious surfaces.

**LOT DEPTH:** The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the rear most point of the lot where there is no rear lot line.

**LOT FRONTAGE:** The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right of way. All sides of a lot that abuts a street shall be considered frontage.

**LOT LINE, FRONT:** In the case of an interior lot, a line separating the lot from a street or place and in the case of a corner lot, a line separating the narrowest frontage of the lot from the street.

**LOT LINE, REAR:** The lot line opposite the front lot line.

**LOT LINE, SIDE:** Any boundary of a lot that is not a front lot line, or a rear lot line.

**LOT, NON-CONFORMING:** A lot lawfully existing at the effective date of this Ordinance, or any subsequent amendment thereto which is not in conformity with all provisions of this Ordinance.

**LOTS OF RECORD:** A lot that is part of a recorded subdivision or a parcel of land that has been recorded at the county recorder's office containing property tax records.

**LOT, THROUGH:** A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**LOT, WIDTH:** The horizontal distance between side lot lines measured at the required front set back.

**LUMBER YARD:** An establishment where lumber and other building materials such as brick, tile, cement, insulation, roofing materials, and the like are sold at retail. The sale of items, such heating and plumbing supplies, electrical supplies, paint, glass hardware, and wallpaper is permitted at retail and deemed to be customarily incidental to the sale of lumber and other building materials.

**MANUFACTURED HOUSING:** A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Acts, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

**MASTER PLAN:** A compilation of policy statements, goals, and objectives, standards, maps, and statistical data for the physical, social and economic development, both public and private, of the community.

**MOBILE HOME:** A transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings.

**MOBILE HOME PARK:** A parcel of land under an ownership that has been planned and improved for the placement of two or more mobile homes for rental purposes or for sale for non-transient use.

**MOTEL:** A building (or group of buildings) containing living or sleeping accommodations used only for transient occupancy.



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**MOTOR VEHICLE, ABANDONED:** A vehicle that does not bear a current license plate unless said vehicle is stored within a completely enclosed building or unless it is stored on a bona fide sales lot and is in a satisfactory operating condition.

**MOTOR VEHICLE, JUNK:** Any motor vehicle, trailer, or semi-trailer that is inoperable and which by virtue of its condition, cannot be economically restored to operable condition, provided, that such vehicle, trailer, or semi-trailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than 60 days.

**NON-CONFORMING BUILDING:** The lawful use of a building or structure or portion thereof, existing at the time this Ordinance or Amendments there to take effect, and which does not conform to all the height, area, and yard regulations, prescribed in the district in which it is located.

**NONCONFORMING LOT:** Any lot of record which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the dimensional or proportional lot requirements of this Ordinance or subsequent amendment.

**NONCONFORMING STRUCTURE:** Any structure other than a sign, lawfully existing on the effective date of this Ordinance or subsequent amendment and which fails to meet the requirements of the Ordinance.

**NONCONFORMING USE:** An activity using land, buildings and/or structures for purposes which were lawfully established prior to the effective date of this Ordinance or subsequent amendment and that fails to meet the requirements of this Ordinance.

**NURSERY:** Any land used to raise trees, shrubs, flowers, and other plants for sale or for transplanting.

**NURSERY FARMS:** An operation for the cultivating, harvesting, and sale of plants, bushes, trees, and other nursery items grown on site or established in the ground prior to sale, and for related accessory sales and uses.

**NURSERY, RETAIL:** The retail housing of any article, substance, or commodity related to planting, maintenance, or harvesting of garden plants, shrubs, trees, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer.

**NURSING HOME:** A home licensed by the state for the aged or chronically or incurable ill persons in which five or more such persons not of the immediate family are provided with food and shelter or care for compensation, but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

**OBSTRUCTION, WATERCOURSE:** Any dam, wall, wharf, embankment, levee, dike, pile, abutment, project, excavation, channel, rectification, bridge conduit, culvert, building, wire fence, rock gravel, refuse, fill, structure or matter in, along, across, or projecting into any channel watercourse, or regulatory flood hazard area that may impede, retard, increase, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water or that is placed where the flow of water might carry the same downstream to damage of life or property.

**OCCUPANCY:** The use of land, buildings or structures. Change of occupancy is not intended to include change of tenants or proprietors.

**OFFICE:** A room or group of rooms used for conducting the affairs of a business profession, service industry or government.

**OFFICE BUILDING:** A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper, or candy stand.

**OFFICIAL MAP:** A map, adopted by a legislative body through a resolution or ordinance, showing existing streets and approved proposed streets, parks, and other public places.

**ORDINANCE:** A law or regulation set forth and adopted by a governmental authority, usually a city, township, or county.



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**OWNER OF RECORD:** One who has complete control over particular property and who is the one in whom legal or equitable title rests; when applied to a building or land, owner means any part owner, joint owner, owner of a community or partnership interest, trust, estate, life tenant in common, or joint tenant, of the whole or part of such building or land.

**PARK:** Any public or private land available for recreational, educational, cultural, or aesthetic use.

**PARK LAND:** Land that is publicly owned or controlled for the purpose of providing parks, recreation or open space for public use.

**PARKING LOT:** An authorized area not within a building where motor vehicles are stored for the purpose of temporary, daily, or overnight off-street parking. To include Park-and-Ride lots.

**PARKING, OFF-STREET:** Space occupied by automobiles on premises other than streets.

**PERMIT, CONDITIONAL USE:** A permit issued by the Township Planning Commission stating that the Conditional Use complies with the conditions and standards set forth in this Ordinance.

**PET SHOP:** A retail sales establishment primarily involved in the sale of domestic animals, such as dogs, cats, fish, birds, and reptiles, excluding exotic animals and farm animals such as horses, goats, sheep and poultry.

**PLANNING COMMISSION:** A group of people appointed by the Township Board that administer planning and land-use regulations for the township, and provide recommendations to the Township Board on a wide variety of land use and land use policy issues.

**POINT OF LIGHT SOURCE:** A lighting source, direct, reflected, or refracted which produces glare.

**PROFESSIONAL ENGINEER:** An engineer registered in the State of Michigan.

**PUBLIC UTILITY:** A person, firm, corporation, municipal department, board, or commission, duly authorized to furnish and furnishing under federal, state, or municipal regulations, to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

**PUBLIC PLACE:** Open space, including any park, lake, stream, stadium, athletic field, playground, school yard, street, avenue, plaza, square, bus, train or railroad depot, station, terminal, cemetery, open space adjacent thereto, or any other place commonly open to the public, including but not limited to, areas on private property commonly open to the view by the public.

**QUARRY:** An open pit from which building stone, sand, gravel, mineral, or fill is taken to be processed for commercial purposes.

**RAILROAD CROSSING:** A place where a public road or right-of-way intersects with railroad lines or tracks and one crosses over the other. This term shall include the entire width of the right-of-way of the public road and the entire width of the railroad right-of-way at the place of crossing.

**RAILROAD FREIGHT DEPOT:** A rail facility for freight pick-up or distribution, may include intermodal distribution facilities for truck or shipping transport.

**RECYCLING COLLECTION CENTER:** A collection point for small recyclable items and materials, such as cans, bottles, newspapers, and secondhand goods, and used motor oil. Activities of a recycling collection center area limited to sorting, compacting, and transferring.

**RECREATIONAL STRUCTURE:** A cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency.

**RESORT:** A group or groups of buildings containing more than five units and/or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffleboard, tennis, and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities.

**RESTAURANT:** A structure in which the principal use is the preparation and sale of food and beverages.

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**RESTAURANT, DRIVE-IN:** An establishment whose primary business is serving food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure.

**RIGHT-OF-WAY:** The line determining the street or highway public limit or ownership. A public or private area that allows for the passage of people or goods. Right-of-way includes passageways such as freeways, streets, roads, bike paths, alleys and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.

**ROADSIDE STAND:** A temporary structure not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located. No roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one premise.

**SALVAGE YARD:** Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles that are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, or any motor vehicle, the sum of which parts or material shall be equal in bulk to two or more motor vehicles. Such terms shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials that are parts of a motor vehicle or cut up the parts thereof.

**SELF-SERVICE STORAGE FACILITY:** A facility used for the storing of household and personal property with no commercial transactions permitted other than the rental of the storage units.

**SETBACK:** The required distance between every structure and the lot lines of the lot on which it is located.

**SETBACK, FRONT:** The minimum allowable distance from the front lot line to the closest point of the foundation of a building or project thereof, parking lot, or detention pond.

**SETBACK REAR:** The shortest distance between the rear lot line and the rearmost point of any structure.

**SETBACK, SIDE:** The shortest distance between the building line and the side lot line.

**SIGN:** Any device (including, but not limited to, letters, words, numerals, figures, emblems, pictures or any part or combination) used for visual communication intended to attract the attention of the public and visible to the public right-of-way or other properties. The term "sign" shall not include any flag, badge or insignia of any governmental unit nor shall it include any item of merchandise normally displayed within a show window of a business.

**SIGN, ABANDONED:** Any sign that advertises a business, lessor, owner, product, service, or activity that is no longer located on the premises where the sign is displayed.

**SIGN AREA:** The entire face of the sign including the advertising surface and any framing, trim, or molding, but not including the supporting structure.

**SIGN, AWNING:** A sign incorporated into or attached to an awning.

**SIGN HEIGHT:** The vertical distance from the upper-most point used in measuring the area of a sign to the average grade immediately below and adjoining the sign.

**SIGN, HOME OCCUPATION:** A sign containing only the name and occupation of a permitted home occupation.

**SIGN, OFF-PREMISE:** A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

**SITE PLAN:** A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

landscape features- both natural and manmade, and depending on requirements, the locations of proposed utility lines.

**SOLID WASTE FACILITY:** Establishment for the disposition of unwanted or discarded material, including garbage with insufficient liquid content to be free flowing.

**STABLE, COMMERCIAL:** A lot that may be used for commercial riding stable open to the general public, boarding of horses not involved with current breeding or training, training involving large groups of eight or more students, polo fields, or arenas used for scheduled, public, or club events, and those uses permitted on a ranch.

**STRUCTURE:** Anything constructed or erected that requires location on the ground or attached to something having location on the ground.

**TAVERN:** An establishment serving alcoholic beverages in which the principle business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may be available for consumption on the premises. Dancing and musical entertainment are permitted.

**TENT:** Any temporary structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric or a similar pliable material.

**UNDERGROUNDING:** The placement of utility lines below ground, with the removal of above ground poles, wires, and structures as applicable.

**USE, NON-CONFORMING:** A use that was valid when brought into existence, but by subsequent regulation becomes no longer conforming. This may be a structure, use, or parcel of land.

**USE, PERMITTED:** A use permitted in a District without the need for special administrative review and approval, upon satisfaction of the standards and requirements of this Ordinance.

**USE, PRIMARY OR PRINCIPLE:** The primary use of any lot.

**VACANT:** Lands or buildings that are not actively used for any purpose.

**VARIANCE:** Permission to depart from this Ordinance when, because of special circumstances applicable to the property, strict application of the provisions of this development code deprives such property of privileges enjoyed by other property in the vicinity that is under identical Zoning.

**VIDEO RENTAL STORE:** An establishment primarily engaged in the retail rental or lease of electronic media. Sales of these items and electronic merchandise associated with these items are permitted accessory uses.

**WATER TABLE:** The upper limit of the portion of the soil that is completely saturated with water. The seasonal high-water table is the highest level to which the soil is saturated.

**WATERCOURSE:** Natural or once naturally flowing (perennially or intermittently) water including rivers, streams, and creeks includes natural waterways that have been channelized, but does not include manmade channels, ditches, and underground drainage and sewage systems.

**WATERSHED:** A land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

**WETLAND:** Those areas that are inundated and saturated by surface or ground water at a frequency and duration sufficient to support and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated solid conditions, including swamps, marshes, bogs and similar areas.

**WIND ENERGY CONVERSION SYSTEMS:** Refer to Section 3:17

**WIRELESS COMMUNICATIONS:** All structures and accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

and towers, telephone transmission equipment buildings, and public, private, and commercial mobile radio service facilities.

**YARD:** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upwards.

**ZONE OR ZONING DISTRICT:** Any Zone as shown on the Township's Zoning Map for which there are uniform regulations governing the use of buildings and premises.

**ZONING ADMINISTRATOR:** Generally the local official responsible for granting Zoning Permits and following a determination by the Zoning Board, for Conditional Use Permits and variances. Decisions of the Zoning Administrator are appealable.

## **ARTICLE 3 – GENERAL PROVISIONS**

### **SECTION 3.01 – ESTABLISHMENT OF DISTRICTS**

The Township is hereby divided into the following Zoning Districts as shown on the Official Zoning Map, which is hereby adopted and declared to be a part of this Ordinance.

- o Village Center District
- o Business/Mixed Use District
- o Residential
- o Agriculture District
- o Recreation/Conservation District

### **SECTION 3.02 – PROVISIONS FOR OFFICIAL ZONING MAP**

For the purpose of this Ordinance the Zoning Districts as provided in Section 3.01 of the Ordinance are bounded and defined as shown on a map entitled "Official Zoning Map of Rudyard Township" a copy of which, with all explanatory matter thereon, is hereby made a part of the Ordinance.

### **SECTION 3.03 – IDENTIFICATION OF OFFICIAL ZONING MAP**

The Official Zoning Map of Rudyard Township shall be identified by the signature of the Township Supervisor, attested by the Township Clerk, and bear the seal of the Township under the following words.

"This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of Rudyard Township", together with the effective date of the ordinance.

### **SECTION 3.04 – CHANGES TO OFFICIAL ZONING MAP**

In accordance with the procedures of this Ordinance and of Act 184 of the Public Acts of 1943, as amended, when a change is made to a zoning boundary, such change shall be made by the Zoning Administrator promptly after the Ordinance authorizing such change shall have been adopted and published, with an entry on the Official Zoning Map as follows: On (date) by official action of the Township Board, the following changes were made on the Official Zoning Map: (brief description of change)" which entry shall be signed by the Township Supervisor and attested by the Township Clerk. No changes of any other nature shall be made unless authorized by the Planning Commission and then only by the Zoning Administrator. No change of any nature shall be made on the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 3.05 – AUTHORITY OF OFFICIAL ZONING MAP

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the only Official Zoning Map shall be located in the Township Office and be open to public inspection, and shall be the final authority as to the current zoning status of any land, parcel, lot, district, use, building or structure in the Township.

## SECTION 3.06 – INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of Zoning Districts as shown on the Official Zoning Map the following rules for interpretation shall apply:

1. The boundaries of Zoning Districts are intended to follow the centerline of highways, roads, streets, alleys, easements, section lines or be parallel or perpendicular thereto, unless such district boundary lines are otherwise marked.
2. Where district boundaries are so indicated that they approximately follow Lot of Record lines, such lines shall be construed to be boundaries.
3. A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
4. A boundary indicated as approximately following the boundary line of a village or township shall be construed as such.
5. A boundary indicated as following a river or stream shall be construed as following such center.
6. A boundary indicated as parallel to, or an extension of a feature indicated in paragraphs 1 through 5 above shall be so construed.
7. Where anything existing on the ground is at variance with the Official Zoning Map, the Zoning Board of Appeals shall interpret the zoning district boundary.

## SECTION 3.07 – APPLICATION OF REGULATIONS

No structure shall be constructed, erected, placed or maintained and no use shall be commenced or continued within Rudyard Township except as specifically authorized by this Ordinance, in the Zoning District in which said structure or use is to be located. Conditional Uses shall be allowed only if listed as a Conditional Use specifically, or by necessary implication, in the Zoning District in which the use is to be located, and only after a Conditional Use Permit has been approved by the Planning Commission, as provided in this Ordinance.

## SECTION 3.08 – SCOPE OF PROVISIONS

Except as may otherwise be provided within this Ordinance, every building and structure erected, every use of any lot and every enlargement of or addition to an existing use, after the effective date of this Ordinance shall be subject to all regulations of this Ordinance within the applicable Zoning District. However, where a building permit has been issued in accordance with the law prior to the effective date of this Ordinance and provided that construction is begun within six months and diligently pursued to completion, such building or use may be completed for which originally designated, subject thereafter to the provisions of this Ordinance.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building. No yard or lot existing at the time of adoption of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 3.09 – NUMBER OF BUILDINGS ON A LOT

Only one principle detached dwelling unit shall be located on a lot, and no more than one secondary dwelling as long as all setbacks are met.

## SECTION 3.10 – TEMPORARY DWELLING STRUCTURES

1. Temporary Dwelling – A mobile home or travel trailer may be used as a temporary dwelling by a family while building a new construction, or repairing or replacing its single-family residence rendered uninhabitable by a natural disaster.
2. Non-Residential Temporary Structure may be permitted as follows:  
A Non-Residential Temporary Structure designed as a general sales office, financial institution, construction office, or a like structure and use is permitted in Commercial and Mixed Use Zoning Districts as temporary. In no case shall a Temporary Non-Residential Structure be allowed for longer than one (1) year without approval by the Zoning Board of Appeals.  
The temporary structure shall be removed within 30 days of the issuance of a certificate of occupancy for the permanent structure.

## SECTION 3.11 – CONTINUANCE OF EXISTING NONCONFORMING USES, STRUCTURES AND LOT DIMENSIONS

1. A nonconforming use may continue in existence provided that it is neither enlarged nor extended so as to occupy additional land area on the same or any other lot or parcel.
  - a. A nonconforming structure may continue in existence, provided that it does not subsequent to the effective date of this Ordinance, becoming more nonconforming.
  - b. The provisions of this Ordinance shall not apply to prevent the use of any lot, building, or structure for any purpose prohibited by this Ordinance if such lot, building or structure was lawfully used for such purpose on the date of passing of this Ordinance, so long as it continued to be used for that purpose.
2. Nonconforming lot dimension may continue in existence, provided that they do not become more nonconforming subsequent to the effective date of this Ordinance.
3. Nothing in this Ordinance shall prevent the use of any lot, building or structure for any purpose prohibited by this Ordinance provided such lot, building, or structure was lawfully used for such purpose on the date of passing of this Ordinance.
4. Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance because restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
  - a. No such structure may be enlarged or altered provided that such enlargement or alteration does not increase the structures nonconformity.
  - b. Should such structure be moved for any reason, it shall thereafter conform to regulations for the District in which it is located after it is moved.
5. Abandonment of Nonconforming Use or Structure: If a property owner abandons a nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

- a. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
- b. Whether the property, buildings, and grounds have fallen into disrepair.
- c. Whether signs, or other indications of the existence of the nonconforming use have been removed.
- d. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
- e. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

## SECTION 3.12 – SITE DESIGN STANDARDS

The Planning Commission, in reviewing site plans conditional uses, and other reviews, shall utilize the following standards. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements and are not intended to discourage creativity, invention and innovation.

1. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity.
2. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient and insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
3. Special attention shall be given to proper site surface drainage so that the removal of surface waters will not adversely affect neighboring or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an efficient and approved manner. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.
4. Electric and telephone lines shall be underground where practicable. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
5. The standards of review outlined above shall also apply to all accessory buildings, structures, freestanding signs and other site features, however, related to the major buildings and structures.
- 6.

## SECTION 3.13 – OUTDOOR LIGHTING

All outdoor lighting, other than decorative residential lighting such as porch, low level lawn lights, special seasonal lights and public street lighting shall be subject to the following regulations:

1. Lighting shall be designed to insure that direct or directly reflected light unless part of a street lighting or access road lighting scheme is confined to the development site.
2. All light sources and light lenses are shielded.



# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 3.14 – UNLISTED PROPERTY USES

When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals shall have the power upon written request of the property owner or Zoning Administrator to classify the unlisted property use. In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any Zoning District and in relation to the requirements of the Township Master Plan. Once classified the unlisted property use is subject to all applicable regulations pertaining to similar uses in the Zoning District in which placed, including the regulations pertaining to uses subject to Special Use Permit approval, if classified as such a use by the Zoning Board of Appeals.

## SECTION 3.15 – OUTDOOR WOOD BURNING BOILERS AND APPLIANCES

Boilers units, and outside wood burning, are a permitted use in the Business/Mixed Use, Agriculture and Recreation Zoned Districts, and a Conditional Use in the Residential District.

Conditions are:

1. A setback of 75 feet from any and all lot property lines, easements and right-of-ways.
2. Minimum chimney height of 8 feet measured from grade to chimney top or 2 feet higher than the nearest neighboring principal dwelling within 200 feet, whichever is higher.
3. No fuel other than natural wood without additives, wood pellets, without additives and agricultural seeds in their natural state may be burned.
4. Unit shall not be located in the front yard.

## SECTION 3.16 – SMALL OR INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS (WECS) CONDITIONS FOR APPROVAL IN SPECIFIED DISTRICTS WITHIN RUDYARD TOWNSHIP.

1. The proposed Small WECS will not block, interfere or otherwise impair a scenic vista, corridor or the view of a neighboring residential structure.
2. The primary purpose of the Small WECS will be to provide power for the property whereon said WECS is to be located and shall not be the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a WECS.
3. The WECS and its location on said properties shall limit any noise from where said WECS is located. Additional side and rear setbacks shall be determined by the Planning Commission and shall be based upon the height of the proposed WECS.
4. No variance shall be granted in connection with a proposed WECS to permit a height greater than 175 feet (or) the placement of a WECS so close to a property line as to result in any portion of the WECS, whether erect or, in the event the WECS should fall, to overhang, cross or otherwise extend beyond the property line.
5. No WECS shall be located within the front yard area.
6. The Planning Commission may add additional reasonable conditions.

## SECTION 3.17 – LARGE WIND ENERGY CONVERSION SYSTEMS (LWECS)

1. Statement of Findings: Wind energy is an abundant, renewable and nonpolluting energy resource. Wind energy's conversion to electricity reduces dependence on nonrenewable energy resources, enhances the reliability and power quality of the power grid, reduces peak power demands, and diversifies the energy supply portfolio.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

2. Purpose: To protect health and safety, Rudyard Township has included Large Wind Energy Conversion System Regulations into its Zoning Ordinance to regulate and provide guidance, approval, and denial processes for requests for installation of Large Wind Energy Conversion Systems (LWECS).
3. Applicability: The Rudyard Township LWECS regulations apply to all unincorporated lands within the boundaries of Rudyard Township.
4. Definitions:
  - a. "Applicant" means the person or persons or entity applying for installation of a LWECS.
  - b. "Decommissioning" means removal of a LWECS or MET or SCADA Tower
  - c. "Flicker" or "Shadow Flicker" means the effect that results when the shadow cast by the rotating blade of a LWECS moves across a fixed point.
  - d. "MET or SCADA (Supervisory Control and Data Acquisition) Tower" means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed LWECS.
  - e. "Owner" means the person or persons, or entity that owns or proposes to own a LWECS or MET or SCADA Tower and the property on which the LWECS or MET or SCADA Tower is or proposes to be located.
  - f. "Large Wind Energy Conversion System" may also be referred to as "LWECS" and means a wind energy conversion system which has a capacity of generating more than 100 kilowatts or which has a tower height exceeding 169 feet, 11 inches.
  - g. "Large Wind Energy System" means the same as Large Wind Energy Conversion System.
  - h. "Nonparticipating Property" means any real property which is not a Participating Property.
  - i. "Participating Property" means real property:
    1. On which a LWECS is located or;
    2. Which is currently under contract waiver or other lease agreement with the owner of a LWECS provided the property is located within a District zoned to allow a LWECS.
  - j. "Conditional Use Permit" means a permit for the installation of a LWECS, as described in Article 9, Conditional Use Permits, of Rudyard Township Zoning Ordinance.
  - k. "Total Height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
  - l. "Tower" means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed or monopole structure that is used as a MET or SCADA Tower.
  - m. "Township" means the Township of Rudyard.
  - n. "Wind Energy Conversion System" means one or more wind turbines which converts and then stores or transfers energy from the wind into useable forms of energy and includes, but is not limited to, the generator (s), blade (s), tower (s), anchor (s), base, wires, energy collection and storage systems, substation (s), fencing, guy wires, electronic equipment, SCADA or MET towers and roads.
  - o. "Wind Generator" means the mechanical and electrical conversion components mounted on or near the Tower.
  - p. "Wind Farm System" means the same as a Wind Energy Conversion System.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

q. "Zoning Administrator" means the Administrator appointed pursuant to Article 13 as set forth in the Rudyard Township Zoning Ordinance and his or her designee.

## 5. Standards:

The following standards shall be met before consideration by the Township of an application for a LWECS, or a MET or SCADA Tower.

A. Zoning and Setbacks: A Tower may only be located in areas in Rudyard Township that are zoned Agriculture or Recreation/Conservation.

A Tower must be set back:

1. There are no setback requirements for participating properties.
2. At least 1.1 times its total height from any public road or power line right-of-way.
3. At least 1,000 feet from the property line of a Nonparticipating Property and 1320 feet from the occupied dwelling on Nonparticipating property.
4. At least 1 mile radius from the corner of Main Street and East Street, Rudyard, as a buffer zone for schools and growth of the Village of Rudyard.
5. The owner of a LWECS shall provide a copy of a Shadow Flicker Analysis at occupied structures to identify the locations of shadow flicker that may be caused by the project and expected duration of the flicker at these locations from sunrise to sunset over the course of a year. The Site Plan shall identify problem areas where shadow flicker may affect the occupants of the structure and show measures that shall be taken to eliminate or mitigate the problems.

Exceptions to the above zoning and setback requirements may be requested by the Owner during the application process as set forth in Section 12.06 of this Ordinance. Approval or denial of exceptions shall be at the discretion of the Township Planning Commission.

B. Structure: A LWECS must be a monopole construction to the extent practical. A Large Wind Energy System must be of free standing construction to the extent practical.

C. Height: The total height of a LWECS must be 500 feet or less.

D. Noise: The noise generated by the operation of a LWECS shall not exceed 55dB (A) at an occupied dwelling on a participating property, and 55dB (A) at property line of non-participating property. Exceptions are allowed with the written consent of those property owners.

E. Blade Clearance: The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least seventy-five (75) feet.

F. Access: A large Wind Energy System, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

G. Electrical wires and equipment: All electrical wires associated with a LWECS, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground wherever reasonably possible. Any equipment associated with a tower must be located under the sweep area of a blade assembly. All electrical wires connecting adjacent WECS as well as between WECS and a substation must be located underground whenever reasonably possible.

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- H. Lighting: A LWECS may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA) or is necessary for safety or security purposes. If lighting is required the lighting must comply with FAA minimum requirements and whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.
- I. Appearance, Color and Finish: The exterior surface of any visible components of a LWECS must be a non-reflective, neutral color. Towers and turbines in a Wind Farm System that are located within one mile of each other must be uniform design, including Tower type, color, number of blades and direction of blade rotation.
- J. Signs: No wind turbine, tower, building or other structure associated with a LWECS may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, tower, building or other structure associated with a LWECS. An information kiosk and viewing area will be permitted within the project area.
- K. Code Compliance: A LWECS must comply with all applicable federal, state, and local construction and electrical codes. A LWECS must comply with FAA requirements, as well as State of Michigan Airport Zoning and Tall Structures Act. The owner must provide written certification from a state licensed inspector showing that the LWECS complies with all applicable codes before placing the LWECS into operation.
- L. Signal Interference: The owner of a LWECS must filter, ground, or shield the Tower, or take any other reasonable steps necessary to prevent, eliminate or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
- M. Utility Interconnection: A LWECS that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.
- N. Environmental Impacts: A LWECS shall comply with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to water resources protection, soil erosion and sedimentation control, inland lakes and streams, shoreland protection and management, Great Lakes submerged lands and sand dunes protections and management.
- O. Flicker or Shadow Flicker: The owner of a LWECS must take such reasonable steps as are necessary to prevent, mitigate or minimize Shadow Flicker problems on any occupied structure on a Non-participating Property. Property Owners of both Participating and Non-Participating properties shall grant the owners of the LWECS access to conduct a study. If said property owners refuse access, then the Flicker Study may be done without measurements from the property owners Structure.

## 6. APPLICATION PROCESS

Requests for LWECS shall be submitted for review, approval or denial in accordance with Article 9 (Conditional Use Permits), and in conformance with Article 10 (Site Plan Review) and Article 12 (Zoning Board of Appeals) of the Township Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition the Township's application fee the applicant

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

may be required to cover legal professional or expert assistance costs incurred by the Township in the review, approval or denial or request for a LWECS.

If a Conditional Use Permit is granted, it will expire if the LWECS is not installed and functioning within four years (4) from the date the Permit is issued.

In addition to the information required in the aforementioned section, the applicant shall provide the following in writing.

- A. The applicant and landowner's name and contract information. If the applicant is a business entity, the applicant shall provide the name of the business, certificate of incorporation (if applicable), certificate of good standing, and business tax ID number.
- B. Current property description (address, tax parcel numbers, legal description, and existing use and acreage of the site)
- C. A survey map which clearly delineates the proposed location of the LWECS, existing or planned access roads, boundaries of the parcel, adjacent property ownerships and existing residences, schools, churches, hospitals, libraries or other structures to a distance of one-half mile.
- D. A survey map which clearly delineates any federal, state, county or local parks recognized historic or heritage sites, state-identified wetlands, inland lakes or streams, or shore land.
- E. Number, description, design, and manufacturer's specifications or each LWECS and Met or SCADA Tower, including the manufacturer, model capacity, blade length, lighting, and total height of any Large Wind Energy Conversion System. Applicant may substitute a unit of comparable specifications.
- F. Standard drawings or blueprints that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any Tower and Tower foundation, including a certification showing compliance with all applicable electrical and building codes.
- G. Data pertaining to the Tower's safety and stability, including safety results from test facilities.
- H. Proposal for landscaping and screening.
- I. Evidence of compliance with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to water resources protection, soil erosion and sedimentation control, inland lakes and streams, shoreland protection and management, Great Lakes submerged lands and sand dunes protection and management shall be filed prior to construction.
- J. A project visibility map based on an elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three (3) miles from the center of the project.
- K. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
- L. Location of any overhead utility lines adjacent to the property.
- M. Written documentation demonstrating compliance with all requirements set forth in Section 3:17 of the Township's Large Wind Energy Conversion Regulations.
- N. Written statement that the owner will construct and operate the Large Wind Energy Conversion System, MET, or SCADA Tower or Wind Farm System in compliance with all applicable local, state and federal codes, laws, orders, regulations and rules.
- O. Written statement that the owner will install and operate the Large Wind Energy System, MET or SCADA Tower, in compliance with manufacturer's specifications.

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- P. Proof of financial assurance in the form satisfactory to the Township that the applicant has the financial capacity to satisfactorily construct, install and meet all requirements set forth in this ordinance for Large Wind Energy Conversion Systems.
- Q. The owner must provide a performance bond, completion bond, or other financial assurance satisfactory to the Township of at least \$20,000 for each Large Wind Energy Conversion System to guarantee the performance of the removal and reclamation requirements stated in Section 7 of this Article.

## 7. DECOMMISSIONING

Decommissioning will be handled in the contract between the land owner and the owner of the LWECS.

## 8. ENFORCEMENT

The Zoning Administrator may enter any property for which a Conditional Use Permit has been issued under the Ordinance to conduct an inspection to determine whether there is any violation of this Ordinance, or whether the conditions stated in the Permit have been met. The Zoning Administrator or the Sheriff or Sheriff's designee at the request of the Zoning Administrator may issue a citation for any violation of this Ordinance. Any person who fails to comply with any provision of this Ordinance or conditions stated in the Permit shall, upon conviction, be fined not less than \$500 nor more than \$1,000 for each offense, together with costs of prosecution for each violation.

## 9. PRECEDENCE

Any conflicts that may exist between this Section (Section 3:17 – Large Wind Energy Conversion System) and any other section of the Rudyard Township Zoning Ordinance, this Section shall take precedence.

## 10. COMPLAINT RESOLUTION

### **ARTICLE 4 – VILLAGE CENTER DISTRICT**

#### **SECTION 4.01 – PURPOSE**

The Village Center District is established to accommodate a broad variety of retail, office and residential uses. It is important that new development be integrated with the historic pattern of the village center area. The first floors of buildings are primarily for retail, financial services and restaurants. Internal linkage between stores is encouraged. The upper stories of buildings are generally to be occupied by offices, services and residences. High-density housing is also appropriate. Dominant visual features of the village center area should be maintained and enhanced. By establishing the Village Center District, the Township will guide development so as to:

1. Promote and encourage the use of land for business, commercial, office and high-density residential uses.
2. Encourage the discontinuation of existing uses that would not be permitted as new uses under the provisions of this chapter.
3. Promote a sensitive and creative design approach to the Village Center District.
4. Allow a mix of uses so as to facilitate a healthy and diverse village core.
5. Create a vibrant, attractive lively, multi-faceted hub of community activity.
6. It is the intent of this district to create streets that encourage pedestrian activity.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 4.02 – PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Village Center District unless otherwise provided for in this Article:

1. All principle permitted uses in the Residential District`
2. Bed & Breakfast (B & B)
3. Hotels and Motels
4. Stores and shops for the conducting of retail business
5. Office, offices and showroom e.g. plumber, electrician, architect or similar trade
6. Personal services, e.g. dentist, doctor, lawyer, accountant or similar trade
7. Banks
8. Restaurants
9. Bars, taverns, cocktail lounges
10. Public and government buildings and offices
11. Hardware retail store
12. Antique Store
13. Veterinary Clinic
14. Pet Shop
15. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely with enclosed buildings.

## SECTION 4.03 – PERMITTED USES AFTER CONDITIONAL APPROVAL

The following uses shall be permitted in the Village Center District subject to the conditions hereinafter imposed and subject to the approval, and site plan review by the Planning Commission pursuant to Article 9 of this Ordinance. To further the general purposes of this chapter, the Planning Commission may impose standards and set requirements as a part of its approval. The subject of the conditions may include site access, setbacks, drainage, screening, lighting, and landscaping and signage.

1. Gasoline and oil service stations including gasoline station/convenience store and essential services buildings – No lighting shall trespass on neighboring property or create glare on public streets. A 5 foot landscaped buffer strip must be maintained to include front, side and rear of lot. In addition to a buffer strip if a gasoline and oil service station including gasoline station /convenience store or essential service building is constructed on a lot that adjoins a residential district or use, a noise barrier shall be installed, such as a 5 foot decorative masonry wall.
2. Apartments – High density residential in the Village Center District shall fit harmoniously with existing area.



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## SECTION 4.04 – REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Village Center District.

1. LOT AREA – Every lot occupied hereafter shall contain an area of not less than 5000 square feet.
2. LOT WIDTH – The minimum width for parcels in the Village Center District shall be 50 feet.
3. YARD SETBACKS – In the Village Center District there are no setback requirements unless the project site adjoins a Residential District or use. If a Residential District or use adjoins the project site a 15 foot setback is required.

## SECTION 4.05 – SITE PLAN APPROVAL

A zoning permit shall not be issued for construction of a project until a site plan therefore has been approved according to the procedure and specifications in Article 10. All new structures over \$200,000 and/or 3000 square feet in the Village Center District require site plan review.

## SECTION 4.06 – PUBLIC WATER AND SEWAGE FACILITIES

All development in the Village Center District is required to be connected to public water and sewage facilities.

## ARTICLE 5 – BUSINESS / MIXED USE DISTRICT

### SECTION 5.01 – PURPOSE

The Business/Mixed Use District is established for which the primary use of the land is for commercial, office, light industrial and high density residential uses. The Business/Mixed Use District is created to foster development and redevelopment in the Rudyard Village area. By establishing the Business/Mixed Use District, the township will guide development so as to:

1. Promote and encourage the use of land for business, commercial, office, light industrial and high density residential use.
2. Encourage the discontinuation of existing uses that would not be permitted as new uses under the provisions of this chapter.
3. Promote a sensitive and creative design approach to the Village of Rudyard.
4. Allow a mix of uses so as to facilitate a healthy and diverse village core.
5. Create a vibrant, attractive, lively, multi-faceted hub of community activity.
6. Encourage an innovative business approach to development.

### SECTION 5.02 – PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Business/Mixed Use District, unless otherwise provided for in this Article:

1. All principle permitted uses in the Residential District
2. All principle permitted uses in the Village Center District
3. Recreation facilities e.g. tennis courts, shuffleboard, horseshoe courts, miniature golf, golf driving ranges
4. Car Wash
5. Light industrial establishments within a building or structure for the repair, alteration, finishing, assembling, fabrication or storage of goods, provided there is not any obnoxious or offensive odors, fumes, dust, smoke, wastewater, noise or vibration associated with the manufacturing process
6. Outside wood burning boilers

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 5:03 PERMITTED USES AFTER CONDITIONAL APPROVAL

The following uses shall be permitted in the Business/Mixed Use District subject to the conditions hereinafter imposed and subject to the approval and site standards per Sections 3.12 and 3.13.

To further the general purpose of this chapter, the Planning Commission may impose standards and set requirements as a part of its approval. The subject of the conditions may include site access, setbacks, drainage, screening, lighting, landscaping and signage.

1. Self-Storage Facilities – a self-storage/service warehouse or mini-warehouse facility may be permitted. The individual storage area or enclosures shall not exceed 400 square feet. The units are to be leased to individuals, businesses or organizations for the self-service storage of property. No lighting shall trespass on neighboring property or create glare on public streets.
2. Wholesale stores, storage facilities, warehouses, distributing plants and freezer and lockers.
3. Salesrooms, including outdoor sales space for recreation vehicles, including boats, snowmobiles, travel trailers, and campers. Lighting shall not trespass on neighboring property or create glare on public streets.
4. Solid waste transfer station – The site shall be kept clean and orderly. All refuse shall be kept in covered containers. The handling of animal carcasses, oils, hazardous materials, flammable substances and other similar materials shall not be permitted. Lighting shall not trespass on neighboring property or create glare on public streets.
5. Radio, telecommunications, television towers and stations.
6. Laboratories – provided there is not any obnoxious or offensive odors, fumes, dust, smoke, waste water, noise or vibration associated with the laboratory.
7. Truck yards and terminals – In Business Mixed Use District a truck yard and terminal shall be located on a designated State Truck Route. In no case shall a truck yard and terminal be located within 500 feet of a residential district.
8. Park and Ride Lot – a 15 foot landscaped buffer must be maintained to include front, sides and rear lot.
9. Railroad Freight Depot and Railroad associated operations – A 10 foot buffer strip must be maintained to include front, sides and rear of lot. Lighting shall not trespass on neighboring property or create glare on public streets.
10. Small WECS on lots of 5 acres or more including conditions of approval.
11. Any other use deemed compatible, consistent and of the same character as those listed for conditional approval.

## SECTION 5.04 REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Business/Mixed Use District.

1. LOT AREA – Every lot occupied hereafter shall contain an area of not less than 15,000 square feet, if connected to public water and sewer and 2 acres if not connected to public utilities.
2. LOT WIDTH – The minimum width for parcels in the Business Mixed Use District shall be 200 feet.
3. YARD SETBACKS
  - A. Front Yard – a 20 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
  - B. Side Yard – A 10 foot minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply.
  - C. Rear Yard – a 20 foot minimum rear yard depth shall be required.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 5.05 SITE PLAN APPROVAL

A building permit shall not be issued for construction of a project until a site plan has been approved according to the procedure and specifications in Article 10. All new structures and uses in the Business /Mixed Use over \$200,000 or 3000 square feet require site plan review.

## ARTICLE 6 RESIDENTIAL DISTRICT

### SECTION 6:01 PURPOSE

The Residential District is established for which the primary use of land is for residential dwellings. The intent of this district is to:

1. Encourage the construction of and the continued use of the land for residential dwellings.
2. Prohibit business, commercial or industrial use of the land and to prohibit any other use of the land which would substantially interfere with the development of continuation of residential/family dwelling in the district.
3. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. Discourage any land use that would generate traffic on local residential streets other than normal traffic generated by the residents of the area.

### SECTION 6:02 PRINCIPAL PERMITTED USES

The following permitted uses are allowed in the Residential District, unless otherwise provided in this Article:

1. Single and Two Family detached dwellings.
2. Churches and other facilities normally incidental thereto.
3. Publicly owned and operated parks, playfields, museums, libraries and other recreation facilities.
4. Public, parochial or private elementary, intermediate and or high schools.
5. Home occupation to give instruction in a craft or fine art within a residence.
6. Accessory buildings, structures and use customarily incidental to the above principle uses
7. State licensed or approved family day care facilities in which one to six children are cared for in a private home on less than a 24-hour basis. At least 400 square feet of outdoor play area must be provided on the premises.
8. Licensed or approved residential facility providing residential services for up to six persons under 24-hour supervision or care, or both, provided there is no other state licensed residential facility within 1,500 feet. This section shall not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.
9. Essential services.
10. Off street parking to service the above listed uses.

### SECTION 6:03 PERMITTED USES AFTER CONDITIONAL APPROVAL

The following uses shall be permitted in the Residential District subject to the conditions hereinafter imposed and subject further to the approval and site plan review by the Planning Commission.

1. Private parks, country clubs, golf courses and golf driving ranges, when located on a parcel of 5 acres or more: any structure on the parcel shall be located at least 100 feet from a lot line from any adjacent residential property.
2. Public utility buildings, telephone exchange buildings, electric transformer stations and substations and gas regulator stations.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

3. Governmental uses, when found to be necessary for the public health, safety, convenience and welfare.
4. Home occupation:
  - a. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto.
  - b. Not more than two people outside the family shall be employed in the home occupation.
  - c. There shall be no exterior display.
  - d. No other exterior indication of the home occupation or variation from the residential character of the principle building.
  - e. No nuisance, offensive noise, vibration, smoke, dust, odors, heat, glare or electrical disturbance shall be generated.
  - f. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood.
  - g. The home occupation shall not utilize more than 20 percent of the total floor area of the dwelling unit.
5. State licensed or approved family day care facilities in which seven to twelve children are cared for in a private home on less than a 24-hour basis.
6. Parking lots for other uses than residential.
7. Bed & Breakfast
8. Outside wood burning boilers on lots of 5 acres or more.
9. Small WECS on lots of 5 acres or more.

## SECTION 6:04 - REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Residential District

1. LOT AREA – Every lot occupied by dwelling hereafter erected shall contain an area of not less than 10,000 square feet where the lot is served by public water and sewer. Where the lot is not so served, the minimum lot area shall be 2 acres.
2. LOT WIDTH – The minimum width for residential lots served by public water and sewer shall be 100 feet. The minimum width for lots not so served shall be 200 feet.
3. FLOOR AREA OF DWELLING – No dwellings shall be erected or altered which provides less than 480 square feet of floor area at the first floor level, exclusive of any garage areas or areas in any accessory building.
4. YARD SETBACKS –
  - a. Front Yard – 20 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
  - b. Side Yard – A 10 foot minimum width, except where adjoining a street or highway in which case the Front Yard requirements will apply.
  - c. Rear Yard – A 10 foot minimum rear yard depth shall be required.
5. WELL AND SEPTIC TANK REQUIREMENTS – Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other waste disposal system approved by the Chippewa County Health Department.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## ARTICLE 7 AGRICULTURAL DISTRICT

### SECTION 7.01 - PURPOSE

The Agricultural District is established for which the principle use of the land is for agricultural uses such as farming, forestry, dairy and plant nurseries. The intent of this district is to:

1. Promote and encourage the use of the land for agricultural operations.
2. Prohibit certain commercial or industrial uses of the land that would substantially interfere with the continuation of sound agricultural uses.
3. Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of this chapter.
4. Promote the conservation of agricultural land.

### SECTION 7.02 - PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Agricultural District, unless otherwise provided in this Article:

1. All principle permitted uses in the Residential District
2. Farms, farm dwellings and related structures, including roadside stands, home occupations and portable sawmill
3. Livestock Farms
4. Nursery Farms
5. Commercial Stables
6. Private airports provided that the private airport serves no more than two aircraft
7. Fire control structures
8. Bed and Breakfast (B&B)
9. Boarding House
10. Cabin
11. Outside wood burning boilers on lots of 5 acres or more

### SECTION 7.03 – PERMITTED USES AFTER CONDITIONAL APPROVAL

The following uses shall be permitted in the Agricultural District subject to the conditions hereinafter imposed and if required, subject to the approval and site plan review by the planning commission.

1. Animal Hospitals, Veterinary Clinics, Boarding places, and Kennels, - these may be allowed provided that no part of any building, pen or run shall be within one hundred feet of any lot or property line.
2. Antique Shop – May be permitted provided that any outdoor display of articles for sale shall be at least 50 feet from any property line.
3. Airport – (three or more aircraft) This shall be permitted provided the following standards are met;
  - A. The proposed location and placement is in accordance with the requirements of the FAA and the Aeronautic Administration of Michigan and any other rightfully involved governmental agency.
  - B. Any buildings, hangers or other structures shall be at least 100 feet from any street or lot line.
  - C. No application shall be considered unless it is accompanied by a site plan. Appendix

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4. Campground/Resort – These may be permitted provided that a 100 foot buffer strip shall be in place as measured from any public street or lot line.
5. Golf Course – These may be permitted provided that no target hole (green) is located within 50 feet of a property line or located within 150 feet of a street.
6. Raising and keeping of Fur Bearing Animals - These shall be permitted provided a minimum of 100 feet from any portion of the operation to the nearest property line. All waste disposals shall be in compliance with the Michigan Department of Agriculture standards.
7. Small WECS on lots of 5 acres or more.
8. Large WECS installations See section 3:17
9. Home Occupation:
  - A. The occupation or profession shall be carried on wholly within the principle building or within a building or other structure accessory thereto.
  - B. Not more than two people outside the family shall be employed in the home occupation.
  - C. There shall be no exterior display
  - D. No other exterior indication of the home occupation or variation from the residential character of the principal building
  - E. No nuisance, offensive noise, vibration, smoke dust, odors, heat, glare or electrical disturbance shall be generated.
  - F. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in the neighborhood;
  - G. The home occupation shall not utilize more than 20 percent of the total floor area of the dwelling.
10. Quarries, Pits and Mines
  - A. Explosives shall be used only between sunup and sundown. Unless otherwise determined by the Planning Commission, the land areas exposed by the operation shall not have a final cut slope steeper than three feet horizontal to one foot vertical distance.
  - B. All buildings structures and equipment shall be entirely removed from the property within one year after operations cease.
  - C. Dikes, or other approved barriers and drainage structures shall be provided to prevent silting of natural drainage channels or waterways in the surrounding area.
  - D. Where required and in accordance with an approved landscaping plan submitted to the Planning Commission, suitable plant material shall be placed and maintained to screen operations from public view.
  - E. There shall be no open storage of discarded machinery, trash or junk that would present an unsightly appearance.
  - F. Must be operated so as to keep dust and noise to a minimum. Access roads shall be maintained as dust-free surfaces 100 feet from the public street.
  - G. Must meet all federal, state and other local regulations.

In addition to the preceding performance standards for Quarries, Pits and Mines, the Planning Commission requires the following information.

- A. A Proposed Land Use Plan for after the completion of the project.
- B. A map showing the zoning and generalized use of the land within one mile of proposed site.
- C. A USGS topographical quadrangle map to include the proposed site and the man made and natural features within one mile of this site.

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- D. Plan for protection of surrounding land, environment and wildlife from dust, noise, vibration and other undesirable effects from the operation.

## SECTION 7.04 – REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Agricultural District.

1. LOT AREA – Every lot occupied by a dwelling hereafter erected shall contain an area of not less than two (2) acres
2. LOT WIDTH – The minimum width for parcels in the agricultural district shall be 250 ft
3. FLOOR AREA OF DWELLINGS – No dwelling shall be erected or altered which provides less than 480 square feet of floor area at the first floor level, exclusive of any garage or accessory structure.
4. YARD SETBACKS -
  - A. Front Yard – a 50 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
  - B. Side Yard – A 15' minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply
  - C. Rear Yard – A 50 foot minimum rear yard depth shall be required.

## SECTION 7.05 – WELL AND SEPTIC TANK REQUIREMENTS

Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field or other waste disposal system approved by Chippewa County Health Department.

## ARTICLE 8 – RECREATION / CONSERVATION DISTRICT

### SECTION 8.01 – PURPOSE

The Recreation/Conservation District is established for recreational uses and conservation of natural resources such as wetlands and stream and river drainage basins. The intent of the district is to:

1. Preserve woodland and wetland environments, as their natural physical features are useful as water retention, surface water purification and ground water recharge areas, and as habitat for plant and animal life; and which have important aesthetic and scenic value that contributes to the unique character of the recreation/conservation district.
2. Promote recreational uses that are well suited and related to the goals of natural resource conservation and protection.
3. Regulate the location of buildings and structures and the use of parcels and lots, in order to protect and enhance the natural resources, natural amenities, natural habitats of wildlife, water shed areas, agricultural capabilities, public recreation areas, and the public health safety and welfare.
4. Prevent erosion and promote the stabilization of soil.
5. Protect property values.

### SECTION 8.02 – PRINCIPLE PERMITTED USES

The following permitted uses are allowed in the Recreation/Conservation District, unless otherwise provided in this Article.

1. All principle uses in the Residential district.
2. Public or private forest preserve, game refuge, park, playground or other recreational purpose.



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3. Public and private conservation area and structures for the development, protection and conservation of open space, watersheds, water, soil, forest and wildlife resources.
4. General and specialized farming and agricultural activities including the raising or growing of crops, livestock, poultry and other farm animals, products and foodstuffs and provided that any parcel that is kept as idle cropland shall be treated as to prevent soil erosion by wind or water.
5. Riding academy or stable.
6. The growing, stripping and removal of sod, provided that said lot or portion thereof shall be re-seeded after stripping by fall of the year in which it was stripped so to reduce the actual or potential erosion of soil.
7. The raising or growing of plants, trees, shrubs and nursery stock.
8. Cabin
9. Boarding House
10. Bed and Breakfast (B & B)
11. Fire Control Structures
12. Private airports provided that the private airport serves no more than two aircraft.
13. Outside wood burning boilers on lots of 5 acres or more, including conditions of approval.

## SECTION 8.03 – PERMITTED USES AFTER CONDITIONAL APPROVAL

The following uses shall be permitted in the Recreation/Conservation District subject to the conditions hereinafter imposed and subject to, if required, the approval and Site Plan Review by the Planning Commission.

1. Campground/Resort – In the Recreation/Conservation District provided that a 100 foot buffer strip shall be in place as measured from any public street or lot line. Subject to all federal state and local regulations regarding waste treatment, drainage, and provisions of other facilities, such as gas and electric hook-up.
2. Home Occupations – Same guidelines as Section 6.03:4
3. Sawmill – Saw or other machinery shall not be less than 50 feet from any property line or public street. All power saws and machinery shall be secured against tampering.
4. Plant Nursery or Greenhouse – a plant nursery or greenhouse may be permitted, provided retail sales are limited to the sale of plants and the commodities used in the direct care of plants.
5. Golf Course – Same guidelines as Section 7.03:5
6. Archery and or Shooting Range – an indoor or outdoor archery, rifle, skeet, or trap or other similar shooting range may be permitted subject to the provisions of federal state and local laws and may be of either a commercial or a private nature. The use of automatic weapons shall not be permitted. The range shall be constructed in a manner as to eliminate any danger from fire arms to persons or property outside the facility.
7. Small WECS on lots of 5 acres or more, including conditions of approval.
8. Large WECS installations (See section 3:17)

## SECTION 8.04 – REGULATIONS AND STANDARDS

The following regulations and standards apply to all uses and structures in the Recreation/Conservation District.

1. LOT AREA – Every lot occupied by a dwelling hereafter erected shall contain an area of not less than two (2) acres.

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2. LOT WIDTH – The minimum width for parcels in the Recreation/Conservation District shall be 300 feet.
3. FLOOR AREA OF DWELLINGS – No dwellings shall be erected or altered which provides less than 480 square feet of floor area at the first floor level, exclusive of any garage or accessory structure.
4. YARD SETBACKS
  - A. Front Yard – a 75 foot minimum front yard depth shall be required from the proposed or existing right-of-way of all streets and highways.
  - B. Side Yards – A 25 foot minimum side yard width shall be required, except where adjoining a street or highway in which case the Front Yard requirements will apply
  - C. Rear yard – A 50 foot minimum rear yard depth shall be required.

## SECTION 8.05 - WELL AND SEPTIC TANK REQUIREMENTS

Where public water and sewage facilities are not available, each dwelling unit shall have a well, septic tank and drain field, or other waste disposal system approved by Chippewa County Health Department.

## ARTICLE 9 – CONDITIONAL USES

### SECTION 9:01 PURPOSE

The foundation and enactment of this Ordinance is based upon the division of portions of Rudyard Township into Districts of which there are permitted specified uses which are mutually compatible. In addition to such permitted uses, however, it is recognized that there are certain other uses which it may be necessary or desirable to allow after review and meeting additional requirements. The actual or potential impact on neighboring uses or public facilities by certain uses needs to be carefully reviewed with respect to their setting for the protection of the nearby residents. Such uses, on account of their peculiar locational needs or the nature of the service offered, may have to be established in a District in which they cannot be reasonable allowed as a permitted use.

### SECTION 9:02 AUTHORITY TO GRANT PERMIT

The Rudyard Township Planning Commission shall have the authority to grant Conditional Use Permits, subject to such conditions of design and operation, and safeguards as it may determine for all conditional uses specified in the various District provisions of this Ordinance.

### SECTION 9:03 APPLICATION

Anyone seeking a Conditional Use shall file the Application with the appropriate fee, found in the appendix, with the Township Clerk who will forward the application to the Planning Commission.

### SECTION 9:04 PUBLIC HEARING

Upon receipt of the Application for Conditional Use, the Planning Commission Chairman shall set a time and place for the hearing.

1. Notice of the Hearing shall be given by one publication in a newspaper of general circulation, not less than 15 days preceding the date of the hearing.
2. Notice of the hearing shall be sent by U.S. Mail to all persons to whom real property is assessed within 300 feet of the boundary of the property in question.

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- a) Describe the nature of the request
- b) Indicate the property that is the subject of the request.
- c) State the date and time of the hearing and the location.
- d) Indicate where and when written comments will be received

## SECTION 9:05 REQUIRED STANDARDS AND FINDINGS FOR MAKING DECISIONS

The Planning Commission shall approve, or approve with conditions, an application for a Conditional Use only upon a finding that the proposed Conditional Use complies with all of the following general standards:

1. The property subject to the application is located in a Zoning District in which the proposed Conditional Use is allowed.
2. Proposed Conditional Use will not involve uses, activities, processes, materials or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.
3. The proposed Conditional Use will be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
4. The proposed Conditional Use will not place demands on public fire and police resources in excess of current capacity.
5. The proposed Conditional Use will be adequately served by public or private streets, water and sewer facilities and refuse collection and disposal services.
6. The proposed Conditional Use complies with all specific standards required under this Ordinance.

## SECTION 9:06 ADDITIONAL DEVELOPMENT REQUIREMENTS

No application for a Conditional Use Permit which has been denied wholly or in part by the Planning Commission shall be resubmitted for a period of 365 days from such denial, except on the grounds of:

1. New evidence or proof of changed conditions found by the Planning Commission to be valid.
2. The township attorney by a written opinion states that in the attorneys professional opinion the decision made by the Planning Commission or the procedure used in the matter was clearly erroneous.

## SECTION 9:07 CONDITIONS

The Planning Commission may attach reasonable conditions with the approval of a Conditional Use. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land and promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements.

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1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the proposed land use or activity under consideration and be necessary to insure compliance with those standards.

## SECTION 9:08 – SITE PLAN APPROVAL OF CONDITIONAL USES

Any approval of a Conditional Use shall require Site Plan review.

## ARTICLE 10 – SITE PLAN REVIEW

### SECTION 10.01 PURPOSE

It is recognized by this Ordinance that there is a value to the public in establishing a safe, orderly and beneficial development pattern; there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward this end, this Ordinance requires site plan review and approval by the Township Planning Commission for certain buildings, structures and projects that can be expected to have a significant impact on natural resources, traffic patterns, on adjacent land usage and on the character of future development. It is important that consultation and cooperation between the applicant and the Township Planning Commission take place in order that applicant may accomplish their objectives in the utilization of their land and the public interest is upheld.

### SECTION 10.02 BUILDINGS, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW

A Site Plan shall be submitted for review and approval to the Township Planning Commission for the following uses:

1. An apartment building containing five (5) or more dwelling units.
2. More than one multiple family building on a lot, parcel or tract of land or a combination of lots under single ownership.
3. Mobile Home park
4. Subdivision consisting of four or more dwellings.
5. Any new principle commercial, office, industrial, business, recreational or institutional structure/use 3,000 square feet or larger in size.
6. All other uses requiring Site Plan review and approval as required by this Ordinance.

### SECTION 10.03 – APPLICATION PROCEDURE

An application for Site Plan review shall be made to the Township Clerk along with a fee as required. The Township Clerk, upon receipt of the application and related materials, drawings, other necessary data, shall transmit copies to the Planning Commission. Within 30 days of receipt of all required information a meeting of the Planning Commission shall take place in which the site plan is approved, denied or approved with conditions. Written notice shall be sent to the applicant stating the time and place of the review of the site plan by the Township Planning Commission. All meetings of the Planning Commission shall conform to the provisions of the Open Meeting Act, Act 267 of the MPA of 1976 amended. See Appendix: 10-Site Plan Application

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## SECTION 10.04 - STANDARDS

The Planning Commission shall review each site plan according to the standards for Site Plan review and any other applicable regulations of this Ordinance. In addition, the Planning Commission is empowered to seek the review and recommendations of appropriate county state or federal agencies, Chippewa County Sheriff's Office, Township Fire Department, other Township officials, other professionals, consultants, or agencies as deemed necessary to assist it in its review.

The Planning Commission shall review the Site Plan for compliance with the requirements of this Ordinance and conformance with the following general standards:

1. The site shall be developed to not impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. All utilities shall be underground where practicable. Any above ground utilities shall be located so as to have a harmonious relationship to neighboring properties and the site.
3. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
4. The Site Plan shall provide reasonable, visual and sound privacy for all dwelling units located herein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
5. All buildings or groups of buildings shall be so arranged as to permit emergency vehicles access.
6. Every structure or dwelling unit shall have access to a public street, walkway or other area dedicated to common use.
7. All loading and unloading areas and outside storage areas including areas for the storage of trash shall be screened by a vertical buffer consisting of structural and or plant materials.
8. Exterior lighting shall be designed and constructed in such a manner to insure that all glare and lighting is confined to the development site; that any point light sources are not directly visible from beyond the boundary of the site.
9. All streets shall be constructed in accordance with the requirements of the Chippewa County Road Commission.
10. Site Plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary State and Federal permits before final approval is granted.
11. Site Plans shall conform to the Township Master Plan.

## SECTION 10:05 – EXPIRATION OF SITE PLAN

The Site Plan approval shall expire and be invalid 2 years after the date of approval if construction has not begun on the site.

## SECTION 10:06 - REVOCATION OF SITE PLAN APPROVAL

The Planning Commission may, upon notice and hearing, revoke approval of a Site Plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Planning Commission, shall cease. The Planning Commission may direct the Zoning Administrator to issue a Stop Work Order to enforce its determination. Upon revocation, the Planning Commission may require the applicant to amend the Site Plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not resume until the Planning Commission approves an amended Site Plan.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 10:07 AMENDMENT OF AN APPROVED SITE PLAN

Amendments to an approved Site Plan shall be permitted only under the following circumstances:

1. The owner of property for which a Site Plan has been approved shall notify the Zoning Administrator of any desired change to the approved Site Plan. Minor changes may be approved by the Zoning Administrator upon determining that the proposed revisions will not alter the basic design and character of the Site Plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
  - A. Reduction of the size of any building.
  - B. Movement of buildings by no more than 10 feet
  - C. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of any required parking.

All amendments to a Site Plan approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the applicant shall prepare a revised Site Plan showing the approved amendment. The revised Site Plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

## ARTICLE 11 - SIGNS

### SECTION 11.01 – PURPOSE

This section is intended to protect the public health, safety and general welfare by permitting such signs as will not by reason of their size, location, construction or manner of display, endanger the well-being of people, to confuse, distract or mislead traffic, or obstruct vision necessary for traffic safety. To regulate such permitted signs in such a way as to create land use patterns and uses compatible with the surrounding areas and to protect property values.

### SECTION 11.01 - SIGNS EXEMPTED

The following sign types are exempted from the provisions of this Ordinance.

1. Government Signs
2. Interior window signs
3. Memorial signs
4. Political campaign signs: must be removed seven (7) days after the election date
5. Farm identification signs

### SECTION 11.02 SIGNS NOT NEEDING A PERMIT

The following signs are allowed in all Zoning Districts and shall not require a permit but shall be subject to all other applicable regulations of this Ordinance.

1. Items for Sale signs: not to exceed sixteen (16) sq. ft.
2. Construction signs
3. Signs for residential yard and garage sales not to exceed two weeks in a calendar year.
4. Real estate signs: not more than six (6) sq. ft. in area and removed within 30 days after completion of the sale.

### SECTION 11.03 – SIGNS PERMITS AND APPLICATION

1. A Sign Permit shall be required for the erection, use, construction or alteration of all signs except those exempted herein. Alteration shall not mean normal maintenance of a sign.
2. An application for a Sign Permit shall be made to the Township Clerk for review by the Zoning Administrator. Copy attached.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 11.04 – DESIGN, CONSTRUCTION AND LOCATION STANDARDS

1. All signs shall be properly maintained and shall not be allowed to become unsightly through disrepair.
2. Sign supports, braces, guys and anchors shall be maintained in such a manner as not to cause a hazard.
3. Signs may be internally or externally illuminated. The sources of light shall be enclosed and directed to prevent the source of light from shining directly onto traffic, pedestrian or on adjacent property.
4. Any Pole Sign, including awnings to which signs are affixed or displayed shall maintain a minimum clear space of eight feet from the bottom of the sign to the ground.
5. Signs shall not be placed in, upon or over any public right-of-way, alley or other public place.
6. A Sign shall not be erected in any place where it may, by reason of its position, shape, color, or other characteristics, interfere with, obstruct the view of or be confused with any traffic sign, signal, or device or constitute a nuisance.
7. A Sign and its supporting mechanism shall not extend beyond any lot lines of the property on which it is located.

## SECTION 11.05 – NON CONFORMING SIGNS

1. All legal permanent Signs which do not conform to the size, location or Zoning District requirements of this Ordinance as of the date of adoption of this Ordinance are hereby deemed nonconforming.
2. Nonconforming Signs may not be altered, expanded, enlarged, or extended; however, Nonconforming Signs may be maintained and repaired so as to continue the useful life of the sign.

## SECTION 11.06 – ILLEGAL SIGNS

Any of the following:

1. A Sign erected without first obtaining a Permit and complying with all regulations in effect at the time of its construction or use.
2. A Sign that was legally erected whose use has ceased because the business it identifies is no longer conducted on the premises.
3. A Sign that pertains to a specific event that has not been removed within the time frame of the event.

## SECTION 11.07 – TYPES AND LOCATION

VILLAGE CENTER DISTRICT, RESIDENTIAL DISTRICT, AGRICULTURAL DISTRICT,  
RECREATION/CONSERVATION DISTRICT

1. Signs authorized by the Planning Commission through Site Plan Review or Uses after conditional approval or application approval.



# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## BUSINESS/MIXED USE DISTRICT

1. Signs authorized by the Planning Commission through Site Plan Review or Uses after conditional approval or application approval.
2. Off premise signs/billboards in Rudyard Township are permitted in the Business/Mixed use district. Billboards are not permitted within 250 feet of a residential district. A 500 foot separation between billboards is required.

## ARTICLE 12 – ZONING BOARD OF APPEALS

### SECTION 12.01 – MEMBERS, PER DIEM EXPENSES AND REMOVAL

There is hereby continued a Zoning Board of Appeals for the Township of Rudyard, Chippewa County, of Michigan. The Zoning Board of Appeals shall consist of three (3) members. The Zoning Board of Appeals shall perform its duties and exercise its powers and jurisdiction as provided by in the Township Zoning Act, Public Act 184, of 1943, as amended. The Zoning Board of Appeals shall adopt rules of procedure and shall conduct all of its proceedings according thereto. Zoning Board of Appeals members shall be appointed by the Rudyard Township Board.

Zoning Board of Appeals members are authorized to collect per diem for meetings attended at a reasonable sum which shall be provided by the Township Board. Members of the Zoning Board of Appeals shall be replaced or discharged, for non-performance of duty or misconduct in office, by the Township Board.

### SECTION 12.02 – ALTERNATES

The Township Board shall appoint two alternate members who shall serve in the case of the following:

- 1) when the Regular Member will be unable to attend two (2) or more consecutive meetings,
- 2) When the Regular Zoning Board of Appeals Member will be unable to attend meetings for a period of more than thirty (30) consecutive days, or,
- 3) When the regular Zoning Board of Appeals Member has a conflict of interest on a particular case.

### SECTION 12.03 – MEETING OF THE ZONING BOARD OF APPEALS

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Board in its rules of procedures may specify. The Chairman, or in his or her absence the acting Chairman, may administer oaths and compel the attendances of witnesses. All meetings of the Zoning Board of Appeals shall be open to the public. A minimum of two regular meetings shall be held and open to the public each calendar year. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be public record.

### SECTION 12.04 – JURISDICTION

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Maps, and may adopt rules to govern its procedures sitting as a Board of Appeals. It shall hear and decide appeals from and review any order, requirement, decision or determination made by the Zoning Administrator. It shall hear and decide matters referred to it or upon which it is required to pass under this Ordinance. The Zoning Board of Appeals, however, shall have no jurisdiction to hear appeals from decisions of the Planning Commission concerning conditional uses.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 12.05 – VARIANCES

A dimensional variance may be granted by the Zoning Board of Appeals only in cases where the applicant demonstrates in the official record of the Public Hearing that practical difficulty exists by showing all of the following.

1. That the need for the requested variance is due to unique circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, water, or topography and is not due to the applicants economic difficulty.
2. That the need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).
3. That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
4. That the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the district.
5. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or Zoning District.

## SECTION 12.06 – CONDITIONS OF APPROVAL

Reasonable conditions may be required with the approval of a variance by the Zoning Board of Appeals. The conditions may include, but are not limited to, conditions necessary to insure the public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements.

1. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and the purposes that are affected by the proposed use or activity.
3. Be necessary to meet the intent, spirit, and purpose of the Zoning Ordinance.

## SECTION 12.07 – PROCEDURE

1. An appeal for variance from any ruling of the Zoning Administrator may be taken by any person, partnership, corporation, or any governmental department affected or aggrieved.
2. The appeal fee shall be determined by Resolution of the Township Board. A fee is required and shall accompany the application at the time it is submitted to the Township.
3. Following receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the Zoning Ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice.
  - A. For an appeal of an administrative decision, or for a request seeking an interpretation of the Zoning Ordinance, or for a variance request, a notice stating the time, date and place of the Public Hearing shall be published in a newspaper of general circulation within the Township and shall be sent to the person filing the appeal, or seeking an interpretation, or seeking a variance, and to the Zoning Administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the hearing.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

- B. In addition, with a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question.

4. Upon the date of the hearing any application or appeal, the Zoning Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served or for further consideration of the matter involved. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides, provided however, any adjournment shall be stated at the hearing giving the date, time, and place to which adjournment is made.

## SECTION 12.08 – DECISIONS OF THE BOARD

The Zoning Board of Appeals shall decide all applications and appeals within thirty (30) days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant, and Zoning Administrator. The Township Zoning Administrator shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant when the Board authorizes a permit.

In the event the Zoning Board of Appeals grants a variance, the applicant or appellant or his or her successor in interest shall not use the property in question such that it would exceed those rights given by the Zoning Ordinance or the variance or fail to follow any condition placed thereon by the Board. In the event the use of the property exceeds those rights given by the Zoning Ordinance or the variance, or fails to follow the conditions placed upon the variance, the variance shall be repealed.

## SECTION 12.09 – STAY OF PROCEEDINGS

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board after notice of appeal shall have been filed with him or her, that by reason of fact stated in the certificate, a stay would in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may, on due cause shown, be granted by the Zoning Board of Appeals or by Circuit Court on application, after notice to the Zoning Administrator.

## SECTION 12.10 – TIME LIMIT FOR APPROVED VARIANCES

Each variance granted under the provisions of this Ordinance shall become void unless the construction, occupancy or other actions authorized by such variance have commenced within one (1) year of the granting of such variance.

Upon written application filed prior to the termination of the one year time period, the Zoning Board of Appeals may authorize a single extension of the time limit for an additional period of not more than one (1) year upon the finding of the Board that the original circumstances creating the need for the extension were largely beyond the control of the applicant.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## ARTICLE 13 ADMINISTRATION AND ENFORCEMENT

### SECTION 13.01 ADMINISTRATION

The Township Board shall appoint a Zoning Administrator to administer and enforce the provisions of this Ordinance. The Zoning Administrator or his/her agent shall have the authority to receive applications, inspect premises for violations, issue Zoning Compliance Permits, and institute proceedings for enforcement of the Ordinance. The Zoning Administrator or his/her designated agent is specifically authorized to issue and serve appearance tickets, based on reasonable cause, on any person, business, or organization in violation of any of the provisions of this Ordinance.

### SECTION 13.02 ZONING APPLICATION REQUIRED

It shall be unlawful for any person to commence new construction of any building or structure, or change the use of any premises, without first obtaining a Zoning Permit.

### SECTION 13.03 FEES, CHARGES AND EXPENSES

1. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by Resolution a fee schedule establishing Basic Zoning Fees related to the following:
  - a. Zoning Permits
  - b. Conditional Use Permits
  - c. Appeals to, or requests for, interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator, shall not be subject to a Zoning Fee
  - d. Classification of unlisted property uses
  - e. Requests for variances from the Zoning Board of Appeals
  - f. Requests for rezoning of individual property owners. Rezoning of property initiated by the Township Board, or the Planning Commission shall not be subject to a zoning fee
  - g. Site Plan Reviews
  - h. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals

The amount of these Zoning Fees shall cover the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic Zoning Fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

2. If the Planning Commission or Zoning Board of Appeals determines that the Basic Zoning Fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planner, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 13.04 – VIOLATIONS AND PENALTY

1. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to the Ordinance are hereby declared to be a nuisance per se.
2. Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined in Section 13.04.01 above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Compiled Laws, and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of the Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
3. The Township Zoning Administrator is hereby designated as the authorized township official to issue Municipal Civil Infraction citations directing alleged violators of this Ordinance to appear in court.
4. In addition to enforcing this Ordinance through the use of a Municipal Civil Infraction proceeding, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

## SECTION 13.05 – APPEAL

1. In the event a person or entity under this section becomes aggrieved based upon the administration of this Section, such person or entity may appeal decisions made in the administration of this Section to the Zoning Board of Appeals, provided such appeal must be taken within fifteen (15) days of the item to be appealed by submitting a letter or other writing to the Township Clerk requesting the appeal.
2. An appeal of a Site Plan decision rendered by the Planning Commission shall be made to the Township Board within fifteen (15) days of such decision of the item to be appealed by submitting a letter or other writing to the Township Clerk requesting the appeal.

## ARTICLE 14 – AMENDMENT PROCEDURE

### SECTION 14.01 – INITIATING AMENDMENTS AND FEES

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provision and regulations herein established, whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, The Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fees established by the Township Board. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation to the Township Board.

# The ZONING ORDINANCE OF RUDYARD TOWNSHIP

## SECTION 14.02 – INFORMATION REQUIRED

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

1. A legal description of the property.
2. A scaled map of the property site, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the petitioner, signature and date of filing.
4. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner(s) of the site.
5. Date of filing with the Township Clerk.
6. Signature(s) of the petitioner(s) and owner(s) certifying the accuracy of the required information.

## SECTION 14.03 – PUBLIC HEARING

Refer to Section 12:07

## SECTION 14.04 – FINDINGS OF FACT REQUIRED

In reviewing any petition for a Zoning Amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

1. Whereupon the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.
2. The precedent, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
3. The ability of the Township or other governmental agencies to provide services, facilities, and/or programs that might be required if the petition were approved.
4. Effect of approval of the petition on the condition and/or value of property in the Township or in adjacent jurisdictions.
5. Effect of approval of the petition on adopted development policies of Rudyard Township and other governmental units.

All findings of fact shall be made part of the public records of the meetings of the Planning Commission and the Township Board. A petition shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Rudyard Township.

# ADDENDUM

\$50.00 Fee

Date Paid

**RUDYARD TOWNSHIP**  
Application for Conditional Use Permit  
Rezoning  
Amended Ordinance

Type of Request: Conditional Use Permit \_\_\_ Rezoning: \_\_\_ Amend Ordinance: \_\_\_

APPLICANT NAME \_\_\_\_\_ PHONE \_\_\_\_\_

ADDRESS \_\_\_\_\_

PROPERTY OWNER \_\_\_\_\_

LOCATION OF PROPERTY: \_\_\_\_\_

LEGAL DESCRIPTION: \_\_\_\_\_

PRESENT ZONING: \_\_\_\_\_ PROPOSED ZONING \_\_\_\_\_

EXISTING USE OF PROPERTY: \_\_\_\_\_

DESCRIBE REASON FOR REQUEST: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

HAS THE PRESENT APPLICANT PREVIOUSLY SOUGHT TO REZONE, OR  
OBTAIN A CONDITIONAL USE PERMIT? \_\_\_ YES \_\_\_ NO WHEN \_\_\_\_\_

WHAT IS BEING REQUESTED: \_\_\_\_\_

DATE NOTICE SENT TO BOARD OF APPEALS: \_\_\_\_\_

TIME OF HEARING: \_\_\_\_\_ NOTICE PRINTED \_\_\_\_\_

DATE OF MAILINGS TO PROPERTY OWNERS: \_\_\_\_\_



DATE \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

\_\_\_\_\_  
Zoning Enforcement Officer

\_\_\_\_\_  
Township Clerk

RUDYARD TOWNSHIP  
SIGN APPLICATION

Name of Applicant: \_\_\_\_\_

Business name \_\_\_\_\_

Address \_\_\_\_\_

Location for the Sign: \_\_\_\_\_

Reason for Sign: \_\_\_\_\_

Phone: \_\_\_\_\_

Are you the owner of the business? \_\_\_ Yes \_\_\_ No

**On the Back of this form or an additional sheet of paper include:**

- Drawing of sign, wording, graphics, and location.
- Please include detail of size and material to be used.
- Pictures are very helpful if available.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

10-Site Plan Application

FEE: \$350

DATE SUBMITTED TO CLERK \_\_\_\_\_

Applicant:

Property Owner if different (Same) \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
City, State, Zip

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Parcel ID

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Parcel ID

Project Description: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attachments:

1. Zoning Map of the proposed site and showing adjacent properties
2. Site Plan Map
  - a. North Arrow
  - b. Legal description including survey if available
  - c. Direction of storm water drainage and how water runoff will be handled
  - d. Location of existing and proposed buildings, their intended use, the length, width and height of each building and the square footage of each building
  - e. Location of abutting streets, rights-of-way, service drives, curb cuts and access easements serving the site, as well as driveways opposite the site and driveways within 100 feet of the site
  - f. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins and location of septic tanks and drain fields and utility easements.
  - g. Location of all sidewalks and other walkways.
  - h. Location and size of any walls, fences or other screening provisions.
  - i. Location of all proposed accessory structures including light poles or fixtures, flagpoles, storage sheds, transformers, dumpsters and recycle areas, signs and existing and proposed utility poles.
  - j. Proposed parking areas and access drives showing number of spaces and aisles and loading areas.
  - k. Location and specifications for any existing or proposed above and below ground storage facilities and their intended use.
  - l. Attachments from any and all other agencies, state and federal; requiring review or approval.

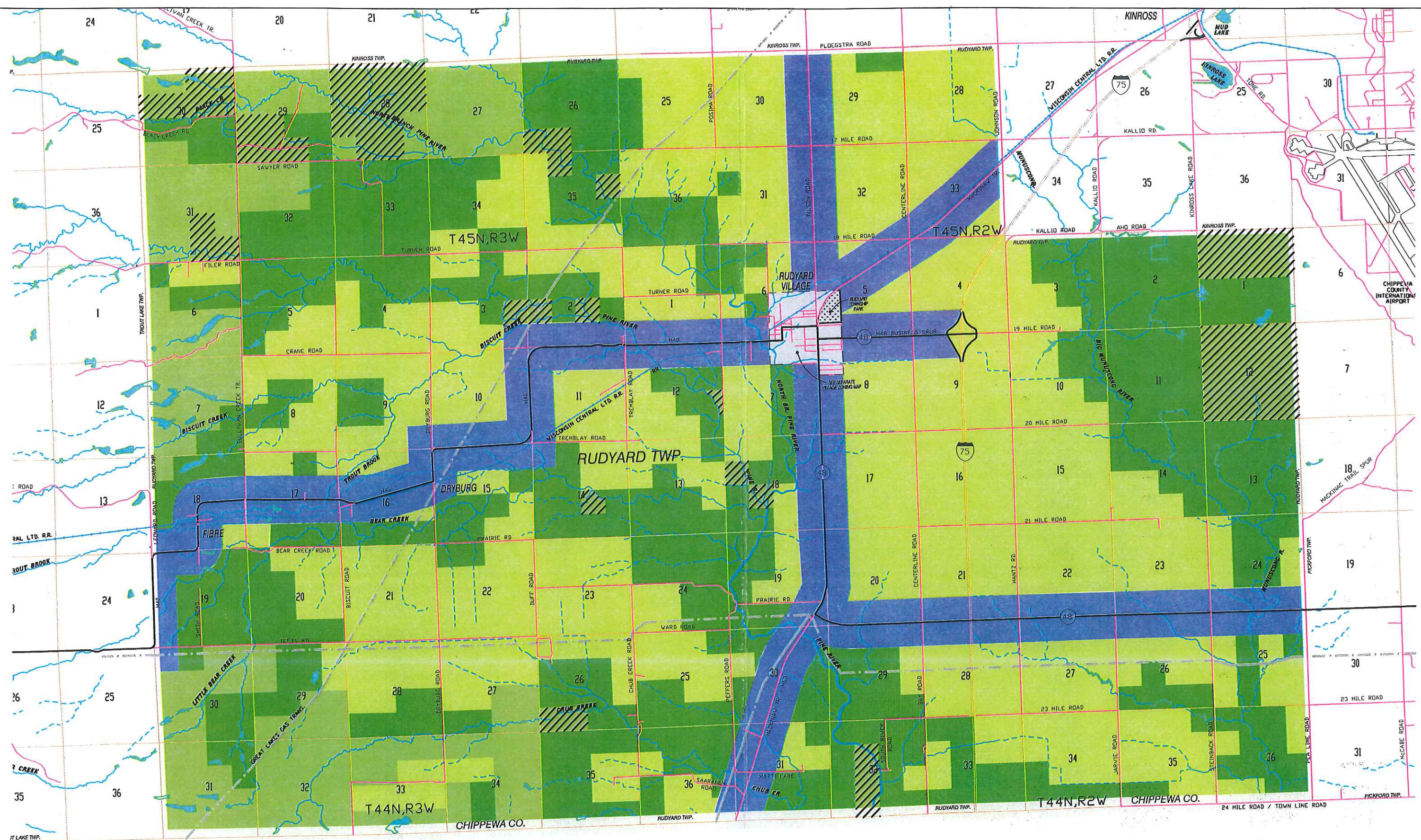
ZONING QUICK REFERENCE GUIDE

SETBACKS

DISTRICT	LOT AREA	MINIMUM WIDTH	FRONT SET BACK	SIDE SET BACK	REAR SET BACK
VILLAGE CENTER	5000 SQ FT	50'	NONE	NONE	NONE
VILLAGE CENTER IF ADJACENT TO RESIDENTIAL	5000 SQ FT	50'	15'	15'	15'
BUSINESS MIXED	15,000 SQ FT OR 2 ACRES	200'	20'	10'	20'
RESIDENTIAL WITHIN S/W	10,000 2 ACRES	100'	20'	10'	10'
RESIDENTIAL OUTSIDE S/W	2 ACRES	200'	20'	10'	10'
AGRICULTURAL	5 ACRES	250'	50'	15'	50'
RECREATION	5 ACRES	300'	75'	25'	50'

SITE PLANS ARE NEEDED IF CONSTRUCTION IS OVER \$200,000 OR 3,000 SQ FT

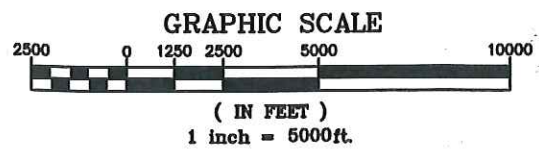




**LEGEND**

- = RECREATION/CONSERVATION
- = BUSINESS/MIXED USE
- = AGRICULTURAL
- = TOWNSHIP LINES
- = VILLAGE OF RUDYARD
- = STATE OF MICHIGAN
- = NATIONAL FOREST OR UNITED STATES
- = COUNTY LINES

**ZONING ORDINANCE OF RUDYARD TOWNSHIP**



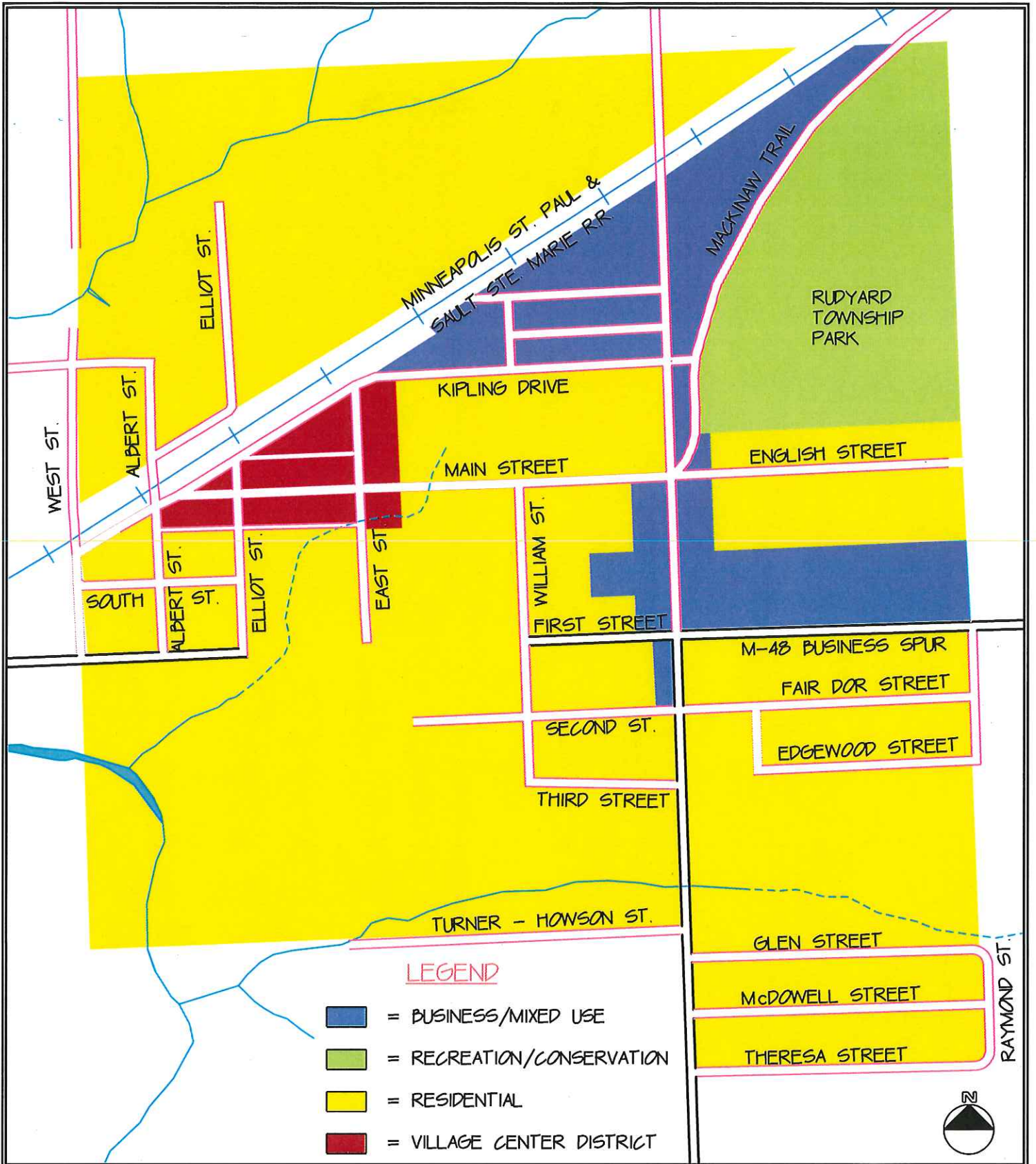
**U.P. ENGINEERS & ARCHITECTS, INC.**  
 HOUGHTON • MARQUETTE • NORWAY • SAULT STE. MARIE

**OFFICIAL ZONING MAP OF RUDYARD TOWNSHIP RUDYARD TOWNSHIP, MICHIGAN**

DESIGNED: P. COLEMAN  
 DRAWN: D. SALMON  
 DATE: 11-13-01  
 JOB NO. R03-20197  
 CAD FILE: R03-BASE

SHEET NO. **C1**





U.P. ENGINEERS &  
ARCHITECTS, Inc.

Houghton • Norway  
Marquette • Sault Ste. Marie

**VILLAGE OF RUDYARD  
ZONING MAP  
RUDYARD, MICHIGAN**

DATE: 11-13-01

SCALE: 1" = 600'-0"

DRAWN BY: D. SALMON

PROJECT NO.: R03-20197

CAD FILE: R03-BASE