

MANSFIELD TOWNSHIP ZONING ORDINANCE

Iron County, Michigan

ADOPTED - JUNE 1, 1983

AMENDMENT #1 - June 20, 1998

AMENDMENT #2 - January 3, 2001

AMENDMENT #3 - February 4, 2005

AMENDMENT #4 - August 12, 2008

AMENDMENT #5 - September 3, 2014

AMENDMENT #6 - November 4, 2015

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MANSFIELD TOWNSHIP BOARD:
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 TREASURER DEB STRELECKI
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MANSFIELD TOWNSHIP PLANNING COMMISSION:
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 BILL GRABOWSKI, MELVIN JOHNSON, DEB STRELECKI

MANSFIELD TOWNSHIP ZONING BOARD OF APPEALS:
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 RODNEY JOHNSON, GEORGE MINERICK, DEBBIE GRABOWSKI(ALTERNATE)

ZONING ADMINISTRATOR: PAM MINERICK

MANSFIELD TOWNSHIP ZONING ORDINANCE Iron County, Michigan

AN ORDINANCE to establish zoning districts and regulations governing the development and use of land within the Township of Mansfield, Michigan; in accordance with the provisions of Act 184, Public Acts of 1943, as amended, to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this ORDINANCE and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this ordinance; and to provide for conflicts with other ordinances or regulations. Mansfield Township adopted the Michigan Land Division Act.

PART I GENERAL PROVISIONS

SECTION 100 - TITLE AND PURPOSE

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Township of Mansfield". The fundamental purpose of this ordinance is:

- A) To promote the public health, safety, and general welfare
- B) To encourage the use of lands in accordance with their character and adaptability
- C) To limit the improper use of land
- D) To conserve natural resources and energy
- E) To meet the needs of the state's residents for food, fiber, and other natural resources, places of residence, recreation, industry, trade service, and other uses of land
- F) To insure that uses of the land shall be situated in appropriate locations and relationships
- G) To provide adequate light and air
- H) To reduce hazards to life and property
- I) To facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation, and other public requirements
- J) To conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources, and properties as authorized under the above mentioned act and provided for under the Mansfield Township Land Use Plan

Section 101: DEFINITIONS

- A) ACCESSORY - but subordinate & incidental to a principal use or structure on the same lot

B) **AGRICULTURAL** - The art or science of cultivating the ground, including the harvesting of crops & by extension; the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields, pastures, or pens. Agricultural activities shall be further identified on the basis of intensity as light, traditional, or product stand.

C) **LIGHT AGRICULTURAL ACTIVITY** - The cultivation of more than a garden but less than a farm, where the primary land use is residential and the production of crops and husbandry of domesticated animals is primarily for the consumption, enjoyment and/or use of the occupants.

D) **TRADITIONAL AGRICULTURAL ACTIVITY** - One or more plots of lands comprising a farm devoted to forest management and/or the raising of domestic animals and/or the cultivation of crops in quantity for the primary purpose of producing income, and which is operated in accordance with the Michigan Right to Farm Act, Public Act P.A. 93 of 1981.

E) **AGRICULTURAL PRODUCE STAND** - A structure which is used seasonally for display and sale of agricultural product.

F) **BED AND BREAKFAST INN** - A house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

G) **BOAT DOCK** - A dock, wharf, or similar structure extending into or over a lake, river, stream, or creek and providing a means of docking, loading, unloading, or servicing of watercraft. You must contact Department of Environmental Quality.

H) **BUILDING** - A structure that is permanently affixed to the ground, has a roof and is used for the shelter of humans, animals, property and goods.

I) **BUILDING HEIGHT** - The vertical distance from the highest point on a structure, excepting any chimney of a building, to the average ground level of the grade where the walls or other structural elements intersect the ground. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

J) **CAMPGROUND** - An area or tract of land on which accommodations for temporary occupancy are located or may be placed, including tents, and major recreational equipment and which is primarily used for recreational purposes and retains an open air or natural character.

K) **CARPORT** - A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.

L) **COMMERCIAL** - An occupation, employment, or enterprise that is carried on for

profit by the owner, lessee, or licensee.

M) **CONDITIONAL USE** - See Special Land Use

N) **CONVEYANCE** - An instrument or deed transferring the title to property.

O) **DECK** - A flat open structure.

P) **DWELLING** - A structure designed or used for residential occupancy.

(1) **DWELLING, SINGLE-FAMILY.** A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

(A) The dwelling shall meet the dimensional requirements of the State of Michigan Residential Building Code.

(B) The dwelling shall have a minimum exterior breadth/caliper/width of twenty (20) feet to be permitted in R-1, AR-3, R-10, RR, or L1 Districts. It shall have a minimum exterior breadth/caliper/width of fourteen (14) feet to be permitted in MUF, A-20, or A-40 Districts. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the minimum required.

(C) The dwelling shall be placed upon and secured to a permanent foundation in accordance with the Michigan Building Code and, where applicable, the manufacturer's installation instruction. In the event that the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system complying with the rules and regulations of the Michigan Mobile Home Commission.

(D) Skirting shall be installed if the dwelling is not placed upon a basement or crawl space.

(E) If the dwelling is manufactured off the site, it shall be installed with the wheels removed. In addition, a dwelling shall not have an exposed towing mechanism, undercarriage or chassis.

(F) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality confirming to the "Mobile Home Constructions and Safety Standards" as promulgated by the US Dept of Housing & Urban Development. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.

(2) **TWO FAMILY DWELLING** - A structure designed or used for residential occupancy by two families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, row houses, townhouses, and similar housing types and conforming in all other respects to the standards set forth in the single family dwelling definition.

(3) **MULTIPLE FAMILY DWELLING** - A structure designed or used for residential occupancy by three or more families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, row houses, townhouses, similar housing types, and conforming to the standards set forth in single family dwelling definition.

Q) **ERECTED** - Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction, reconstruction, alteration, excavating, fill, drainage, installation of utilities and the like.

R) **FAMILY** - An individual or a group of two or more persons living together as a single it housekeeping unit.

S) **FLOOR AREA** - Total gross area on all floors as measured by the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, and open porches balconies and terraces.

T) **GARAGE** - A fully enclosed building used for parking or storage of motor vehicles, not including buildings in which fuel is sold or repair or other services performed and shall not be utilized as a residential structure.

U) **GARAGE REPAIR** - A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work.

V) **GRADE** - To regulate the height of structures. Grade shall be the level of the ground adjacent to the walls of the building. If the ground is not level, the grade shall be determined by averaging the elevation of the ground along each wall.

W) **GREENBELT** - A strip of land of definite width and location reserved for the planting of growing of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of the ordinance.

X) **HEAVY INDUSTRY** - Primary metal production (milling, smelting, forging), the storage or refining of petro chemicals, primary wood processing, secondary metal fabrication or mining, etc.

Y) **HOME OCCUPATION** - An accessory use of a professional or service character conducted entirely within a dwelling by the family residents thereof, and which does not change the character thereof, must be conducted entirely within the principal structure that is used as the residential building.

Z) **INDUSTRIAL PARK** - A planned coordinated development of a tract of land for industrial use.

AA) JUNK YARD - An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to: scrap iron and other metals, paper, rages, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

BB) KENNEL - Any licensed activity involving the permanent or temporary keeping or treatment of four or more adult animals as a business.

CC) KEYHOLE DEVELOPMENT - Whether it's called keyhole, funnel, portal, or corridor-development, the concept is the same. When the purchase or real estate that is 'not' located on a lake or river, provides ongoing deeded use of a separate parcel that 'is' on the waterfront, people can be funneled through the waterfront parcel (or keyhole), using it as a corridor.

It is specifically intended that keyhole development or funnel development absolutely not be a permitted used.

DD) LIGHT INDUSTRY - Non-metal fabricating, and secondary industrial processes.

EE) LOT - (Also see LOT OR RECORD) A platted parcel of land intended to be owned, developed, and otherwise used as a unit.

FF) LOT OF RECORD - (Also see LOT) A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat.

GG) LOT AREA - The area of land within the boundary of a lot.

HH) LOT LINES - The lines bounding a lot as defined herein.

(1) FRONT LOT LINE - Boundary of a lot where it abuts the property line of any public or private street and from whence access to the lot is obtained. (Your address)

(2) REAR LOT LINE - Generally considered to be the line that is opposite from the Front Lot Line and also farthest in distance from the Front Lot Line.

(3) SIDE LOT LINE - Any lot line which meets the end of a Front Lot Line and the Rear Lot Line.

(4) LOT WIDTH (DEFINITION) -

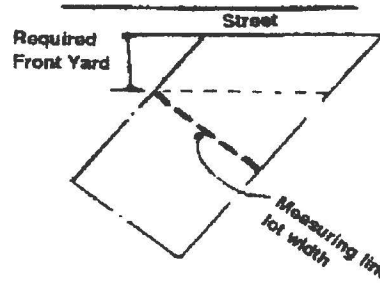
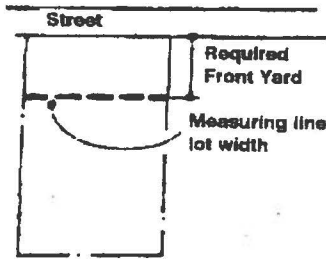
a. The straight line horizontal distance between the side lot lines measured at the two points where a projection of the building line intersects the side lot lines.

b. Water frontage lots may also be measured at the water frontage ordinary high

water mark; where these points are a straight line intersecting the side lot lines at the ordinary high water mark.

- (5) LOT WIDTH (MEASURING OF) - Lot width shall be measured as follows:
 a. Lot width with parallel side lot lines - The required width shall be measured on a straight line which is perpendicular (90 degrees right angle) to the side lot lines. The following drawings are illustrative of this definition.

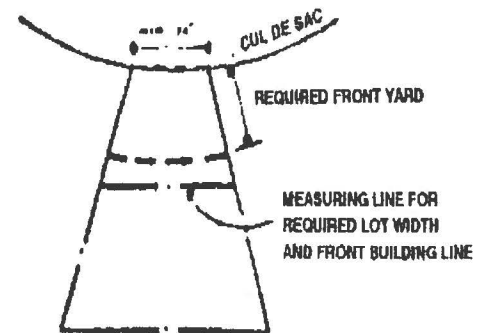
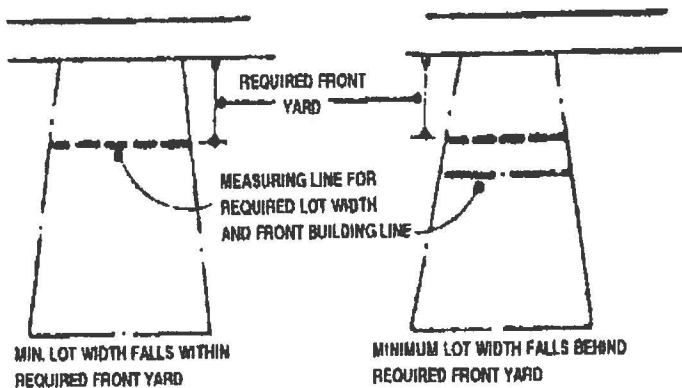
(A) Lot width with parallel side lot lines - The required width shall be measured on a straight line which is perpendicular (90 degrees right angle) to the side lot lines. The following drawings are illustrative of this definition and part thereof.



(B) Lot with non-parallel side lot line - The required lot width shall be measured on a straight line which shall be a measuring line, which is parallel to a straight line which connects the side lot lines where they intersect the front property line.

The required minimum straight line distance between the side lot lines where they intersect the front property lines shall be determined as follows:

The following drawings are illustrative of this definition and part thereof:



JJ) MANUFACTURED HOUSING - Single family detached housing that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974; and shall include structures known as manufactured homes or mobile homes.

A factory-built, single family structure that is manufactured under the authority of 42 U.S.C. Section 401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used 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.

KK) MINERAL - An inorganic or organic substance in the earth having a consistent and distinctive set of physical properties and a composition that can be expressed by a chemical formula and includes, but is not limited to, iron ore, copper, sand, gravel, stone, gypsum, clay, peat, marl, silver, gold, and uranium.

LL) MINING - A part or all parts of the process involved in the extraction and processing of minerals.

(1) **MINING PERMIT** - The mining use permit. It does not replace or otherwise eliminate the need to apply for State permits required under Michigan or Federal law.

(2) **OPERATOR** - An owner, lessee, or manager, having mineral rights, engaged in or preparing to engage in mining operations with respect thereto for the production of mineral products.

(3) **RECLAMATION PLAN** - The Operator's plan for reconditioning or rehabilitation of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to, the control of erosion and the prevention of land or rock slides, air and water pollution.

MM) MOBILE HOME - A structure transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle. Mobile homes must comply with all manufacturer's set up instructions, all regulations set forth by the Michigan Mobile Home Commission, and standards set forth in this ordinance under the definition of: **DWELLING, SINGLE FAMILY.**

NN) MOTEL - A structure designed, used or offered for temporary residential occupancy.

OO) NURSING HOME - A structure designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.

PP) **ORDINARY HIGHWATER MARK** - The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

QQ) **PATIO** - An outdoor area adjoining or enclosed by the walls of a house.

RR) **RESORT** - A hotel, motel, or rental unit that serves as a destination point for visitors

SS) **RESTAURANT**. A building or lot upon which food and/or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns ,nightclubs, drive-ins, and fast food establishments permitting consumption on the premises.

TT) **RIGHT-OF-WAY** - An area or strip of land, either public or private, on which an irrevocable rite of passage has been recorded for the use of vehicles or pedestrians or both.

UU) **ROADS, PRIVATE** - A way open to vehicular ingress and egress established as a separate tract for the benefit of certain adjacent properties. This definition shall not apply to driveways.

VV) **ROADS, PUBLIC** - All public property reserved or dedicated for street traffic.

WW) **SETBACK** - The required horizontal distance between every structure and any lot line on the lot which it is located.

XX) **SERVICE STATION** - Buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories.

YY) **STABLES, RIDING** - An accessory building in which horses are kept for commercial or private use including boarding, hire, and sale.

ZZ) **STRUCTURE** - Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way of limitation, buildings, mobile homes, towers, sheds, signs, and storage bins, but excluding fences, sidewalks, and paving on streets, driveways, parking areas, and patios.

AAA) TEMPORARY BUILDING OR USE - A prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.

BBB) TRAVEL TRAILER OR CAMPER - Any trailer coach, motor home, tent camper, truck mountable camper, or other unit designed as vacation unit for short term occupancy, and which unit is legally licensed for towing or travel over public highways.

CCC) USE - The purpose for which land or a building is designed, arranged, or intended to be used, or for which land or a building is or may be occupied.

DDD) USE, ACCESSORY - A use subordinate to the main use of a lot and used for purposes clearly incidental to those of the main use.

EEE) VARIANCE - Official permission by the Zoning Board of Appeals to build or use a structure or lot in a manner that does not conform to the provisions of the Zoning Ordinance.

FFF) WATERFRONT SETBACK - The required distance between every structure and any body of water on which the premises is located except bath houses, gazebo, or other similar structures.

GGG) WETLAND - Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation of aquatic life and is commonly referred to as a bog, swamp, or marsh.

HHH) YARD - The area between any lot line and the required setback.

III) ZONE - A mapped area to which a uniform set of regulations applies.

SECTION 102 - SEVERABILITY

If any section, clause, provision, or portion of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction the remainder of the Ordinance shall not be affected.

SECTION 103 - EFFECTIVE DATE

This Ordinance shall take effect and be in force seven days after publication of Ordinance adoption in newspaper of general circulation.

SECTION 104 - RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of

any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

SECTION 105 - ADMINISTRATIVE STANDARDS AND PROCEDURES

(A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, then unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance.

(B) When a public hearing is required in the administration of this Ordinance, except when a public hearing is held pursuant to Section 903, the Zoning Board of Appeals and the Township Planning Commission shall:

(1) Base their decision upon facts presented at a public hearing preceded by notice in a newspaper of general circulation appearing at least 15 days prior to the hearing.

(2) Notify, by certified mail all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly affected by a zoning decision. Local railroads and public utilities that register their name and mailing address with the Township Planning Commission for the purpose of receiving a notice shall be given a 15 day notice.

(3) Specify in all notices of a public hearing, the time, place, and exact nature of the meeting, the geographic area included in the zoning proposal, where and at what time copies of this Ordinance and the zoning maps may be examined, and where written comments will be received.

(4) Permit all interested parties at the hearing to present or rebut information either supporting or opposing the zoning action under consideration.

(5) Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions.

(6) Set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision.

(7) File the record, written testimony or documents submitted with regard to the hearings, and the decision with the Clerk to be open to public inspection.

(8) Comply with all other requirements under law.

(C) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

SECTION 106 - APPLICATION OF THIS ORDINANCE

No structure shall be constructed, erected, placed, or maintained, and no land use commenced or continued within the unincorporated parts of the Township, except as specifically authorized by this Ordinance. Special Land Uses are allowed only on permit granted by the Township Planning Commission upon finding that the specified conditions exist. Where a lot is developed to a permitted principal use, customary accessory uses and structures are authorized except as prohibited.

A structure under 200 square feet is permitted without a zoning application approval, provided the structure complies with all setback requirements.

SECTION 107 - SUBSTANDARD LOTS

In district R-1, AR-3, R-10, RR, L-1, A-20, A-40, MUF, and C the minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as lot in a recorded plat, or described in a notarized deed or land contract executed and delivered prior to the effective date of this Ordinance.

PART II ZONING DISTRICTS

SECTION 201 ESTABLISHMENT OF DISTRICTS

The Township of Mansfield is hereby divided into zoning districts, as named and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the maps in Part X of this Ordinance.

SECTION 202 DISTRICT: RESIDENTIAL -1 (R-1)

(A) INTENT: To establish and preserve quiet single family home neighborhoods as desired by large numbers of people, free from other uses except those which are both compatible with and convenient to the residents of such a district.

(B) PERMITTED PRINCIPAL USES: Minimum lot area is 25,000 square feet.

- 1) Single family dwelling
- 2) Public parks
- 3) Playgrounds
- 4) State licensed residential facility, family or group day care.
- 5) Home Occupations

(C) PERMITTED ACCESSORY USES: Accessory uses and structure normally associated with single family dwellings such as:

- 1) Garage - private
- 2) Shed for yard tools and wood
- 3) Playhouse
- 4) Pens
- 5) Bath houses

- 6) Swimming pools
- 7) Sauna

(D) **SPECIAL LAND USES AUTHORIZED BY PERMIT:** The following uses of land and structures may be permitted by application for and the issuance of a Special Land Use Permit as provided for in Section 903.

- 1) Golf Courses
- 2) Light agricultural activities may be permitted on parcels of five acres or more
- 3) Schools
- 4) Churches
- 5) Utilities
- 6) Private Parks
- 7) Public swimming pools and similar recreational & outdoor public facilities
- 8) Other similar uses and structures subject to Planning Commission approval

SECTION 203 DISTRICT: AGRICULTURAL/RESIDENTIAL-3 (AR-3)

(A) **INTENT:** To establish and maintain those areas which are suitable for a wide range of medium density residential, recreational, and agricultural activities.

(B) **PERMITTED PRINCIPAL USES:** The minimum lot area is three (3) acres.

- 1) Single family dwellings
- 2) Two-family dwellings
- 3) Home occupations
- 4) Churches
- 5) Schools
- 6) Libraries
- 7) Parks
- 8) Recreational facilities and similar uses
- 9) Traditional agriculture activities
- 10) Home Occupations

(C) **PERMITTED ACCESSORY USES:** Accessory uses and structures normally associated with single and two family dwellings, such as:

- 1) Barns and other bona fide farm buildings or structures
- 2) Private garages and greenhouses
- 3) Roadside stands offering for sale agriculture or other products shall be located at least 25 feet from a property line
- 4) Kennels
- 5) Riding stables
- 6) Irrigation devices
- 7) Playhouse
- 8) Pens
- 9) Swimming pools, sauna, and bath houses

(D) **SPECIAL LAND USES AUTHORIZED BY PERMIT:** The following uses of land and

structures may be permitted by application for and the issuance of a Special Land Use Permit as provided for in Section 903.

- 1) Cemeteries
- 2) Multiple family dwellings - condominiums
- 3) Mining, subject to the conditions in Section 800
- 4) Other similar uses and structures subject to Planning Commission approval

SECTION 204 DISTRICT: RESIDENTIAL-10 (R-10)

(A) **INTENT:** To establish and maintain for low intensity use those areas which are suitable for a wide-range of low density residential and recreational activities.

(B) **PERMITTED PRINCIPAL USES:** The minimum lot area is ten (10) acres.

- 1) Single family dwellings
- 2) Two-family dwellings
- 3) Home occupations
- 4) Churches
- 5) Schools
- 6) Libraries
- 7) Parks
- 8) Recreational facilities and similar uses
- 9) Traditional agriculture activities
- 10) State licensed residential facility, family, or group day care.(7/06 MEA)

(C) **PERMITTED ACCESSORY USES:** Accessory uses and structures normally associated with single and two-family dwellings such as:

- 1) Barns and other bona fie farm buildings or structures
- 2) Private garages and greenhouses
- 3) Roadside stands offering for sale agriculture or other products shall be located at 25' from a property line
- 4) Kennels
- 5) Riding stables
- 6) Irrigation devices
- 7) Playhouse
- 8) Pens
- 9) Swimming pools, sauna, or bath house

(D) **SPECIAL LAND USES AUTHORIZED BY PERMIT:** The following uses of land and structures may be permitted by application for and the issuance of a Special Land Use Permit as provided for in Section 903.

- 1) Cemeteries
- 2) Resorts and lodges are permitted under the following conditions:
 - a. Minimum lot size of ten (10) acres
 - b. Maximum total of all buildings cannot exceed 10% of lot size
 - c. Provided on-site septic systems and/or sanitary facilities have been approved by Iron County Health Department.

- d. Resorts must meet the front, side, rear, and height requirements under the Schedule of Regulations.
- 3) Other similar uses and structures subject to Planning Commission approval.

SECTION 205 - DISTRICT: RESORT-RESIDENTIAL

A) INTENT: To establish and maintain for residential and recreational use those areas which are suitable for high-density recreational development.

(B) PERMITTED PRINCIPAL USES: Minimum lot area is 90,000 square feet.

- 1) Single family dwelling
- 2) State licensed residential facility, family, or group day care.(7/06 MEA)
- 3) Home Occupations

(C) PERMITTED ACCESSORY USES: Accessory uses and structures normally associated with single family dwellings such as:

- 1) Garage - private
- 2) Shed for yard tools and wood
- 3) Playhouse
- 4) Pens
- 5) Swimming pools
- 6) Sauna

(D) SPECIAL LAND USES: The following uses of land and structures may permitted by application for the issuance of a Special Land Use Permit as provided for in Section 903.

- 1) Public parks
- 2) Bathing facilities
- 3) Recreational decks
- 4) Ski hill developments
- 5) Rental units which meet the following criteria:
 - a. Each rental unit must exist on an additional lot with a minimum lot size of 3,000 square feet.
 - b. Maximum total of all buildings cannot exceed 25% of lot size (750 sq ft)
 - c. Will have to meet the waterfront setback of Section 401
 - d. Provided on-site septic systems and/or sanitary facilities have been approved by the Iron County Health Department
 - e. Rental units must meet requirements of front, rear, side, and height requirements under Schedule of Regulations.
- 6) Resorts are permitted under the following conditions:
 - a. Minimum lot size of five (5) acres
 - b. Maximum total of all buildings cannot exceed 20% of lot size.
 - c. Will have to meet the waterfront setback of Section 401
 - d. Provided on-site septic systems and/or sanitary facilities have been approved by the Iron County Health Department
 - e. Resorts must meet the front, rear, side, and height requirements under Schedule of Regulations.

- 7) Condominium
- 8) Other similar uses and structures subject to Planning Commission approval.

SECTION 206 - DISTRICT: LAKE-1 (L-1)

(A) INTENT: This district is to preserve the scenic character of the designated lakes and its bordering lands, the natural quality of the water itself while providing controlled recreational opportunities and low-density residential use. Keyhole development or funnel development will absolutely not be a permitted use.

(B) PERMITTED PRINCIPAL USES. Minimum lot size is 90,000 square feet.

- 1) Single family dwelling
- 2) Home Occupations

(C) PERMITTED ACCESSORY USES: Accessory uses and structures normally associated with single family dwellings such as:

- 1) Garage - private
- 2) Shed for yard tools and wood
- 3) Playhouse
- 4) Pens
- 5) Swimming pools and bath houses
- 6) Sauna

(D) SPECIAL LAND USES: The following uses of land and structures may be permitted by application for the issuance of a Special Land Use Permit as provided for in Section 903.

- 1) Public parks
- 2) Bathing facilities
- 3) Recreational decks
- 4) Other similar uses and structures subject to Planning Commission approval.

SECTION 207 - DISTRICT: AGRICULTURAL-20 (A-20)

(A) INTENT: The agriculture district is established as a district which agriculture and certain related uses are encouraged as the principal use of land.

(B) PERMITTED PRINCIPAL USES: Minimum lot size is twenty (20) acres.

- 1) Single family dwelling
- 2) Home occupations
- 3) Traditional agriculture

(C) PERMITTED ACCESSORY USES: Accessory uses and structures normally associated with agriculture and single family dwellings such as:

- 1) Barns and other bona fide buildings and structures
- 2) Private garages and private greenhouses
- 3) Roadside stands offering for sale agriculture or other products shall be located at least twenty-five (25) feet from a property line.
- 4) Kennels

- 5) Riding stables
- 6) Devices for irrigation of agricultural land
- 7) Playhouse
- 8) Pens
- 9) Swimming pools, sauna, and bath houses

(D) SPECIAL LAND USES AUTHORIZED BY PERMIT: The following uses of land and structures may be permitted by application for and the issuance of a Special Land Use Permit as provided for in Section 903.

- 1) Two family dwellings
- 2) Mining, subject to conditions in Section 800 Mining Regulations
- 3) Junk yards, subject to conditions outlined in Section 1200
- 4) Veterinarian offices and animal clinics
- 5) Other similar uses and structures subject to Planning Commission approval

SECTION 208 - DISTRICT: AGRICULTURAL-40 (A-40)

(A) INTENT: The agriculture district is established as a district in which agriculture and certain related uses are encouraged as the principal use of land.

(B) PERMITTED PRINCIPAL USES: Minimum lot size is forty (40) acres.

- 1) Single family dwelling
- 2) Home occupations
- 3) Traditional agriculture

(C) PERMITTED ACCESSORY USES: Accessory uses and structures normally associated with agriculture and single family dwellings such as:

- 1) Barns and other bona fide buildings and structures
- 2) Private garages and private greenhouses
- 3) Roadside stands offering for sale agriculture or other products shall be located at least twenty-five (25) feet from a property line.
- 4) Kennels
- 5) Riding stables
- 6) Devices for irrigation of agricultural land
- 7) Playhouse
- 8) Pens
- 9) Swimming pools, sauna, and bath houses

(D) SPECIAL LAND USES AUTHORIZED BY PERMIT: The following uses of land and structures may be permitted by application for and the issuance of a Special Land Use Permit as provided for in Section 903.

- 1) Two family dwellings
- 2) Mining, subject to conditions in Section 800 Mining Regulations
- 3) Junk yards, subject to conditions outlined in Section 1200
- 4) Veterinarian offices and animal clinics
- 5) Other similar uses and structures subject to Planning Commission approval

SECTION 209 - DISTRICT: MULTIPLE USE FOREST (MUF)

(A) INTENT: The multiple use forest district has been created to conserve significant natural resource characteristics found within the township. Land within this district is intended to be used primarily for low-density residential and industrial activities, such as forestry and mining, as well as for low-density recreational activities associated with forest land.

(B) PERMITTED PRINCIPAL USES: Minimum lot size is forty (40) acres.

- 1) Growing and harvesting of forest products
- 2) Public or private low-intensity recreational uses such as parks, golf courses, and camp grounds
- 3) Outdoor recreational activities such as, but not limited to, hunting & fishing.
- 4) Hunting camps
- 5) Light agriculture
- 6) Single family dwellings

(C) SPECIAL LAND USES: The following uses of land and structures may be permitted by application for the issuance of a Special Land Use Permit as provided for in Section 903.

- 1) Sanitary landfills, licensed by Michigan Department of Health
- 2) Sawmills, pulp mills, and other heavy industry subject to Section 700, Industrial Performance Standards.
- 3) Mining, subject to the same conditions as outlined in Section 800, Mining Regulations.
- 4) Public shooting and archery range
- 5) Traditional agriculture
- 6) Other similar uses and structures subject o Planning Commission approval.

SECTION 210 - DISTRICT: COMMERCIAL (C)

(A) INTENT: To establish areas for commercial facilities.

(B) PERMITTED PRINCIPAL USES: Barber and beauty shops, general and specialty food and beverage stores, drug stores, restaurants, clothing, and dry goods stores, offices, bakeries without additional sales outlets, dry cleaning and laundry pick-up stations, coin-operated laundry and dry cleaning establishments, motor vehicle sales, service, and rental, construction and farm equipment sales, sale of mobile homes, campers, recreational vehicles, boats, and monuments, wholesale and storage uses, food packaging and bottling works, commercial printing and newspaper offices, contractor's yards and shops, laundry and cleaning and dyeing plants, motels, banks, personal services, and other related commercial facilities.

(C) SPECIAL LAND USES: Owner occupied, single family residences, when the residence is considered accessory to the principal commercial use.

PART III HEIGHT AND PLACEMENT REGULATIONS

SECTION 300 - HEIGHT, PLACEMENT, AND FLOOR SPACE REGULATIONS

(A) Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where a lot fronts on two streets within thirty (30) degrees of being parallel but not of their intersections, no rear setback is required. The side setback requirement applies to a side lot line. All distances are measured in feet.

It is intended that keyhole development or funnel development not be a permitted use.

SCHEDULE OF REGULATIONS

(A) SETBACKS

<u>DISTRICT</u>	<u>FRONT</u>	<u>SIDE</u>	<u>REAR</u>	<u>BUILDING HEIGHT</u>
L-1	30 FT	*20B FT	30 FT	40 FT
R-1	40 FT	*20B FT	25 FT	40 FT
AR-3	30 FT	30 FT	30 FT	40 FT
R-10	30 FT	30 FT	30 FT	40 FT
RR	30 FT	*20B FT	30 FT	40 FT
C *	30 FT	5 FT	20 FT	40 FT
A-20	30 FT	30 FT	30 FT	40 FT
A-40	30 FT	30 FT	30 FT	40 FT
MUF	30 FT	30 FT	30 FT	* A FT

* NOTE: SEE FOOTNOTES FOLLOWING SCHEDULE OF REGULATIONS

(B) LAND AREA

<u>DISTRICT</u>	<u>MINIMUM LOT SIZE</u>	<u>MINIMUM LOT WIDTH</u>
L-1	90,000 SQUARE FEET	300 FT
R-1	25,000 SQUARE FEET	125 FT
AR-3	3 ACRES	200 FT
R-10	10 ACRES	300 FT

RR	90,000 SQUARE FEET	300 FT
RENTAL UNIT	3,000 SQUIRE FEET	----
C	SEE SECTION 400	----
MUF	40 ACRES	NONE
A-20	20 ACRES	330 FT
A-40	40 ACRES	660 FT

* FOOTNOTES:

A) Height at any point on a structure shall not exceed the horizontal distance to any lot line

(B) A detached garage not exceeding fourteen (14) feet in height may be located within six (6) feet of a side lot line.

SECTION 301 - ACCESSORY BUILDING

All attached accessory buildings and structures, including garages, open porches, and breezeways, shall be considered a part of a building in determining the height and placement regulations. All unattached buildings shall be located not less than that specified in section 300 (A) - Setbacks, from any side lot line, and not less than the required setback of the main building on the premises.

SECTION 302 - LAND DIVISIONS

All land divisions must be approved by Mansfield Township Assessor and Mansfield Township Zoning administrator prior to any split. The assessor or other designee shall maintain an official record of all approved and accomplished land divisions.

PART IV - SETBACK REGULATIONS

SECTION 400 - ZONING DISTRICT BOUNDARY SETBACK REGULATIONS

On lots in District C (Commercial) no structure shall be erected or maintained with thirty (30) feet of the boundary line of any Residential Districts. Where a district boundary line divided a lot into two (2) districts, it shall be treated as a lot line for purpose of the setback provisions of this Ordinance.

SECTION 401 - WATERFRONT SETBACK

All lots abutting any body of water, including but not limited to, inland lakes, rivers, streams, creeks, and impoundments shall maintain a minimum setback of one hundred (100) feet for the construction of structures. Waterfront setback is measured by horizontal plane, not following the contour of the land.

The setback on a nonconforming parcel of land with water frontage shall be that which provides the greatest protection and enhancement of the qualities of water-bodies sought to be protected by this section and which also recognizes the need for structures to have responsible side yard and front yard setbacks.

PART V - SITE PLAN APPROVAL REQUIREMENT

SECTION 500 - SITE PLAN APPROVAL REQUIREMENTS

Except with respect to single family dwellings and mobile homes and accessory uses thereto not subject to Section 402 of this Ordinance, no person shall commence an use or erect or enlarge any structure without first obtaining the approval of a site plan by the Zoning Administrator as set forth in this Section, and no use shall be carried on, no structure erected or enlarged, and no other improvement or construction undertaken except as show upon an approved site plan.

SECTION 501 - REQUIRED FORM OF INFORMATION ON SITE PLAN

Every site plan must be submitted to the Zoning Administrator for approval. Each site plan must show the following:

- (A) The boundary lines of the area included in the site plan including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
- (B) The shape, size, location, and height of all structures.
- (C) Natural features such as streams, lakes, or ponds. Man-made features such as existing roads and structures, with indications as to which are to be retained and which are to be removed or altered.
- (D) Proposed streets, driveways, parking spaces, and sidewalks.
- (E) A legal description of the land included in the site plan and of the lot; the name, address, and telephone number of the owner, developer, and designer.
- (F) Any other information necessary to establish compliance with this and other Ordinances of the availability of adequate utility capacity.

SECTION 502 - REVIEW PROCEDURE

Upon receipt of any site plan the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this and all other ordinances of Mansfield Township; and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, with ten (10) days, approve it in writing or deny approval in writing, setting forth in detail his reasons which shall be limited to any defect in form or required

information, any violation of any provisions of this or any other ordinance, or the inadequacy of any utility, and any changes, which would make the plan acceptable. The proposer may appeal by denial to the Township Zoning Board of Appeals.

PART VI - NONCONFORMING USES AND STRUCTURES

SECTION 600 - NONCONFORMING USES AND STRUCTURES

A building, structure, plot, premises, or use of land lawfully existing at the time of the effective date of this Ordinance which does not conform to the regulations of the district in which it is situated.

A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement, or yards for the zoning district in which it is located.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may continue, so long as it remains otherwise lawful, subject to the following provisions:

(A) No such nonconforming use/structure shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

(B) No such nonconforming use/structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.

PART VII - INDUSTRIAL PERFORMANCE STANDARDS

SECTION 700 - INDUSTRIAL PERFORMANCE STANDARDS

Before the issuance of any building or occupancy permit, for an industrial use, the applicant shall sign an agreement that the use of the property will meet the following performance standards, or that any violation of these standards in subsequent operation shall be corrected, the costs of inspection by experts for compliance to be borne by the applicant(s):

(A) GENERAL STANDARDS

1) Fire and Explosion Hazards - All activities shall be carried on only in the buildings classified as fireproof by the Building Code, and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards, as to product no explosion hazards as determined by the Michigan Department of Labor, to a use one on an adjacent property. Flammable liquids and other fuels used for heating, shall be stored in a entirely closed building

which shall be used for no other purpose, or in underground tanks provided said storage building or tank is not closer than one hundred (100) feet to any building occupied by one or more humans.

2) Injurious Effects - Every use which causes odor, fumes, dust, smoke, air-pollution, vibration, noise, waste disposal, electrical interference, disturbance or glare, explosion, atomic, or other form of radio activity; or is otherwise injurious to other lawful uses of adjoining property shall be prohibited.

3) Liquid or Solid Waste - No industrial operations shall directly discharge industrial waste of any kind into any existing reservoir, pond, stream, river, or lake. All methods of sewage, and industrial waste treatment and disposal shall be approved by the Michigan State Health Department.

4) Access - No industrial operations shall be located more than one half (1/2) mile from an existing State, Federal, County, or Township road, unless the applicant indicates in writing his intent to provide an access road, meeting road dedication standards of the Iron County Road Commission.

5) Utilities - With the exception of on-site independently owned and operated utilities, no industrial operations shall create demand in excess over the current capacity of existing public or publicly regulated utilities.

(B) HEIGHT AND AREA STANDARDS

1) Height - No height shall exceed a maximum of forty (40) feet in height. This provision may be waived by the Township Planning Commission upon determination of critical need and the intent of the performance standards are met.

2) Front Yard - There shall be a front yard setback of not less than forty (40) feet. If a portion of the front yard be used for parking, a strip of land at least ten (10) feet wide running parallel to the front line shall be planted and landscaped except for necessary entrance drives.

3) Side Yard - There shall be two (2) side yards and no side yard setback shall be less than twenty (20) feet. Where the side yard is the side street, the front yard provisions shall apply.

4) Rear Yard - There shall be a rear yard setback of at least twenty-five (25) feet.

PART VIII - MINING REGULATIONS

SECTION 800 - MINING REGULATIONS

(A) INTENT - To establish and preserve areas of mineral reservation, protection, and extraction, to prevent non-compatible land uses from denying the benefits of these minerals to the citizens of Mansfield Township, to protect deposits near developed areas,

to prevent unwise patterns of development, to assure proper reclamation of mining sites, and to provide for the best economic growth opportunities and environmental management techniques available in the interests of the citizens of Mansfield Township.

(B) MINING REGULATION - No mining shall take place until the operator has obtained a mining permit approved by the Planning Commission.

1) An application for a mining permit shall contain the following information:

a) A site plan, based on the requirements as stated in Sections 500, 501, and 502 with the following additional items included:

1. Proposed location, area extent, and estimated depth of intended mine excavation.
2. Proposed location of the mine, waste dumps, tailings ponds, sediment basins, stock piles, and other permanent or temporary facilities used in mining.
3. Depth to groundwater, groundwater occurrences and groundwater flow.
4. Topographic information with two (2) foot contour intervals.

b) A narrative description outlining the estimated period of the time operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater flow; proposed travel routes to be used to transport the mined material to processing plants or markets.

c) A narrative description of the social and economic impact on the Township including an estimate of the number of potential employees, proposed transportation routes for employees, and any changes in the present road system that would be made necessary by the proposed operation.

d) A reclamation plan, unless the Operator has obtained or has filed an affidavit stating that he has filed for a State-approved reclamation plan pursuant to Act No. 92 of the Public Acts of 1970, as amended that includes a map and description showing:

1. Final grading, final slope angles, wall reduction, benching, and terracing of slopes, slope stabilization and re-vegetation, and erosion control, and alternative future land uses.

2. Description of topsoil stripping and conservation during storage and replacement.
3. Plan and description of anticipated final topography, water impoundments, and artificial lakes on the property.
4. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
5. A plan for disposal or treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing minerals, and of chemicals or materials used during the mining or processing operations.

e) Proof of the required state permits or affidavit of filing for state permits relating to pollution control and reclamation.

f) A description of the measures to be taken to screen the operation from view.

g) A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to children or others.

2) The Planning Commission shall approve an application for a mining permit when the application, in addition to all other requirements meets the following standards listed below:

a) That the establishment, maintenance, operation of the planned mining or completion of the reclamation plan shall not endanger the public health, safety, or general welfare.

b) That adequate utilities, access roads, drainage, traffic plans, and other site improvements have been, are, or will be provided.

c) That the operator of the mining operation has acquired or has filed an affidavit stating that he has filed for all applicable state and federal permits.

d) That the noise, vibration, dust and odor levels at the property lines are within levels that do not create harm or nuisance to adjacent property.

e) That measures to be taken to screen the operation from view and protect individuals from injury are adequate.

3) Upon receipt of an application for a mining permit the Planning Commission shall:

a) Schedule a public hearing on the application with fifteen (15) days.

b) Proceed pursuant to Section 105 of this Ordinance.

c) Direct the Zoning Administrator to review the application, conclude a site plan review, and submit a recommendation at the public hearing. The Zoning Administrator may utilize the services of a professional engineer, planner, or other consultant in the review.

d) At the public hearing the Planning Commission shall approve, approve with conditions attached, or deny the application in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, the inadequacy of any utility, or any violation of any provisions of this or any other ordinances. The Planning Commission shall specify any changes which would make the plan acceptable.

e) Specify in each mining permit granted, the period of time that permit shall remain in effect. An operator may apply for a new permit and shall be required only to specify the changes from the initial application and permit.

4) If proposed mining is contemplated more than sixty (60) days before it shall commence, the Operator may submit, or the Planning Commission may request voluntary submission of, any or all information that would be required in an application for a mining permit pursuant to the Ordinance. Such information may be submitted and may be reviewed by the Planning Commission at any time prior to the application for a mining permit. Any suggestions or comments upon the submitted information shall be set forth in writing and presented at a public hearing. All pre-application deliberations and determinations of the Planning Commission shall be summarized in writing and made part of the record of and presented during the public hearing at which the application is considered pursuant to Section 105 of the Ordinance.

5) The Zoning Administrator shall not issue a zoning compliance permit or conditional use permit for a mining operation unless a mining permit approved by the Planning Commission pursuant to Section 105 of the Ordinance has been issued. The Zoning Administrator shall periodically inspect mining operations for which mining permits have been issued and if violations of this Ordinance or of the applicable mining permit are apparent, the Zoning Administrator shall request review by the Planning Commission of the mining permit and the Planning Commission shall proceed pursuant to Section 907 of this Ordinance.

6) Any person operating a mining operation at the date of enactment of this

Ordinance shall not need a mining permit to continue mining at the operation.

7) A mining permit shall not be required for an extraction of less than 2000 cubic yards of minerals from a site of less than one (1) acre.

8) No mining operation may be substantially altered, as defined by resolution of the Planning Commission, without a new mining permit for the operation which shall include approval of the alteration.

9) The Planning Commission may require an operator of mining operation to deposit a bond with the Planning Commission if it determines such a bond is necessary to assure faithful performance of all requirements of this ordinance or a mining permit. The Planning Commission shall:

a. Determine the amount and the kind of bond based on an amount equal to the estimated cost of reclaiming all site proposed in the application.

b. Determine the length of bonding period.

c. Allow a single bond to be posted in lieu of separate bonds for additional sites within this jurisdiction.

d. Require the operator to notify the Planning Commission of cessation of all mining activities at the project site no later than sixty (60) days before operations are to cease.

e. Release the bond upon implementation of the approved reclamation plan.

f. Find these requirements binding to the successor in interest to the operator upon the sale or transfer of assets of the mining operation.

10) Any administrative decision of the Planning Commission pursuant to Section 105 of this Ordinance shall not be final, and any person having an interest affected by any decision shall have the right to appeal to the Circuit Court.

(C) GRAVEL PIT REGULATIONS: Development of gravel pits shall be completed without the full compliance of Section 800 Mining Regulations upon approval of meeting safety and health conditions as specified and approved by the Zoning Administrator and the Planning Commission. Applicable portions of Section 800 may be included in any gravel pit permit.

PART IX - ADMINISTRATION

SECTION 900 - ZONING BOARD OF APPEALS: POWERS, DUTIES, & RULES

(A) There is hereby established a Zoning Board of Appeals as provided for in Act 184, Public Act of 1943, which shall have all the of the powers and duties provided by State Law and no others except as specifically set forth in this or any other Ordinance of Mansfield Township. The Zoning Board of Appeals shall have three members appointed by the Township Board, the first member shall be a member of the Township Planning Commission, the second member may be a member of the Township Board, and the remaining members shall be selected by the Township Board and appointed from among the electors residing in the unincorporated area of the Township. The members selected shall be representative of the population distribution and of the various interests present in the Township. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township may not serve as a member or as employee of the Township Board of Appeals.

(B) The compensation, of any, for the Board of Appeals shall be appropriated annually in advance by the Township Board.

(C) Member of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearings.

(D) A member shall disqualify him/herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify him/herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.

(E) Terms shall be for three (3) years. The terms of members who serve on the Planning Commission or Township Board shall be limited to the time such persons are member of the Planning Commission or Township Board, respectively, and the period stated in the resolution appointing them.

(F) A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

(G) The Township Zoning Board of Appeals shall not conduct business unless a majority of the members of said Board are present.

(H) The Township Board of Appeals shall act upon all questions as they may arise in the administration of the zoning ordinance, including the interpretation of the zoning maps, and may fix rules to govern its procedure sitting as a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decisions, or determination made by an administrative official or body charged with enforcement of the zoning ordinance.

(I) The Township Board of Appeals shall hear and decide all matters referred to it or upon which it is required to pass pursuant to this ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision, or determination of the zoning administrator, or to decide in favor of an applicant for a variance or any other special consideration pursuant to this ordinance. The Zoning Board of Appeals shall state the grounds for each decision made by it.

(J) The Township Zoning Board of Appeals shall fix reasonable times and places for hearing appeals, give due notice thereof to the parties to the appeal, and decide the appeal within a reasonable time. At a hearing before the Township Zoning Board of Appeals, a party may appear in person or agent or attorney. The Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination of the zoning administrator. The Zoning Board of Appeals shall have all the powers of the zoning administrator and may issue or direct the issuance of a permit.

(K) Where there are practical difficulties or unnecessary hardships preventing adherence to the strict letter of the zoning ordinance, the Zoning Board of Appeals, in passing upon appeals, may vary or modify any of its rules or provisions so that the spirit of the ordinance is observed, public safety secured, and substantial justice done.

(L) The decision of the Board of Appeals shall be final subject to review by the Iron County Circuit Court as provided by law.

SECTION 901 - THE ZONING ADMINISTRATOR

The office of the Zoning Administrator is hereby established. The Zoning Administrator shall be appointed by the Township Board and shall serve at their pleasure. He shall receive such compensation as the Township Board, may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of Mansfield Township, except the Zoning Administrator can't be the Township Supervisor.

He shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He shall have no power to vary or waive Ordinance requirements.

SECTION 902 - ZONING COMPLIANCE PERMITS

Hereafter, no land use shall be commenced or changed and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case, and payment of a permit fee in

the amount set by the Township Board. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance. Any zoning compliance permit based on any material false statement in the application of supporting documents is absolutely void and shall be revoked. No zoning compliance permit shall remain valid if the use of the structure it authorizes becomes nonconforming.

SECTION 903 - SPECIAL LAND USE PERMITS

No special land use shall be established in any zoning district except upon permit issued by the Township Planning Commission, who shall be guided in making a decision by the standards set forth in this Ordinance. Any person seeking a special land use permit shall provide to the Zoning Administrator such information as he may reasonably require to determine whether the granting of the requested permit is authorized by law. This information shall take the form of a site plan as required in Section 500 of this Ordinance. The Township Zoning Administrator shall follow the standards and procedures outlined below when determining whether it is in the public interest to issue a special land use permit.

(A) The Township Zoning Administrator shall recommend the particular circumstances of the special land use request under consideration in terms of the following standards, and shall recommend a Special Land Use upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.

1) The special land use shall be consistent with the intent and purpose of this Ordinance.

2) To insure compliance with the zoning ordinance and any conditions imposed hereunder, the Township Zoning Administrator or Planning Commission, or Zoning Board of Appeals may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the cost of the special land use proposed. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing a special land use. The Township Planning Commission or Board of Appeals shall have the power to waive this requirement.

(B) For public notice of a request for a special land use permit refer to Section 105.

(C) Decisions made by the Township Planning Commission may be appealed to the Township Zoning Board of Appeals.

SECTION 904 - FEES

Neither the Township Planning Commission nor the Zoning Board of Appeals shall consider any matter until there is first paid a fee as set by the Township Board, except

that such fee shall not be required where the Township or any official body thereof is the moving party. Fees for the following shall be set by the Township Board:

- A) Zoning Compliance Permit
- B) Application for a Special Land Use Permit
- C) Variance Application
- D) Amendment of this Ordinance
- E) Mining Permit
- F) Rezone Application
- G) Non-compliance Permit

SECTION 905 - SPECIAL ZONING ORDERS BOOK AND MAP

The Zoning Administrator shall keep in his office a book, to be known as the Special Zoning Orders Book, in which he shall list, with a brief description, all variance, special land use permits, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

SECTION 906 - VIOLATIONS AND PENALTIES

Any person who violates any provision of this ordinance or any amendment thereto or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor.

(A) The Zoning Administrator will contact the person or persons in writing to advise them they are not in compliance and will have thirty (30) days to comply with zoning requirements. A copy will be sent to the township supervisor.

(B) After thirty (30) days the Zoning Administrator checks to see if in compliance. In not, the supervisor will be contacted to handle the situation with the Mansfield Township Enforcing Officer and the prosecuting attorney for court action and trial.

(C) Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se.

(D) A fine of \$100.00 per day or imprisonment in the county jail for not more than thirty (30) days or both for each offense will be imposed. In addition, if the offense is contested in court and the offender is found guilty, all court costs and fees will be the responsibility of the offender.

SECTION 907 - VARIANCE

Where practical difficulties or unnecessary hardships would result from the strict application of this Ordinance, the Zoning Board of Appeals may, upon public hearing,

grant a variance from the provisions of this Ordinance relating to the dimensional requirements of this Ordinance, such as setbacks, lot size and yard requirements, so that the spirit and purposes of the Ordinance shall be observed and substantial justice done. A variance shall be the minimum necessary to permit reasonable use of land and buildings. A variance shall not be granted from the Ordinance requirements relating to uses permitted in a zoning district. A variance to this Ordinance shall be granted only upon finding that the evidence presented to the Zoning Board of Appeals satisfies each of the following standards:

(A) Unique physical circumstances applying to the property in question are present, including the irregularity, narrowness, shallowness, shape or topography of the property. These physical circumstances shall not be common to other nearby property in the zoning district.

(B) Because of the unique physical circumstances, a possibility that the property may be reasonably developed in conformance with this Ordinance does not exist, and a variance is necessary to obtain reasonable use of the property.

(C) The hardship has not been created by the applicant.

(D) The variance will not be in conflict with the intent and purpose of this Ordinance, will not substantially alter the character of the surrounding area, will not impair adjacent property, and will not be detrimental to public health, safety, and welfare.

PART X - AMENDMENTS

SECTION 1000 - AMENDMENTS

Steps to be taken by Planning Commission for a re-zone or Zoning Ordinance amendment:

(A) TEXT AMENDMENT INITIATED by Planning Commission, Township Board, or a citizen. For a re-zone, citizen must fill out appropriate form & must pay the Re-zone fee.

(B) SCHEDULE PUBLIC HEARING on proposed amendment.

(C) PREPARE NOTICE of public hearing for publication, mailing, and posting. Notice required to:

A. Describe nature of proposed amendment.

B. State time and place proposed amendment will be considered.

C. Indicate time and place written comments will be received.

D. State times and places tentative proposed text may be examined.

E. Include name of public body, with address and telephone number.

(D) PUBLISH NOTICE of public hearing in newspaper of general circulation in Township at least 15 days before public hearing.

(E) MAIL NOTICE of public hearing by certified mail to all owners, residents, and managers of property adjacent to 300'. Also mail to electric/gas/pipeline public utility Company, telecommunication service provider, and railroad operating with Township, at least 15 days before date of public hearing. Note: This step only applies to entities which have registered with the Township for purpose of receiving zoning public hearing notices.

(F) POST NOTICE of public hearing at Township Hall at least 18 hours before scheduled time of public hearing.

(G) FILE AFFIDAVITS of publication, mailing, and posting of Notice in Township records. Prepare agenda for the public hearing.

(H) At the meeting, Planning Commission formally opens public hearing on proposed amendment:

- A. Acknowledge written comments received on proposed amendment.
- B. Receive comments on proposed amendment by persons attending hearing.

(I) CLOSE PUBLIC HEARING and discuss proposed amendment.

(J) APPROVE MOTION recommending approval or disapproval of proposed amendment.

(K) SUBMIT RECOMMENDATION TO COUNTY PLANNING COMMISSION for thirty days for advisory review and recommendation.

(L) After the 30 day period, SUBMIT TO TOWNSHIP BOARD summary of comments received at Planning Commission public hearing and recommendation of Iron County Planning Commission. Note: Matter is referred to Township Board regardless of whether Planning Commission and County Planning Commission recommend approval or disapproval of proposed amendment.

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Part II: STEPS TO BE TAKEN BY TOWNSHIP BOARD.

(A) Township Board may on its own initiative hold an additional public hearing regarding proposed amendment, and is required to hold public hearing upon request of any property owner by certified mail to Township Clerk. Notice of any such public hearing must be given in same manner as required for public hearing by Planning Commission (See Part 1, Steps 4-6)

(B) TOWNSHIP BOARD considers Planning Commission recommendation at any regular township meeting or at special meeting, and:

- A. Disapproves proposed amendment, with no further action by Planning Commission.

B. Approves proposed text, in ordinance form, with or without permissible amendments.

C. Refers proposed text back to planning Commission for further consideration and comment within time specified by Township Board.

PROCEED TO STEPS 3-9 ONLY IF TOWNSHIP BOARD DESIRES TO APPROVE PROPOSED AMENDEMENT:

(A) ADOPT ORDINANCE by motion approved by majority of Township Board, on roll call vote.

(B) FILE ORDINANCE with Township Clerk within 15 days after adoption.

(C) PUBLISH notice of ordinance adoption in newspaper of general circulation in township, with either complete text amendment ordinance, or legally proper summary of ordinance, within 15 days after adoption.

(D) FILE AFFIDAVIT OF PUBLICATION from newspaper in Township records.

(E) FILE ATTESTED copy of complete ordinance with County Clerk.

(F) RECORD ORDINANCE in Township ordinance book within one week after publication of ordinance, with Certificate of Township Clerk recording date of adoption of ordinance, names of Board members voting hereon, how each member voted, date of publication and name of newspaper, date of filing of ordinance with county clerk, and date of mailing notice of ordinance adoption.

(G) DISTRIBUTE copies of revised Zoning Ordinance pages to member of Township Board, Planning Commission, Zoning Board of Appeals, and other appropriate Township officials.

PART XI - JUNKYARDS AND SIGNS

SECTION 1100 - JUNKYARDS

(A) Minimum Land Area: No junkyard shall contain less than three (3) acres.

(B) Fencing: Except for gates and main building, the entire premises shall be completely enclosed by a fence excluding barbwire, maintained in good condition at all times.

(C) Setback: Refer to Schedule of Regulations District C.

(D) Glare: Glare from any process, such as acetylene torch cutting, shall not be visible or constitute a hazard or nuisance beyond property lines of the premises.

(E) Burning: All burning, including emission of smoke or offensive odor beyond the boundaries of the premises, shall at all times be limited to the discretion of the Michigan Department of Natural Resources.

(F) Conditions for Granting Junkyard Permit: In addition to any other requirements of this ordinance, the following condition shall be met by an applicant who wishes to open a junkyard.

Site development shall be proposed in a manner designed to minimize soil erosion and silt buildup in streams and lakes. Applicant shall have investigated soil conditions and shall establish to the Zoning Board of Appeals that soil conditions are appropriate for such use.

SECTION 1101 - SIGNS

The erection and use of all outdoor advertising announcements and informational signs and media shall be subject to the following conditions, except as thereafter provided.

(A) Location: No sign shall be located in a position constituting a traffic hazard. Cluttering of signs is prohibited.

(B) Size Limitations: The maximum area of signs shall be limited as follows:

1) Advertising lodging, boarding, or tourist homes, home occupations, professional office and services: sixteen (16) square feet on the premises.

2) Commercial signs shall be limited to fifty (50) feet, providing, however, that signs exceeding fifty (50) square feet may be approved by the Zoning Administrator in the Commercial District. In considering whether to approve commercial signs exceeding fifty (50) square feet, the Zoning Administrator shall consider the following standards and criteria in arriving at a decision.

- a. The sign shall in no way constitute a traffic hazard.
- b. The sign shall be maintained in a neat and attractive manner.
- c. The applicant shall have first requested the permit to erect the sign.
- d. The sign shall be constructed in a safe, sturdy, and durable manner with proper bracing, anchorage, and foundation.

(C) Nonconforming Signs: No nonconforming signs shall hereafter be substantially or replaced without approval of the Zoning Administrator.

PART XII - ZONING MAPS

SECTION 1200 - INTERPRETATION OF THE ZONING MAP

Where, due to the scale, lack of detail or illegibility of the zoning map in Section 900, there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such

interpretation may appeal such interpretation to the Zoning Board of Appeals. The Zoning Administrator and the Zoning Board of Appeals, interpreting the zoning map or deciding any appeal, shall apply the following standards:

A) Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the center lines of alleys, streets, right-of-way or water courses.

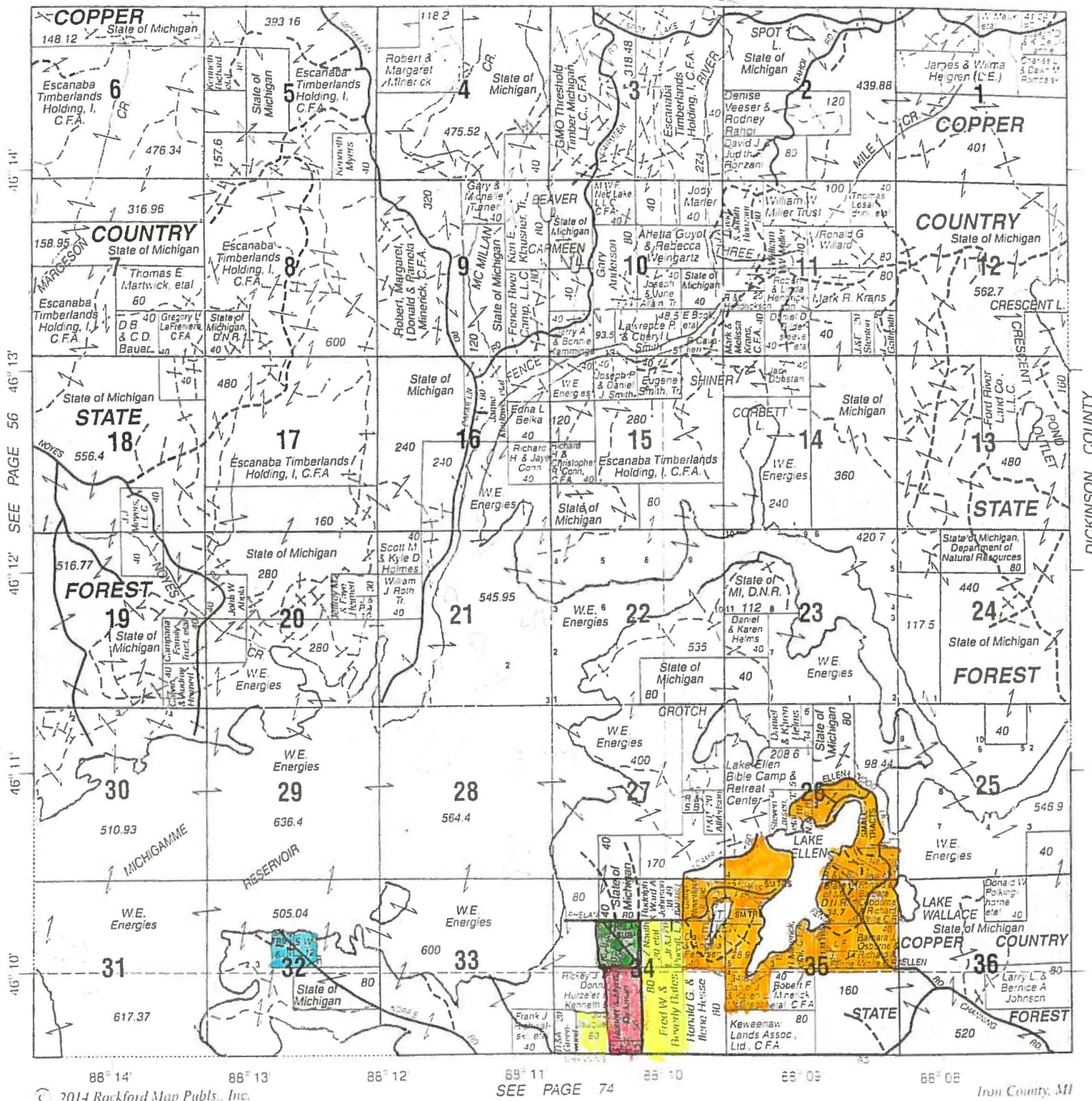
B) Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be interpreted to be such boundary lines.

(C) Where zoning districts boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

(D) If, after the application of the foregoing rules, uncertainty still exists to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning, ordinances, and amendments in the Township of Mansfield as well as all other relevant facts.

SECTION 1201 - ZONING MAPS

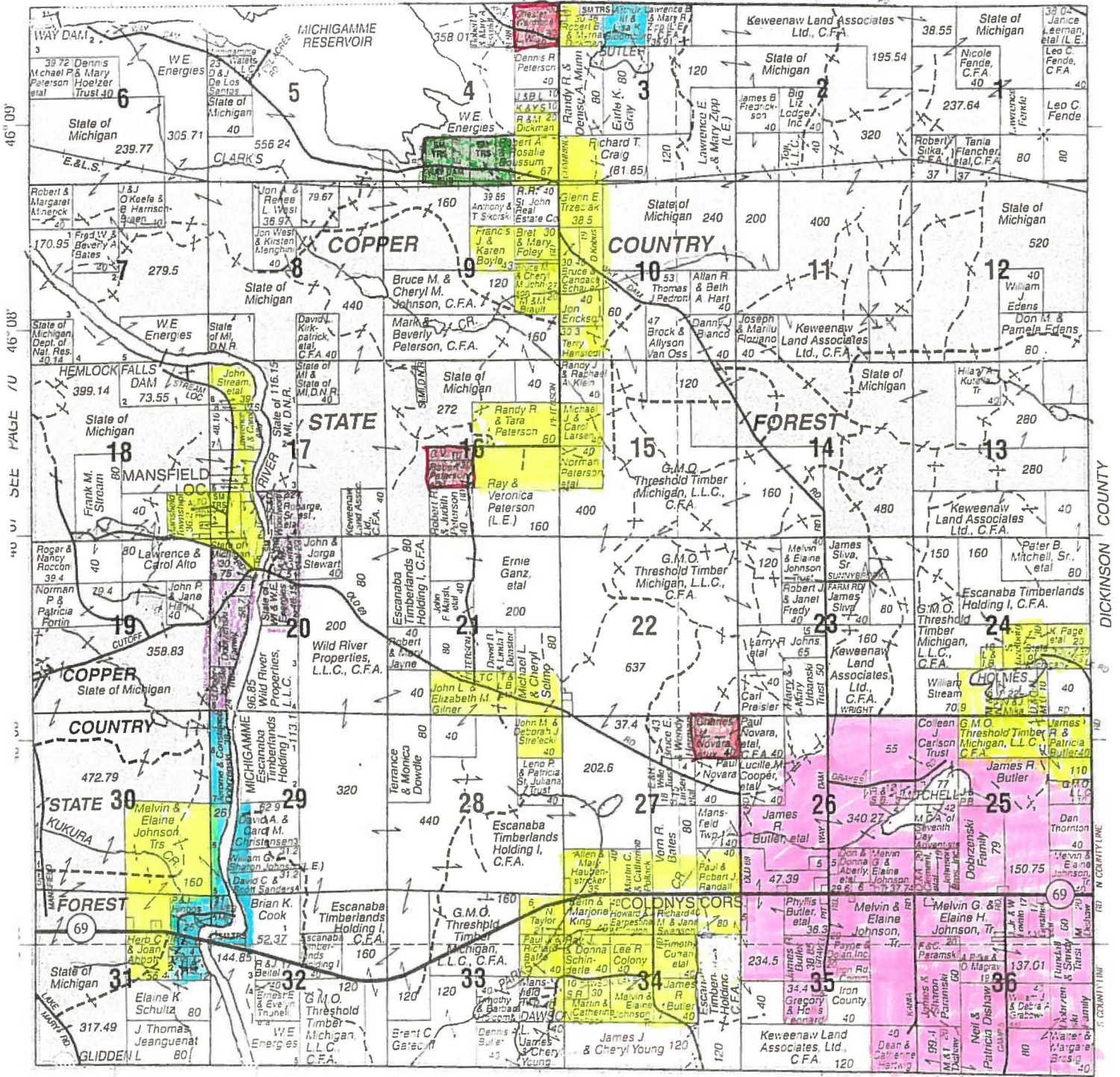
The location and boundaries of the zoning districts established by this Ordinance are set forth on the following zoning maps of Mansfield Township, and which maps, with all notations, references, and other information shown thereon is incorporated herein and is as much a part of this Ordinance as if fully described and set forth herein. The following are the zoning maps of Mansfield Township.



MANSFIELD NO. 3

SEE PAGE 58

T.43N.-R.31W.



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Iron County, MI





**Maps courtesy of:
Mapping Solutions
Telephone: 816-528-4336
Website: www.mappingsolutionsGIS.com**



