

# *Bois Blanc Township*

## *Zoning Ordinance Update*

Adopted: September 14, 2005  
**Effective: October 1, 2005**

Funding Assistance provided by:  
Coastal Management Program, Michigan Department of Environmental Quality,  
National Oceanic and Atmospheric Administration, U.S. Department of Commerce

With Planning Assistance provided by:

***M. C. Planning & Design***  
P.O. Box 41, 214 State St.  
Boyne City, MI 49712

(231) 582-6504  
mccampbell@mcplanningdesign.com

Table of Contents  
Bois Blanc Township Zoning Ordinance

Article	<u>Description</u>
	Preamble
1:	Short Title and Purpose
2:	Zoning Districts and Regulations
3:	General Provisions
4:	Site Plan Review
5:	Uses Subject to Special Land Use Approval
6:	Supplemental Site Development Standards
7:	Administration and Enforcement
8:	Zoning Board of Appeals
9:	Rules of /construction and Definitions
10:	Amendments and Enactment

# Article 1.

## Short Title and Purpose

### **Section 1.01** Short Title

This ordinance shall be known and may be cited as the Bois Blanc Township Zoning Ordinance.

### **Section 1.02** Purpose

In accordance with the authority and intent of Michigan Zoning Enabling Act 110 of 2006, as amended, the Township of Bois Blanc desires to provide for the orderly development of the Township which is essential to the well-being of the community. Accordingly, there is hereby established a comprehensive zoning ordinance, which is adapted for the following purposes:

1. To protect and promote the public health, safety and general welfare of all persons and property owners within the township.
2. To guide and protect the future growth and development of the Township in accordance with the Bois Blanc Master Plan for Future Land Use Plan and the goals contained therein.
3. To protect the rural character and the social and economic stability of all parts of the Township, and to encourage its orderly and beneficial development for the well-being of the Township as a whole.
4. To protect and preserve the value of the land throughout the Township and the value of buildings appropriate to the various districts established by this ordinance.
5. To prevent conflicts among the uses of land and buildings, to provide for the free movement of vehicles upon the public roads of the Township, and to assure that all uses of land and buildings within the Township are so related as to provide for economy in government and mutual support.
6. To provide a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment and other economic activity relating to uses of land and building throughout the Township.
7. To protect the natural environment; to prevent the pollution of air, streams, lakes and ponds; to assure the adequacy of drainage facilities; to safeguard the water table and shore line; and to encourage the wise use and sound management of the natural resources throughout the Township in order to preserve the integrity, stability and beauty of the community and the value of the land.
8. To preserve the natural beauty of the topography of the Township and to discourage development which is destructive of or inappropriate to these natural features.

The Zoning Ordinance shall be made with responsibility, consideration, among other things, to the character of each zoning, district and its suitability for particular uses; the conservation of property values and natural resources; and the general and appropriate trend and character of the land, building, and population development.

### **Section 1.03 Interpretations**

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

### **Section 1.04 Validity**

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

### **Section 1.05 Limitations of Zoning Ordinance**

The provisions of this Ordinance shall not impact the continued use of any dwelling, building or structure or any land or premises, which was lawful and existing on the adoption date of this Ordinance.

### **Section 1.06 Repeal of Previous Zoning Ordinance**

This ordinance repeals and replaces any previous Bois Blanc Township Zoning Ordinance in its entirety.

The repeal of the previous Bois Blanc Township Zoning Ordinance (adopted 1995), as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder or actions involving any provisions of said ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

# Article 2.

## Zoning Districts and Regulations

### **Section 2.01 Zoning Districts, Maps, Boundaries and changes**

#### **Section 2.01.1 Districts**

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

F-M	Forest-Management
LDR	Low Density Residential
R	Residential
C-1	Mixed Commercial
C-2	General Commercial
WO	Wilderness Overlay

#### **Section 2.01.2 Zoning Map**

The areas assigned to each Zoning District and the boundaries listed and shown on the map entitled “Bois Blanc Township Zoning Map, Mackinac County, Michigan” are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. If there is any discrepancy between the listed sections for a zoning district and the area shown on the map, the list shall rule. (See end of Article 2 for map and listing).

#### **Section 2.03.3 Boundaries of Districts**

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Mackinac County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map and corresponding property list shall be the final authority in any dispute concerning district boundaries except as provided for in Section 2.01.2 above. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map.

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

1. Where boundary lines are indicated as approximately following roads, alleys, or highways; the centerlines of the said roads, alleys, or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.

3. Where the application of the above rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

#### **Section 2.01.4 Zoning of Vacated Areas**

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

#### **Section 2.01.5 Zoning of Filled Areas**

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

#### **Section 2.01.6 Zoning District Changes**

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

## **Section 2.02** Forest – Management District (F-M)

The following provisions shall apply to the Forest-Management District (F-M)

### **Section 2.02.1** Intent

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

The provisions of this section also recognize the potential gradual integrated extension of other property uses into the district and the importance of adopting good standards to guide such developments. The inclusion of such uses is provided for by special approval.

### **Section 2.02.2** Permitted Uses

1. Single family detached dwellings
2. Forestry and Forestry Management
3. Public recreation areas and facilities, including trails
4. Accessory buildings and uses customarily incidental to the above permitted uses

### **Section 2.02.3** Uses Subject to Special Approval

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 5.02** *Uses Subject to Special Land Use Approval* and the applicable portions of **Article 6: Supplemental Site Development Standards**.

1. Campgrounds
2. Forest Products Processing
3. Sawmills and other Mills
4. Accessory buildings and uses customarily incidental to the above Special Approval Uses

### **Section 2.02.4** Dimensional Regulations

Structures and uses in the Forest-Management District are subject to the area, height, bulk and placement requirements in **Section 2.08** *Schedule of Regulations*.

### **Section 2.03 Low Density Residential District (LDR)**

The following provisions shall apply to the Low Density residential District (LDR).

#### **Section 2.03.1 Intent**

The Low Density Residential District is designed to accommodate low-density residential use in the rural areas of the township and retain the attractiveness of the natural resources for the enjoyment of residents, visitors and the community at large. This district also serves as a transition between the residential or commercial areas and the Forest-Management areas.

#### **Section 2.03.2 Permitted Uses**

1. Single Family detached dwellings
2. Farming and agricultural operations
3. Recreational Trails
4. Accessory buildings and uses customarily incidental to the above permitted uses

#### **Section 2.03.3 Uses Subject to Special Approval**

Special approval use of lands and premises, and the erection and use of the buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of Section 5.02 *Uses Subject to Special Land Use Approval* and the applicable portions of **Article 6: Supplemental Site Development Standards**.

1. Accessory apartments
2. Bed & Breakfast establishments
3. Public buildings and uses
4. Schools licensed or chartered by the State of Michigan
5. Religious institutions and places of worship
6. Public parks, playgrounds or recreational facilities
7. Commercial stables
8. Child daycare facilities
9. Public utility facilities without storage yards
10. Cemeteries
11. Home Occupations/Cottage Industry (*Ord. eff. 10-1-2005; Am. Ord. Adopted 10-10-2007; Am. Ord. eff. 10-18-2007*)
12. Receptions Resorts
13. Accessory buildings and uses customarily incidental to the above Special Approval Uses

#### **Section 2.03.4 Dimensional Regulations**

Structures and uses in the Low Density Residential District are subject to the area, height, bulk and placement requirements in **Section 2.08 Schedule of Regulations**.



## **Section 2.04 Residential District (R)**

The following provisions shall apply to the Residential District (R)

### **Section 2.04.1 Intent**

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

### **Section 2.04.2 Permitted Uses**

Except as otherwise provided by **Section 1.05** *Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single family detached dwellings
2. Two family dwellings
3. Accessory buildings and uses customarily incidental to the above permitted uses

### **Section 2.04.3 Uses Subject to Special Approval**

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 5.02** *Uses Subject to Special Land Use Approval* and the applicable portions of **Article 6: Supplemental Site Development Standards.**

1. Multiple-family dwellings
2. Manufactured Home Developments
3. Accessory apartments
4. Bed & Breakfast establishments
5. Public utility facilities without storage yards
6. Public buildings and uses
7. Schools licensed or chartered by the State of Michigan
8. Religious institutions and places of worship
9. Public playgrounds and recreational facilities
10. Assisted living facilities / Nursing Homes, and Child daycare facilities
11. Home Occupations/Cottage Industry (*Ord. eff. 10-1-2005; Am. Ord. Adopted 10-10-2007; Am. Ord. eff. 10-18-2007*)
12. Accessory building and uses customarily incidental to the above Special Approval Uses

### **Section 2.04.4 Dimensional Regulations**

Structures and uses in the Residential Districts are subject to the area, height, bulk and placement requirements in **Section 2.08** *Schedule of Regulations.*

## **Section 2.05 Mixed Commercial District (C-1)**

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

### **Section 2.05.1 Intent**

The Mixed Commercial District is designed to give the Township a local business district that is somewhat more selective than a General Commercial District, to provide for the establishment of small-scale neighborhood and shopping areas, personal services, and professional offices areas that are compatible with and of service to township residential uses. Tourist services are also included as being in character with the District. Due to the character of a small island, and corresponding island traffic patterns, drive-through businesses are not permitted in any district.

### **Section 2.05.2 Permitted Uses**

Except as otherwise provided by **Section 1.05 Limitations** of Zoning Ordinance, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Single Family detached dwelling
2. Retail businesses without outside sales or storage
3. Business and personal services facilities
4. Office buildings and uses
5. Financial institutions, except with drive through windows
6. Restaurants, except drive-through restaurants
7. Accessory buildings and uses customarily incidental to the above permitted uses

### **Section 2.05.3 Uses Subject to Special Approval**

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 5.02 Uses Subject to Special Land Use Approval** and the applicable portions of **Article 6: Supplemental Site Development Standards**.

1. Retail business with outside sales or storage
2. Multiple family dwellings
3. Child daycare facilities
4. Adult daycare facilities
5. Bed & Breakfast establishments
6. Hotel or motel
7. Public buildings and uses
8. Religious institutions and places of worship
9. Public playgrounds and recreational facilities
10. Private parks or recreation facilities (including athletic club)
11. Telecommunication antenna and facilities
12. Non-commercial Wind Turbine Generators
13. Commercial Wind Turbine Generators
14. Recreation Resort
15. Parking Lot, as a principle use, with five (5) or more parking spaces

16. Funeral Home or Mortuary
17. Gasoline / Service Station
18. Nursing Homes / Assisted Living Facilities
19. Sawmills and other Mills
20. Manufactured Home Developments
21. Contactor Facilities
22. Accessory buildings and uses customarily incidental to the Special Approval Uses

#### **Section 2.05.4 Dimensional Regulations**

Structures and uses in the Mixed Commercial District are subject to the area, height, bulk and placement requirements in **Section 2.08** *Schedule of Regulations*.

## **Section 2.06 General Commercial District (C-2)**

The following provisions shall apply to the General Commercial District (C-2).

### **Section 2.06.1 Intent**

The General Commercial District is designed to provide sites for diversified business types and is located so as to serve passer-by traffic. Due to the character of a small island and corresponding island traffic patterns, drive-through businesses are not permitted in any district.

### **Section 2.06.2 Permitted Uses**

Except as otherwise provided by **Section 1.05** *Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses.

1. Public utility facilities without storage yards
2. Religious institutions and places of worship
3. Retail business within an enclosed building and without a drive-through window
4. Business and personal service facilities
5. Office building and uses
6. Financial institutions, except with drive through windows
7. Restaurants, except drive-through restaurants
8. Accessory buildings and uses customarily incidental to the Special Approval Uses

### **Section 2.06.3 Uses Subject to Special Approval**

Special approval use of lands and premises, and the erection and use of buildings and structures shall, after the effective date of this Ordinance, be limited to the following uses and shall be subject to the provisions of **Section 5.02** *Uses Subject to Special Land Use Approval* and the applicable portions of Article 6: *Supplemental Site Development Standards*.

1. Schools licensed or chartered by the State of Michigan
2. Public playgrounds and recreational facilities
3. Campgrounds
4. Private parks or recreation facilities (including athletic club)
5. Raising and growing plants, trees, shrubs, and nursery stock
6. Retail sales of trees, shrubs, and nursery stock
7. Bulk feed, seed or fertilizer sales, storage, or mixing
8. Vehicle or equipment service, and repair facilities
9. Roadside stand
10. Veterinary clinics or kennels
11. Contractor facilities
12. Storage facilities
13. Junk and salvage material storage
14. Home improvement centers
15. Theater or assembly halls
16. Car wash
17. Gasoline / Service Station

18. Outdoor sales facility
19. Radio and television towers
20. Non-commercial Wind Turbine Generators
21. Commercial Wind Turbine Generators
22. Parking Lot, as a principle use, with five (5) or more parking spaces
23. Funeral Home or Mortuary
24. Sawmills and other Mills
25. Commercial Stables
26. Recreation Resorts
27. Sexually Oriented Businesses
28. Accessory buildings and uses customarily incidental to the Special Approval Uses

#### **Section 2.06.4 Dimensional Regulations**

Structures and uses in the General Commercial District are subject to the area, height, bulk and placement requirements in **Section 2.08** *Schedule of Regulations*.

#### **Section 2.07 Wilderness Overlay District**

The following provisions shall apply to the Wilderness Overlay District (WO).

##### **Section 2.07.1 Intent**

The Wilderness Overlay District is designed to provide an overlay district for a portion of the Forest-Management District that is currently protected as a designated Wilderness Area under Part 351 of P.A. 451 of 1994 as amended.

##### **Section 2.07.2 Permitted Uses**

Except as otherwise provided by **Section 1.05** *Limitations of Zoning Ordinance*, the use of all lands and premises, and the erection and use of all buildings and structures shall, after the effective date of this Ordinance, be limited to those uses allowed by state law in designated Wilderness Areas.

##### **Section 2.07.3 Dimensional Regulations**

Structures and uses in the Wilderness Overlay District are subject to the area, height, bulk and placement requirements as per state statute requirements for Wilderness Areas or the requirements for the underlying Forest-Management District (Section 2.08 – Schedule of Regulations), whichever is more restrictive.

# Bois Blanc Township Zoning District Boundaries

## **FOREST-MANAGEMENT DISTRICT (F-M) – Yellow**

Sections 6, 7, 8, 9, 10, 11, 18, except the southerly 1320 feet of 6, 7, and 8,  
Sections 18, section 21, 22 and 23.

Lot 4, 5, 6, 7, 8, South of Lake Thompson Section 24.

## **LOW DENSITY RESIDENTIAL DISTRICT (LDR) – Orange**

Southerly 2112 feet of lots 4, 5, 6, and 7, Section 1.

Westerly 5000 feet Section 2

Lots 1, 2, 3, 4, 5, 6, 7, South of Lake Mary; and all of Lot 8, Section 3.

Sections 4, 12, 13, 15, 16, 17, 20, 32, and Private Claim 323 and 1.

Sections 19, except the southerly 1320 feet of Lots 5, 6, 7.

Lots 1, 2, 3, and Lots 6, 7, and 8, North of Lake Thompson, Section 24.

Westerly 7014.5 feet of Section 25.

Parcels tax code #026-001-00 and #026-022-00 of Lot 1, Section 26.

Lots 4, 5, 6, and Westerly 5800 feet of Lots 7, 8 of Section 26.

Lots 4, 5, 6, 7, 8, except Southerly 1500 feet of Section 27.

Northerly 3360 feet of Lot 3, Section 27.

Sections 28, 29, 30, 31, except the Southerly 1500 feet.

Sections 33, except the Southerly 1500 feet and the Northerly 500 feet of Lots 5, 6, 7, 8.

Sections 34, except the Southerly 1500 feet and the Northerly 500 feet of Lots 1 and 2.

## **RESIDENTIAL DISTRICT (R) – Green**

Lots 1, 2, 3 and 8, Section 1.

Lots 4, 5, 6 and 7, except Southerly 2112 feet of Section 1.

Section 2, except the Westerly 5000 feet of Lots 1, 2, 3, 4, 5, 6, and 7 North of Lake Mary, and  
Section 3.

Section 14, except parcel tax code #014-003-00.

Section 25, except the westerly 5800 feet.

Lots 7, 8, Section 26, East of the County Road.

Lots 1 and 2, Section 27.

Lots 3, Section 27, except the Northerly 3360 feet and the East 100 feet of the Southerly 400 feet of  
Lot 3.

Section 27, the Southerly 1500 feet of Lots 4, 5, 6, 7 and 8.

Southerly 1500 feet of Lots 1 through 8, Section 28 except the Southerly 1000 feet of Lot 8, and the Southerly 250 feet of Lot 1, but including the West 100 feet of the Southerly 700 feet of Lot 1.

Southerly 1500 feet of Lots 1, 2, 3, 4, 5, 6, 7, and 8, Section 29.

Southerly 1500 feet of Lot 3, Section 29, except the Westerly 300 feet of the Southerly 1000 feet of Lot 3, and except the Southerly 500 feet of Lot 8.

Southerly 1500 feet of Section 30, except the Southerly 1000 feet of Lot 1, and except the Pines Sub. Lots 9, 10, 27, 28, 4, 5, 6, & 31, 32, 33, Block 12.

Southerly 1500 feet, Section 31, except Pines Sub. Lots 14, 15, 16, Block 6.

Southerly 1500 feet, Section 33 and 34.

**MIXED COMMERCIAL DISTRICT (C-1) – Red**

Section 14, Parcel tax code #014-003-00

Section 27, East 100 feet of the Southerly 400 feet of Lot 3.

Section 28, Lot 1, the Southerly 250 feet except the Westerly 100 feet of the Southerly 700 feet.

Section 28, the Southerly 1000 feet of Lot 8.

Section 29, The Westerly 300 feet of the Southerly 1000 feet of Lot 3, and the Southerly 500 feet of Lot 8.

Section 30, Southerly 1000 feet of Lot 1, and Pines Sub. , Lots 9, 10, 27, 28, 4, 5, 6, 31, 32 and 33, Block 12.

Section 31, Pines Sub., Lots 14, 15 and 16, Block 6.

**GENERAL COMMERCIAL DISTRICT (C-2) – Magenta**

Southerly 1320 feet of Lots 6, 7, 8, Section 18 and the Southerly 1320 feet of Lots 5, 6, 7, Section 19.

Southerly 1000 feet of Lot 1, Section 28, except the Southerly 250 feet and the West 100 feet of the Southerly 700 feet.

Section 34, the Northerly 500 feet of Lots 1 and 2.

Section 33, the Northerly 500 feet of Lots 5, 6, 7, 8.

**WILDERNESS OVERLAY DISTRICT (WO) – White**

Section 5

Section 25, Lot 1, 2, 3 north of Mud Lake.

## **Article 3.**

### **General Provisions**

#### **Section 3.01    The Effect of Zoning**

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, enlarged, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.
3. In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

#### **Section 3.02    Nonconformities**

It is recognized that there exist lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed.

1. Nonconforming Lots of Record
  - A. In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record, provided a permit for construction of a well and septic system is granted by the District Health Department and can meet district regulations.
  - B. If any nonconforming lot or lots are of continuous frontage with other such nonconforming lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet at least the minimum requirements for the district in which they are located, except as otherwise provided for in the Schedule of Regulations, Section 2.08.



## 2. Creation of Nonconforming Lots or Parcels

No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public right-of-ways for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

## 3. Nonconforming Use of land and/or Structures

- A. No nonconforming use of land shall be enlarged, increased nor extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.
- B. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied.
- C. No such nonconforming structure may be enlarged or altered in a way, which increases its nonconformity.
- D. Should such structure be destroyed by any means to an extent of more than fifty (50) Percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.
- E. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed . Changes in tenancy and ownership of nonconforming premises are permissible.
- F. Abandonment of Nonconforming Use or Structure  
If a property owner has intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:
  - 1) Whether utilities, such as water, gas, and electricity to the property have been disconnected.
  - 2) Whether the property, buildings, and grounds have fallen into disrepair.
  - 3) Whether signs or other indications of the existence of the nonconforming use have been removed.
  - 4) Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
  - 5) Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

G. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).

4 Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**Section 3.03 Accessory Buildings**

1. Authorized accessory buildings shall be erected as part of the principal building or may be connected to the principal building by a roofed porch, breezeway or similar structure or may be completely detached from the principal building.
2. Where any accessory buildings are attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining setbacks.
3. A detached accessory building shall be located no closer to a side or rear lot line than the permitted distance for the principal building on the same lot.
4. No mobile home, tank, junk object, salvage materials, semi-trailer, vehicle, or similar shall be utilized as an accessory building. (*Ord. eff. 10-1-2005; Am. Ord. adopted 10-10-2007; Amended Ord. eff. 10-18-2007*)
5. Boathouses are permitted (with required State approvals) in addition to other accessory buildings, provided they shall be setback at least ten (10) feet from a side property line, and shall not exceed twenty (20) feet above the ordinary high water mark.
6. No accessory building shall include residential or living quarters for human beings. Living quarters shall be defined as including bathroom and kitchen facilities. (*Ord. eff. 10-1-2005; Am. Ord. adopted 10-10-2007; Amended Ord. eff. 10-18-2007*)
7. An accessory building shall not exceed one story in height and shall be subject to area and height limitations noted in Section 2.08 (Schedule of Regulations). (*Ord. eff. 10-1-2005; Am. Ord. adopted 10-10-2007; Amended ord. eff. 10-18-2007*)

**Section 3.04 Temporary Buildings**

Temporary buildings for use incidental to construction work; all debris, and all construction related signs shall be removed within one hundred eighty (180) days after the completion, occupancy or abandonment of the work.

**Section 3.05 Razing of Buildings**

No building over 2,000 square feet shall be razed until a permit has been obtained from the State Building Inspector. Said permission shall be conditioned on the applicant completing the razing within such reasonable time period as shall be prescribed and complying with such regulations as to health and safety as the Building Inspector may prescribe including filling of excavations and proper termination of utility connections.

### **Section 3.06 Restoration of Unsafe Building**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the State of Michigan Building Inspector.

### **Section 3.07 Essential Service:**

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

Electrical and phone lines shall be buried in order to preserve natural features and improve the quality of service.

Telecommunications towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services.

### **Section 3.08 Mobile Homes**

Mobile homes sited on individual lots shall meet the standards for minimum lot. Size, yard set-backs minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.

Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.

Mobile homes shall not be used as an accessory building.

### **Section 3.09 Non-Commercial Wind Turbine Generators**

1. Non-commercial wind turbine generators (WTG) and anemometer towers erected prior to a non-commercial wind turbine generator may be located in any district, provided the WTG or anemometer tower is setback from the property line a distance at least equal to the total height.
2. The minimum site area for a non-commercial wind turbine generator or anemometer tower shall be three (3) acres.

### **Section 3.10 Water Supply and Sewage Disposal Facilities**

Plans must be submitted to and approved by the responsible agency. The written approval of such facilities by District Health Department shall be filed with the application for a Zoning Permit.

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with the Luce, Mackinac, Alger and Schoolcraft (LMAS) District Health Department sanitary code requirements. Per the LMAS District Health Department, Superior Environmental Health Code, Section 5.5 *"It shall be unlawful for any person to occupy, or permit to be occupied, any premises not equipped with an approved sewage system."*

### **Section 3.11 Dumping of Materials**

The natural terrain shall not be altered in any fashion so as to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned.

1. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk or refuse is prohibited, except under the following circumstances.
  - A. Such practices are a necessary accessory use to a permitted agricultural use.
  - B. Such practices occur in a junkyard authorized under this Ordinance, and are included in the approved site plan.
  - C. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.
2. Dumping of soil, sand and clay materials: the material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters; no dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge. Extensive dumping of material shall be construed to mean the placing of fill material on a lot or property so as to create a recognizable change in character of the natural terrain of such lot or property.
3. Dumping of toxic materials and/or nuclear wastes shall not be allowed in Bois Blanc Township.

### **Section 3.12 Outdoor Lighting**

The naturally lit night sky is an important aspect of our environment and a resource, which contributes significantly to our quality of life by contributing to the public peace and to

the health, safety and welfare of the residents and visitors of Bois Blanc Township. In order to preserve and protect this resource it is necessary to regulate the use of outdoor light fixtures to minimize light pollution which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky, and causes unnecessary and/or unwanted illumination of adjacent and even distant properties. It is in the public interest to conserve electrical energy to protect vehicular and pedestrian traffic from dangerous glare and light pollution in the night sky.

1. Standards - Commercial and Industrial Districts and Land Uses

All outdoor light fixtures and lighting practices shall conform to either standard A or B, and all of the remaining standards of this subsection:

- A. All outdoor light fixtures shall have full cut-off shielding such that no light is emitted above regardless of type or wattage.
- B. All lighting shall be shielded and directed down so that light sources are not visible beyond the property on which they are installed, so that direct light rays are not directed the fixture, and also so that vehicular and pedestrian traffic are protected from glare and from the intense light of directly visible light sources.
- C. The maximum height of lighting fixtures shall not exceed 30 feet, including base, except as required by FAA regulations.
- D. The maximum foot-candles shall not exceed 4 foot candles, measured at (5) five feet above the ground (after 100 hours of operation). Measured directly under the fixture.

### **Section 3.13 Signs**

The purpose of this section is to preserve the desirable character of Bois Blanc Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes right of residents to be free of advertising that- could adversely affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance. There shall be no signs of any type in any Wilderness Overlay District, except as permitted by State statute.

1. Signs Not Requiring a Sign Permit: The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:
  - A. One (1) non-illuminated identification sign per use, not exceeding two (2) square feet of sign surface.
  - B. Street name signs, route markers and other traffic control signs erected or approved by state, or county agencies when necessary to give proper directions or to otherwise safeguard the public.
  - C. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
  - D. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size of two (2) square feet.
  - E. Non-advertising signs marking a historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the Planning Commission, provided the sign surface does not exceed the maximum size limitations of four (4) square feet.
  - F. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
  - G. Signs advertising sales such as garage, estate, auction, moving, and yard sales, may be posted for no more than seven (7) consecutive days and removed within twenty-four (24) hours of the end of the sale, provided the sign surface does not exceed the maximum size limitations of four (4) square feet.
  - H. Political and noncommercial signs provided the sign surface does not exceed the maximum size limitations of subsection 2. below.
  - I. All real estate signs, both on-premise and off-premise, shall be removed within seven (7) days of the sale closing or rental of the property
2. Signs Requiring a Sign Permit: The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business transacted there, to express non-commercial political views, or directing to some other locale, shall be regulated as follows:

<u>Use District</u>	<u>Maximum Size of Sign Per Side</u>	<u>Maximum Number of Signs Allowed</u>
F-M	Six (6) square feet	1
LDR, R	Four (4) square feet	1
C-1	Twelve (12) square feet	2
C-2	Twelve (12) square feet	4
WO	No signs permitted	0

\*Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than twelve (12) square feet per sign.

3. In addition to the size limitations stated in Subsection 3.13.2 above, the following conditions shall apply to all signs, including off-premises signs, erected in any use district:
  - A. No sign, except non-illuminated residential nameplates, shall be erected or altered until approved by the Zoning Administrator (ZA). After approval, the required sign permit shall be issued by the ZA.
  - B. No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.
  - C. Signs containing flashing, intermittent or moving lights are prohibited.
  - D. Not more than two (2) off-premises directory signs per business shall be permitted subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per three hundred (300) feet of road frontage or per lot may be allowed, and approved by the Zoning Administrator. No off-premises sign shall be permitted in Wilderness Overlay or Forest Management Zoning Districts.
  - E. Freestanding signs may be permitted in the front yard provided the sign is located at least fifteen (15) feet behind the front lot line. No freestanding sign shall exceed a maximum of ten (10) feet height, measured from the ground to the top of the sign, regardless of the zoning district.
  - F. Both sides of any freestanding or overhanging sign may be used for display.
  - G. All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal governments, shall be permitted in all districts.
  - H. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the right-of-way. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way.

- I. Roof position signs are specifically prohibited, when projecting above the high point of the roof.
- J. Advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics are prohibited, except when used temporarily for period not to exceed thirty (30) days to announce the opening of a new type of business or new owner.
- K. In the case of non-commercial special events, advertising devices such as banners, balloons, flags, pennants, pinwheels or devices with similar characteristics, are Permitted, for a period of not more than fourteen (14) days prior to the event and shall be removed within one (1) day of the completion of the event.
- L. Political signs shall be removed within three days after the election or ballot issue.

**Section 3.14 Permitted Uses (Towers)**

- 1. Telecommunication towers and alternative tower structures located on property owned, leased, or otherwise controlled by Bois Blanc Township shall be permitted provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by Bois Blanc Township .
- 2. Antenna co-located on telecommunication towers and alternative tower structures which Have received a special land use approval under Article 5 of this Ordinance.

**Section 3.15 Off-Street Parking, Loading and Unloading Requirements and Standards**

- 1. For each dwelling, business, commercial, industrial, or similar building hereafter erected or altered, and located on a public highway in the township, including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable off-street parking in accordance with the following schedule:
  - A. Residential Uses: Two (2) parking spaces per dwelling unit.
  - B. Commercial, Service and Office Uses; Two (2) parking spaces plus per 1,000 square foot of gross floor area. Maximum five (5) parking spaces per 1,000 square feet of gross floor area.
  - C. Industrial Uses: one parking space for every 1,000 square foot of gross floor area.
- 2. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) if a signed agreement is provided by the property owners.



3. **Parking Lot Deferment:** Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking at the direction of the Planning Commission based on observed usage within one (1) year of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.
4. In order to minimize excessive areas of parking, which may be unsightly and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.
5. In case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the most similar use listed.

### **Section 3.16 Camping**

Overnight camping on private property with or without a dwelling unit shall be an allowable use in all districts, provided the recreational vehicle or tent shall occupy such a parcel for not longer than 15 consecutive days. Camping for periods of greater than 15 days, shall require a zoning permit. No more than two (2) such zoning permits for camping shall be granted for a parcel in any calendar year and each permit shall be valid for a period of not greater than forty-five (45) days.

### **Section 3.17 Animals**

The following shall apply to the keeping of animals and livestock:

The keeping of large livestock, such as hogs, horses or cattle is allowed on any parcel of land five (5) or more acres in size in the Forest-Management or Low Density Residential district. Such animals or animal waste shall not be kept closer than seventy-five (75) feet from a neighboring residential structure, or fifty (50) feet from the property line whichever is greater. In all districts, such animals shall be fenced, managed, and the animal waste shall be managed in accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.

## **Article 4. Site Plan Review**

### **Section 4.01 Purpose**

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

### **Section 4.02 Plot Plan Requirements**

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan, to be accompanied by plans and specifications that must include all of the following:

The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size that deems adequate for the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance and when necessary a survey may be required by the Zoning Administrator. Sealed plans are required for any residential building over 3500 square feet and all non-residential buildings.

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

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

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

1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
  - A. All new uses and/or structures, other than one-family or two-family residential use.
  - B. Expansion or renovation of an existing use, other than one-family or two-family residential use, which increases the existing floor space more than twenty five (25) percent.
  - C. Changes of use for an existing structure or lot.
  - D. Any special approval uses.
  - E. Any use requiring off-street parking, as stated in the off-street parking schedule of this ordinance.
  - F. Other uses as required by this Ordinance.

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

This conference shall not be mandatory, but is recommended of small and large project alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review.

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

- A. The name and address of the property owner.
- B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
- C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.

- D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
- E. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, and mature specimen trees over 16"dbh (diameter at breast height).
- G. The location and identification of all existing structures, lighting, signs, ingress/egress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- H. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- J. The location, size and slope of all surface and subsurface drainage facilities.
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
  - 1) The number of units proposed, by type, including a typical floor plan for each unit.
  - 1) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
  - 2) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- M. Generalized soil analysis data, which may include data prepared by Natural Resources Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
- N. All site plans shall comply with Federal, State and County regulations including but not limited to as the Soil Erosion and Mackinac County Storm water Runoff Control Ordinance, health department regulations (such as acceptable perc tests) and Michigan Department of Environmental Quality, and wetland regulations.

O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

P. Impact Statement

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

- 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related as applicable.
- 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, emergency services, sewage for treatment, volume of water consumption related to ground water reserves, anticipated traffic volume and other factors that may apply to the particular development.
- 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale, of development in terms of the surrounding environment.

4. Site Plan Review Standards In the process of reviewing the Site Plan, the Township Planning Commission shall consider:

- A. The location and design of driveways and entrances features with respect to vehicular and pedestrian traffic. Access location and rights to the proposed development must be confirmed prior to final action on a plan, including permits from the Mackinac County Road Commission or Michigan Department of Transportation, and/or proof of the right to access a property in the form of a deed or easement stating such access is acceptable.
- B. The arrangement of uses on the property, including the orientation of buildings, parking areas, and open spaces, and the visual exposure of waste storage facilities, loading docks and service doors so as to promote public safety, protect land values, and carry out the spirit and intent of the Zoning Ordinance.
- C. The traffic circulation plan and off-street parking with respect to public safety, on-site uses and adjacent properties.
- D. Buffers, screens, fences, walls, greenbelts, and landscaping may be required by the Planning Commission in pursuance of the objectives of this Section and/or as a condition of the establishment of the proposed use.
- E. Open Spaces, right-of-ways, easements, and related site plan elements needed to serve the proposed use or development for such services as fire protection, sewage disposal systems, water supplies, and solid waste, storm drainage systems, and related. The Planning Commission may require Fire Department and Health Department approval of the plan prior to final Planning Commission action.

5. Submittal and Approval Procedures: Four (4) copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's office by the petitioner or property owner or his designated agent at least twenty one (21) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.

The Planning Commission shall have the responsibility and authorization to approve, disapprove or approve with modifications, the Site Plan in accordance with requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:

- A. The sewage disposal and water systems meet the applicable health and sanitary codes and ordinances.
- B. The location and nature of the use will not be in conflict with any principal permitted use of the district or vicinity.
- C. The use will not create any significant traffic problem or hazard.
- D. The use will not be any more objectionable to adjacent and nearby properties than would be any permitted principal use of the district by reason of traffic, noise, vibration, dust, fumes, smoke, odor, fire hazard, glare, lighting, or disposal of waste and sewage.
- E. The use will not discourage or hinder the appropriate development and use of adjacent premises and the neighborhood.
- F. The site plan is consistent with and meets the requirements of the Bois Blanc Township Land Use Plan.
- G. The Planning Commission may distribute the site plan to Local Emergency services, including fire and rescue, or any other agencies deemed appropriate for comment prior to consideration for approval.

Any conditions or modifications required by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Planning Commission Chair or Zoning Administrator. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
7. Site Plan Amendments: An amendment to an approved Site Plan may be submitted following the provisions of Subsection 5 "Submittal and Approval Procedures".

8. Approved Site Plan Validity:

- A. An approved Site Plan or site plan amendment will be valid for issuance of a zoning permit up to thirteen (13) months from the date the Planning Commission approved or conditionally approved the plan. Two additional six month approvals may be granted by the Planning Commission, if requested by the applicant.
- B. Development shall, in any case, be completed within 24 months of initiation of construction unless an extension has been granted by the Zoning Administrator.

# **Article 5.**

## **Uses Subject to Special Land Use Approval**

### **Section 5.01 General Requirements**

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

### **Section 5.02 Uses Subject to Special Land Use Approval**

1. **Application:**

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

- A. Site plan prepared under the requirements of **Article 4-Site Plan Review**.
- B. Name and address of applicant and owner of the premises.
- C. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- D. A statement by applicant appraising the effect on the neighborhood such as traffic, noise and visual pollution, etc.
- E. The application shall be accompanied by the fee established by the Township Board of Trustees.

2. **Public Hearings:**

A public hearing shall be held for all special land use approval requests, except those qualifying for Zoning Administrator approval. The secretary of the Planning Commission shall provide notice of the special land use approval request and public hearing as required by Zoning Enabling Act 110 of 2006 as amended (MCL 125.3502) the notice shall be given not less than 15 days before the date the application will be considered. The notice shall describe the nature of the special land use approval request; indicate the subject property, state when and where the special land use approval request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:

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



- C. Notice shall be sent by mail or personal delivery the owners of property within 500 feet of the boundary of the subject property. Such notice shall be sent or delivered at least 15 days prior to the date of the scheduled public hearing.

3. Standards for Granting Special Land Use Approval:

Special land use approval shall be based on the determination that the proposal, will comply with all applicable requirements of this Ordinance, including site plan review criteria set forth in *Article 4 - Site Plan Review* applicable site development standards for specific uses set forth in *Article 6 – Supplemental Site Development Standards*, and the following standards:

A. Compatibility with Adjacent Land Uses

The proposed special land use shall be designed, constructed, operated and maintained to be compatible with uses on surrounding land. The site design of the proposed special land use approval shall minimize the impact of site activity on surrounding properties. In determining whether this requirement has been met, consideration shall be given to:

- 1) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
- 2) The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development.
- 3) The hours of operation of the proposed use. Special land use approval requests may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
- 4) The bulk and placement of construction materials for the proposed use in relation to surrounding uses.
- 5) Proposed landscaping and other site amenities. Additional landscaping over and above the requirements of this Ordinance may be required as condition of the special land use approval.

B. Public Services

The proposed special land use shall be located so as to be adequately served by essential public facilities and services; unless the proposal contains an acceptable plan for providing necessary services.

C. Impact of Traffic

The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use. In determining whether this requirement has been met, consideration shall be given to the following:

- 1) Proximity and access to existing public and private roads.
- 2) Estimated traffic generated by the proposed use.
- 3) Adequacy of driver sight distances.
- 4) Location of and access to off-street parking.
- 5) Provisions for pedestrian traffic.
- 6) Existing vehicular traffic.

D. Detrimental Effects

The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation that are detrimental or hazardous, and shall not be located or designed so as to be detrimental or hazardous to persons or property or to public health, safety, and welfare. In determining whether this requirement has been met consideration shall be given to the level of traffic noise, vibration, smoke, fumes, odors, dust, glare, light, use of toxic substances and hours of operation.

E. Economic Well-Being of the Community

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

F. Compatibility with Natural Environment

The proposed special land use shall be compatible with the natural environment and conserve natural resources and energy.

4. Planning Commission Approval:

The Planning Commission may deny, approve, or approve with conditions, requests for special land use, based on the standards above.

5. Amendment of Approved Special Land Use:

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

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

- 1) Reduction of the size of any building and/or sign.
- 2) Movement of building and/or signs by no more the five (5) feet.
- 3) Landscaping approved in the special land use that is replaced by similar landscaping to an equal or greater extent.
- 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
- 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
- 6) Changes related to item 1) through 5) above, required or requested by Bois Blanc Township, Mackinac County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.

7) All amendments to a special land use approved by the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments. A copy of the document shall be placed on file at the Township Hall.

B. An amendment to an approved special land use that cannot be processed by the Zoning Administrator under subsection (A) above shall be processed in the same manner as the original special land use application.

6. Inspection:

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

7. Re-application:

An owner of a property, official agent or other petitioner shall not initiate action for a special land use of the same type on the same property more often than once every twelve (12) Months, from the date of the decision. An exception to this rule may be made in those cases where the Planning Commission determines that conditions affecting the property have changed substantially, or the nature of the request has substantial changes thereby justifying a repetition before twelve (12) months have elapsed from the date of the deposition of the previous application. A re-application shall be processed in the same manner as the original application.

8. Special Land Use Decisions:

A written statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed is required with any special land use decision.

## **Article 6.**

# **Supplemental Site Development Standards**

### **Section 6.01 Supplemental Site Development Standards**

Those permitted uses and uses allowed by Special Land Use Approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements.

#### **A Bed and Breakfast Establishments:**

Bed and breakfast establishments shall be subject to the following regulations:

- A. **Bed and Breakfast Establishments an Accessory Use:** The bed and breakfast establishments shall be clearly incidental to the principle residence on the site. Accordingly, the bed and breakfast operations shall be confined to the single-family dwelling unit, which is the principle dwelling on the site. Not more than thirty percent (30%) of the total floor area of the dwelling unit is used when the bed and breakfast sleeping rooms.
- B. **Maximum Number of Units:** There shall be no more than four (4) bed and breakfast units per establishment.
- C. **Principle Residence:** The dwelling unit shall be the principle residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
- D. **Kitchen Facilities:** There shall be no separate cooking facilities for the bed and breakfast establishment, other than those, which serve the principle residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.
- E. **Building Requirements:** A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
  - 1) There shall be at least two (2) exits to the outdoors.
  - 2) Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus an additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
  - 3) Each sleeping room shall be equipped with a smoke detector.
- F. **Parking:** An off-street parking spot shall be provided for each bed and breakfast unit, in accordance with this Ordinance. Off-street parking in the front yard is prohibited.
- G. **The number of bathrooms and septic system size shall meet LMAS Health Department requirements.**

**B**     **Campgrounds:**

- A.     A minimum lot size shall be ten (10) acres, and not less than six hundred (600) feet width.
- B.     The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
- C.     Each campground shall be provided with at least one (1) public phone.
- D.     All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
- E.     Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
- F.     Campsites shall be located at least fifty (50) feet from property lines.
- G.     All campgrounds and trailer courts shall comply with State of Michigan and LMAS (Luce, Mackinac, Alger and Schoolcraft) Health Department requirements.
- H.     No person shall occupy any campsite for more than six (6) weeks in any one year.

**3.**     **Cemeteries:**

- A.     Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
- B.     Accessory Building: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission Approval.
- C.     Setbacks: No buildings or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

**4.**     **Common Use Waterfront:**

All waterfront accesses (regardless of district) will conform to the minimum lot area requirements including lot and square footage of applicable district.

When more than two (2) families share lake frontage without residing on said frontage, such common use and/or ownership of the waterfront shall be governed by this Section. The provision herein shall apply regardless of whether access to the waterfront is gained

by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, stock, or membership in a corporation, or any other means. All such common use waterfronts must comply with the following regulations and standards:

- A. Site Plan approval is required by the Planning Commission, pursuant to *Article 4*, except that the following additional information shall be included in the site plan:
  - 1) The specific uses permitted on the common waterfront area, the locations of same, and all conditions that must be met to entitle one to such uses.
  - 2) The bearings, distances, and calculations showing compliance with subsections (B), (C), and (D) below.
  - 3) Proposed location of docks or other waterfront structures.
- B. The land comprising the common waterfront shall have a minimum frontage on the water as per applicable district regulations, measured at the water's edge, and shall have an area as per the applicable district regulations (*Section 2.08*). The required frontage shall be increased by at least fifty (50) feet, and the land area shall be increased by at least an additional seven thousand five hundred (7,500) square feet, for each family in excess of two (2) having waterfront privileges associated with the common waterfront.
- C. No parking shall be permitted in common use waterfront areas.
- D. No more than one slip, mooring, boat hoist or any other means of anchorage per one hundred feet (100 ft.) of frontage on the water shall be allowed.
- E. On inland lakes, docks shall not exceed 1 per one hundred feet (100ft) of lot width and shall not extend beyond a water depth of five feet (5ft). Notwithstanding the water depth, persons are entitled to a maximum dock length of thirty five feet (35ft).
- F. Boat launch facilities are not permitted.
- G. No clubhouse shall be permitted on common-use waterfront property.
- H. The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards pursuant to *Section 4.03*, except that the following standards shall be considered as well:
  - 1) The extent of contemplated injury or nuisance, including noise, to owners or riparian, adjacent and nearby lands.
  - 2) The impact upon the public's enjoyment of the navigable waters.
  - 3) The effects on the navigable waters of compounding, by precedent, the impact of the proposed common waterfront uses by approval of subsequent development of similar nature.

5. **Funeral Home or Mortuary:**

Funeral Home or Mortuary property shall have direct vehicular access to a public road. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off-street parking areas, and loading areas are accommodated on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

6. **Gasoline/Service Station:**

- A. Minimum lot size shall be twenty thousand (20,000) square feet for a Service station or repair garage and twelve thousand (12,000) square feet for a filling station.
- B. Minimum lot width shall be one hundred twenty (120) feet for a service station, repair garage and one hundred (100) feet for a filling station.
- C. An automobile service station building, repair garage or main building for a filling station shall be located not less than forty (40) feet from the road right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than twenty-five (25) feet from the side or rear lot line of adjoining commercial or industrial property.
- D. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
- E. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
- F. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
- G. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
- H. All exterior lighting shall comply with ***Section 3.12 – Outdoor Lighting*** of this Ordinance.

- I. On a corner lot, both road frontage sides shall conform to all applicable front yard regulations of this ordinance.
- J. Parking and stacking spaces shall be provided subject to the ***Section 3.15 –Off- Street Parking, Loading and Unloading Requirements and Standards.***

**7. Nursing Homes, and Assisted Living Facilities:**

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

- A. The minimum lot size for such facilities shall be five (5) acres.
- B. Such uses shall front County road and the main means of access for residents or patients, visitors, and employees shall be via the road.
- C. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every room used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off- street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

**8. Junk and Salvage Material Storage:**

Junk storage and salvage materials shall be located within a completely enclosed building. Any open storage yards or areas shall be entirely enclosed by an obscuring eight (8) foot wall, fence or greenbelt, and no salvage yard facilities shall be nearer to the exterior boundary of the General Commercial District than one-hundred (100) feet.

**9. Kennels or Veterinary Clinic/Hospital:**

- A. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
- B. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from the property line, whichever is greater.
- C. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
- D. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
- E. Animals shall be kept in a soundproof building between the hours of 10p.m. and 8 a.m.
- F. All principal use activities shall occur within an enclosed main building.



**10. Manufactured Home Developments:**

Manufactured home developments shall be subject to the following conditions:

- A. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
- B. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require all mobile homes in mobile home parks to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
- C. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require the underside or chassis of all mobile homes in mobile home parks to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

**11. Mobile Homes and Trailers, Other Uses:**

Mobile homes, travel trailers and motor homes may be used as follows:

- A. Mobile homes may be used as temporary dwellings until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Perm.it has been issued, subject to the conditions of this Ordinance. The temporary dwelling shall be included on the Zoning Perm.it, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.
- B. Mobile homes may be used as a temporary contractor's office and/or equipment shed in any district when in connection with a construction project and authorized by the Zoning Administrator.
- C. The unoccupied storage of a motor home or travel trailer, not a mobile home, on any residential property by the owner thereof shall be allowable as a permitted accessory use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views is created for the adjoining property.

12. **Motels and Hotels:**

- A. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet at the road line.
- B. There shall be at least eight hundred (800) square feet of lot area per guest room.
- C. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
- D. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
- E. Parking and stacking spaces shall be provided subject to the *Section 3.15 – Off-Street Parking, Loading and Unloading Requirements and Standards.*

13. **Recreational Areas and Facilities:**

All recreation lands and/or facilities, subject to findings that the uses are compatible with the surrounding residential area, the uses respect the environmental qualities of the site, noise levels do not exceed those of typical residential areas and no inordinate obstructions to scenic views are established, Recreational uses permitted herein include parks, playgrounds, and common access sites. No such facilities shall have a commercial appearance or be of a commercial character.

14. **Public Buildings, Institutions and Places of Worship:**

Public buildings (except public works garages and storage yards), places of worship, public schools, private schools and their local supporting service uses, shall be permitted provided:

- A. The arrangement of property uses shall minimize the impact on scenic views, and if feasible, the site design shall mitigate negative impacts related to building size, noise, lighting and traffic.

Any uses of church structures or properties for such other purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

15. **Recreation Resorts:**

Recreation camps, recreation lodges and resorts for either profit or non-profit shall be subject to the following conditions:

- A. The use is established on a minimum site of twenty (20) acres.
- B. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least 100 feet from all property lines. The resulting 100 foot yard shall be maintained as a buffer area wherein all natural tree/shrub cover is retained in healthful growing conditions. Planted greenbelts may be required by the Planning Commission as deemed necessary.

- C. The recreational camp use shall not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed by the Planning Commission to be a logical extension of such a platted area.

16. **Sawmills and other Mills:**

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

- A. The use involves the processing of raw timber and/or rough lumber and shall not include retail lumberyard businesses or hardware supplies, paints, and the like. Log and lumber storage uses are permissible accessory uses.
- B. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred and sixty (660) feet.
- C. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than five hundred (500) feet, unless the owner of the residence signs a statement agreeing to a lesser setback.
- D. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.
- E. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable and Township Community Master Plan for the area. The mill location shall be determined to be good land use.

In considering applications for forest industries the Planning Commission may permit modifications to the standards in items A through E, where owing to natural or man-made conditions, no good purpose would be served by requiring strict compliance. Such conditions may include, but need not be limited to, steep topography, intensely wooded areas, other natural barriers, existing uses, and the like.

Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

17. **Stables, Commercial:**

- A. Commercial stables shall be on sites of at least ten (10) acres in size.
- B. Commercial facilities for horseback riding shall be subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.
- C. Commercial stables shall be 500 feet from any lake or stream.

18. **Sexually Oriented Business:**

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities, which are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

- A. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
- B. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned LDR (Low Density Residential) and R (Residential districts).
- C. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
- D. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
- E. The proposed use must meet all applicable written and duly promulgated standards of Bois Blanc Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
- F. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.

- G. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.
- H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
- I. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
- J. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM.(Midnight)
- K. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:
  - 1) Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
  - 2) Shall be unobstructed by any door, lock, or other entrance and exit control device;
  - 3) Has at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
  - 4) Is illuminated by a light bulb of wattage of no less than 25 watts;
  - 5) Has no holes or openings in any side or rear walls.
- L. Review Procedures for Sexually Oriented Businesses:  
 The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business.
  - 1) If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within five (5) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
  - 2) If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in **Section 18 (A-L)**. If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.

- 3) Prompt judicial review of adverse determination: If the Planning Commission denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall have within five (5) business days of the receipt of such written notice to do the following:
  - a) File a petition in the Circuit Court for the County seeking a judicial determination with respect to the validity of such denial, and in conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;
  - b) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within ten (10) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show-cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval application automatically approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

19. **Storage Facilities:**

- A. Storage uses as allowed in General Commercial (C-2), including mini-storage, shall meet the following regulations:
  - 1) All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission per subparagraph 3) of this section.
  - 2) Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
  - 3) Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property.
  - 4) Storage facilities for building materials sand, gravel, stone, lumber, storage of contractor's equipment and supplies, shall be within an enclosed "building or behind an obscuring wall or fence.

B. Storage uses as allowed the Forest Management District (FM), shall meet the following regulations:

- 1) All structures shall be neutral in color.
- 2) There shall be no outside storage of items.
- 3) Maintenance activities shall be limited to those which are incidental to the storage of items.
- 4) Storage buildings up to 2,000 square feet in area are allowed up to 2 doors under 24 square feet in area, and 2 doors over 24 square feet in area. For each additional 1,000 square feet of building area, 1 additional door of each size shall be allowed.

20. **Towers and Antennae Facilities:**

Antenna towers and masts for cellular phone and other personal or business communications services may be authorized as a special land use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section. In considering such authorization, the Planning Commission shall apply the standards of *Article 4: Site Plan Review*, and the following standards:

- A. The Applicant shall provide documentation to the Planning Commission that clearly establishes the legal ownership of the tower. The applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
- B. The applicant shall provide documentation to the Planning Commission documenting the need for a new tower and analysis of alternative options, such as co-location of an existing tower or structure.
- C. The application for special land use approval for the tower shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.
- D. A cellular phone or other personal and business communications services antenna tower shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions. Tower height shall not exceed two hundred (200) feet.
- E. The applicant shall provide evidence of feasibility of locating the antenna on an existing tower or other existing structure in the Township or in neighboring communities.

- F. The tower and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible, such as tree style tower, with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
- G. The applicant shall provide documentation of any lighting to be installed on the tower. If tower lighting is required or proposed, the tower may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.
- H. Towers shall be painted so as to be as unobtrusive as possible. The painting of towers in alternate bands of orange and white shall be permitted only if specifically required by Federal Communications Commission (FCC) or Federal Aviation Administration (FAA) regulations. If alternate band painting is required by FCC or FAA regulations, the applicant shall provide documentation of such requirements and regulations.
- I. The applicant shall provide documentation of conformance with any Federal Communications Commission and Federal Aviation Administration regulations.
- J. The owner/operator of the tower shall agree to permit use of the tower by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the tower.
- K. As a condition of approval, the Planning Commission may require an owner to deposit funds in escrow with the Township, or provide an insurance bond satisfactory to the Township's Attorney to assure the removal of towers and masts as prescribed in this Section. If required, such escrow deposit or insurance bond shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by successor owners.
- L. If the tower ceases operation for its original use or is abandoned for any reason, the Township may order its removal from the site by the owner of the tower within three (3) Months of notification by the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
- M. If the height required for the tower to serve its intended function decreases from the installed height due to technological advancement, additional tower installations at other locations, or other factors, the Township may order that the tower be lowered to such decreased minimum height.



- N. The tower and any supporting or appurtenant structures shall be no closer to any dwelling than the distance equal to 1.5 times the height of the tower measured from its base at grade to its highest point of elevation.
- O. The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for special use approval to erect and maintain cellular phone and other personal and business communications antenna towers.

21. **Wind Turbine Generators, Commercial and Anemometer Towers:**

Unless otherwise provided, wind turbine generators and anemometer towers shall comply with all of the following standards:

A. **Sufficient Wind Resources**

The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special use permit.

B. **Minimum Site Area**

The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this ordinance.

C. **Setbacks**

Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

- 1) Each wind turbine generator shall be set back from any adjoining lot line a distance equal to one and one half (1.5) times the total height of the WTG. The Planning Commission may reduce this setback to no less than 100 feet; provided the adjoining property is owned by the applicant or an easement is obtained. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed 50 decibels on the dB (A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.
- 2) In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way or existing easement a minimum distance equal to one and one half (1.5) times the height of the wind turbine generator tower as defined in the Ordinance.

- 3) For any newly proposed wind turbine generator or anemometer tower, a "wind access buffer" equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower, based on the average rotor diameter between the existing and proposed WTG.

D. Maximum Height

- 1) The maximum wind turbine generator height or the height of an anemometer tower erected prior to the wind turbine generator shall not exceed the minimum height indicated by the wind resource study or 300 feet, whichever is less, inclusive of blade at the maximum vertical position.
- 2) The Planning Commission may approve an increased height for a wind turbine generator tower or an anemometer tower if all of the following conditions are met:
  - a) The increased height will result in the preservation of a substantial stand of trees, existing land forms or structures that would otherwise be removed to increase wind velocity.
  - b) The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the wind turbine generator given the documented wind speeds and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator, as determined by the Planning Commission or a qualified professional hired by the Township. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.
  - c) The increased height will not result in increased intensity on lighting of the tower due to FAA or MAC requirements.

E. Minimum Rotor Wind Vane or Blade Clearance. The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifteen (15) feet.

F. Maximum Noise Levels. Any proposed wind turbine generator shall result in the production of cumulative sound levels that are no more than fifty (50) decibels as measured on the dB (A) scale at the property lines of the site in question.

G. Maximum Vibrations. Any proposed wind turbine generator shall not produce Vibrations through the ground humanly perceptible beyond the property on which it is located.

H. Interference with Residential or Governmental Reception. Any wind turbine generators shall be constructed and operated so that they do not interfere with television, microwave, navigational or radio reception to neighboring areas.

- I. Landscaping. Each proposed wind turbine generator shall meet the following landscaping requirements; provided, however, the Planning Commission may reduce or waive such requirements if it finds that because of the remote location of the site, or other factors, the visual impact of the wind turbine generator would be minimal.
- 1) The base of the wind turbine generator shall be landscaped with a buffer of plant materials that effectively screens the view of the bases of these facilities from adjacent property used for residential purposes. The standard buffer shall consist of a landscaped strip at least four feet (4') wide outside the perimeter of the facilities.
  - 2) Existing natural land forms on the site which effectively screens the base of the wind turbine generator or anemometer tower erected prior to a wind turbine generator from adjacent property used for residential purposes shall be preserved to the maximum extent possible.
    - a) Landscaping shall be designed to counter the effects of "shadow flicker" on any neighboring residences or roadways caused by the rotor rotation in the sunlight.
    - b) To ensure compliance with these landscaping standards, the Planning Commission may require additional landscaping on the site after the installation of the wind turbine generator.
- J. State or Federal Requirements. Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special use permit is approved.
- K. Soil Conditions. A proposal for any wind turbine generator or anemometer tower shall be accompanied by a report of the soils present on the site based on soil borings, and a description of the proposed foundation size, materials, and depth. The top of such a foundation shall be installed to a depth of five (5) feet below grade, to allow for feasible future reuse of the land unless the applicant provides a financial assurance that the foundation will be removed in the event that the tower is removed.
- L. Aesthetics and Lighting. Any proposed wind turbine generator or anemometer tower shall meet the following requirements:
- 1) Each wind turbine generator or anemometer tower shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA and MAC, are painted a neutral color so as to reduce visual obtrusiveness.
  - 2) Each wind turbine generator, including all accessory structures or anemometer tower shall, to the extent possible, use materials, and colors that will blend them into the natural setting and surrounding buildings. A medium gray shade is the preferred color for any wind generator or anemometer tower; however, the Planning Commission may approve an alternate color if the facility is suspected to be located within an avian migratory route or if an alternate color would otherwise benefit the community.

- 3) Each wind turbine generator or anemometer tower shall not be artificially lighted, unless required by the FAA, MAC or other applicable governmental authority. If lighting is required, the lighting alternatives and design chosen:
    - a) Shall be the intensity required under FAA or MAC regulations.
    - b) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by the FAA or MAC. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA or MAC.
    - c) May be a red top light that does not pulsate or blink.
    - d) All tower lighting required by the FAA or MAC shall be shielded to the extent possible and acceptable to the FAA or MAC to reduce glare and visibility from the ground.
  - 4) Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
  - 5) Each wind turbine generator or anemometer tower shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires.
- M. **Sign.** A sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls and informational inquires shall be posted at the proposed wind turbine generator or anemometer tower erected prior to a wind turbine generator. No wind turbine generator tower or anemometer tower or site shall include any advertising sign.
- N. **Hazard Planning.** An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall address the following at a minimum:
- 1) Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.
  - 2) The landscape plan accompanying the application shall be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.
  - 3) The following shall be submitted with the application for a special use permit for a wind turbine generator:
    - a) A listing of any hazardous fluids that may be used on site shall be provided, including Material Data Safety Sheets (MDSS).
    - b) Certification that the turbine has been designed to contain any hazardous fluids shall be provided.
    - c) A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.
    - d) A Hazardous Materials Waste Plan shall be provided.
- O. **Approvals.** All required approvals from other local, regional, state or federal agencies must be obtained prior to submittal of a site plan, and such approvals shall be submitted as part of the required site plan for Planning Commission consideration.

P. Removal of Abandoned Wind Turbine Generators or Anemometer Towers.

- 1) Wind production summary reports by month shall be provided annually for each WTG to the Township Planning Commission and the Township Clerk, by January 31st each year, for the preceding year.
- 2) Any wind turbine generator or anemometer tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to 125 times the estimated cost of the removal of WTG or anemometer at time of approval. Such escrow deposit or bond shall be maintained by successor owners. The reasonable cost (including adjustment for inflation) of removing the wind turbine generator or anemometer tower and attendant accessory structures as a condition of a special use permit given pursuant to this section.

## **Article 7. Administration and Enforcement**

### **Section 7.01 Zoning Administrator**

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable.

The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail by him or her and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.

The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are in compliance with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

### **Section 7.02 Zoning Permit**

1. No building or structure shall be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation or filling of land commence until a Zoning Permit application has been filed with the Township and a zoning permit issued by the Zoning Administrator.
  
2. The application shall be signed by the owner of the premises or his agent and shall certify that all provisions of this Ordinance and other applicable laws and requirements are to be complied with. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
  - A. Four (4) copies of a site plan, if required, or four (4) copies of a sketch in a scale sufficient to clearly detail- as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure; the location and dimensions of sewage disposal facilities on the lot under consideration; and the location of all wells to be erected on the lot under consideration.

- B. Properties under two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are unknown.
  - C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator of this Ordinance.
  - D. Such other information as may be required to determine compliance with the Ordinance.
3. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived.
  4. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit.
  5. Any Zoning Permit under which substantial construction has not started or if no substantial construction has been done in the furtherance of the zoning permit, the zoning permit will expire after eighteen (18) months from date of issuance.
  6. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing. The Zoning Administrator shall have the authority to issue a stop work order on work in progress when that work violates the zoning ordinance provisions.
  7. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principle building or structure.
  8. Upon issuance of the Zoning permit, a copy of the permit and the application, including any drawings shall be transmitted to the Township Assessor.

### **Section 7.03 Conditions**

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. 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 to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being 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 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 land use or activity under consideration, and be necessary to insure compliance with those standards.

#### **Section 7.04 Rehearing Process**

1. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeal shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
  - A. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
  - B. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
  - C. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
2. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
  - A. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
  - B. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.



- C. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address. The notice must be served at least 15 days before the time set for the hearing if served by mail. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.
- D. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

### **Section 7.05 Fees**

- 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, such as those fees related to the following:
  - A. Zoning permits
  - B. Special land use permits
  - C. Ordinance interpretations by the Zoning Board of Appeals: appeals of administrative interpretation or request for interpretation. Appeals and requests for interpretation 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 to change a non-conforming use to another non-conforming use.
  - F. Requests for variances from the Zoning Board of Appeals.
  - G. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  - H. Site plan reviews.

- I. 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 the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. 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 planners, engineers, attorneys, or other professionals is necessary or advisable, 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 additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

### **Section 7.06 Performance Guarantee**

In connection with the construction of improvements through site plan approval, or special land use approval project the Planning Commission may require the applicant to furnish the township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and

the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the township clerk at or before the time the township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the township clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

1. One-third of the cash deposit after completion of one-third of the public and site improvements;
2. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
3. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

## **Section 7.07 Violations and Penalties**

### **Section 7.07.1-Nuisance per se**

Any land, dwellings, buildings or structures, including tents and recreational vehicle, 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 this Ordinance are hereby declared to be a nuisance per se.

### **Section 7.07.2 – Inspection**

The Zoning Administrator shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to ensure compliance with the plans and conditions of the zoning permit or approved site plan.

**Section 7.07.3 - Penalties**

- 1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se 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 and shall be subject to a fine determined in accordance with the following schedule:

Minimum/Maximum	
First violation within a 3 year period *	\$ 50 - \$500
Second violation within a 3 year period *	\$125 - \$500
Third violation within a 3 year period *	\$250 - \$500
Fourth or subsequent violation within a 3 year period *	\$400 - \$500
* determined on the basis of the date of the violation(s)	

Additionally, the violator shall pay costs, which may include all direct or indirect expenses to which the township has been put in connection with the violation. In no case, however, shall costs of less than \$9 or more than \$500 be ordered. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law. Each day a violation of this ordinance continues to exist constitutes a separate violation. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure compliance with the provisions of this ordinance.

- 2. 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. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this ordinance.
- 3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.

**Section 7.07.4 - Stop Work Order**

If construction or land uses are being undertaken contrary to a zoning permit, the zoning enabling act, or this ordinance, the zoning administrator or deputy of the zoning administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal or civil prosecution for failure to obey the order.

## **Section 7.08 Conflicting Regulations**

In the interpretation of this Ordinance, this Ordinance shall rule unless there exists a conflict with any other township ordinances, in which case the more stringent regulations will rule.

## **Article 8.**

### **Zoning Board of Appeals**

#### **Section 8.01 Zoning Board of Appeals**

1. Creation and Membership:

The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in the Zoning Enabling Act, MCL 125.3601 of 2006, as amended, and in such a way that objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of three (3) members.

- A. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
- B. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
- C. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
- D. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend two (2) or more consecutive meetings of the Zoning Board of Appeals or for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

2. Meetings:

Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the voting members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance. The Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

3. Jurisdiction:

- A. An appeal concerning the administration of the provisions of this Ordinance may be taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.
- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant variances as provided for in *Section 8.01.5. Variances*.
- D. The ZBA may also interpret the location of zoning district boundaries and may interpret the provisions of this Ordinance.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution either reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.

4. Stay:

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

5. Variances:

A. Dimensional Variances: The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

1. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
- 2) The need for the requested variance is not the result of action 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.  
Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- 4) 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.

B. Use Variances:

The ZBA may grant use variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in unnecessary hardship. To establish unnecessary hardship, the applicant must establish all of the following:

1. The building, structure or land cannot be reasonably used for any of the uses permitted by right or by special approval in the zoning district in which it is located.
2. The need for the requested variance is due to unique circumstances peculiar to the applicant's property and not due to general neighborhood conditions .
3. The proposed use of applicant's property will not alter the essential character of the neighborhood.
4. The need for the requested variance is not the result of actions of the property owner or previous property owners (self-created).



6. Zoning Board of Appeals submittal:  
The applicant is required to submit four (4) copies of surveys, plans and data as required under Article 4: Site Plan Review, or other information deemed reasonably necessary for making any informed decision on his or her appeal.
7. Conditions of Approval:  
The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in ***Section 703-Conditions.***
8. Exercising Powers:  
In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.
9. Notice of Hearing:  
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, 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 and to the zoning administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing.
  - B. For a request seeking an interpretation of the zoning ordinance, 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 requesting the interpretation no less than fifteen (15) days before the public hearing.
  - C. For 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 published in a newspaper of general circulation within the township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing. In addition, 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.

10. Miscellaneous:

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than twelve (12) months, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

No order of the Board of Appeals permitting the use of a building or premises shall be valid for a period longer than twelve (12) months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period of erection or alteration is started and substantial construction has occurred.

## **Article 9.**

### **Rules of Construction and Definitions**

#### **Section 9.01 Rules of Construction**

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

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for."
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
  - A. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
  - B. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
7. "Township" shall refer specifically to Bois Blanc Township.
8. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company or other legal entity, or their agents.
9. Terms not defined shall be assumed to have the meaning customarily assigned them.
10. Any necessary interpretation of this Ordinance shall be defined by the Bois Blanc Township Zoning Board of Appeals.

#### **Section 9.02 Definitions**

**Accessory Structure:** Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure.

**Accessory Apartment:** A dwelling unit accessory to a single-family residence, located either in the principal residential structure or an accessory structure, such as a garage. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

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

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

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

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

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

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

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

**Adult Motel:** A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has, a sign visible from the public right of way that advertises the availability of any of the above;
2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

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

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

**Agriculture:** The art and science of cultivating the ground for the purpose of raising and harvesting trees, fruit or field crops, or animal husbandry for economic gain.

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

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

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

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

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

**Architectural Features:** Architectural features of a building shall include cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**Automobile Repair:** Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

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

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

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

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

**Bed and Breakfast Facility:** See definition for Tourist home.

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

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

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

**Buffer Strip:** A strip of land not less than ten (10) feet in width for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance. -

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

**Buildable Land(s):** All areas of a Master Parcel not defined as Unbuildable Land(s)

**Building Height:** The vertical distance measured from the lowest natural grade to the highest part of the roof.

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

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

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

**Church:** See Place of Worship.

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

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

**Condominium Unit:** That portion of a condominium development designed and intended for separate ownership and use consistent with the provisions of the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time share unit or other type of use.

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

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

**Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings, which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit.

**Dwelling, Single-Family:** A detached building containing not more than one dwelling unit designed for residential use.

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

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and
3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

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

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

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

**Erected:** Includes built, constructed, reconstructed, extension, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements which are not required for a building or structure, shall not be considered to fall within this definition.

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

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

**Essential Services:** The phrase "essential services" means the erection, construction, alteration; or maintenance by public utilities or municipal department or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, wireless communication antenna, and wind turbine generators are not included within this definition.

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

**Family:** An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or similar dwelling for group use.

**Farm:** The use of contiguous, neighboring, or associated land operated as a single *unit* by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees for the purpose of agricultural use.

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

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



**Garage-Private:** An accessory building used primarily for the storage of vehicles for the use of the occupants of a lot on which such building is located.

**Garage-Public:** A building, or part thereof, designed or used for equipping, servicing, repairing, hiring, storing, or parking motor vehicles. The term repairing does not include the rebuilding, dismantling or storage of wrecked or junked vehicles.

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

**Grade:** The lowest ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the lowest level of the ground adjacent to the walls of the building.

**Greenbelt:** A strip fifty (50) feet wide parallel to the bank of a stream or lake maintained in trees and shrubs or in its natural state to serve as a waterfront buffer.

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

**Home Occupation:** A profession, occupation, activity or use conducted within a dwelling which is clearly incidental and secondary to the use of the lot and dwelling for residential purposes, and which does not alter the exterior of the property or affect the residential character of the neighborhood. Home occupations are regulated by a separate Township Ordinance.

**Hotel:** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

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

**Junkyard:** An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Junkyard" 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. Also, any premises upon which three or more unlicensed used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

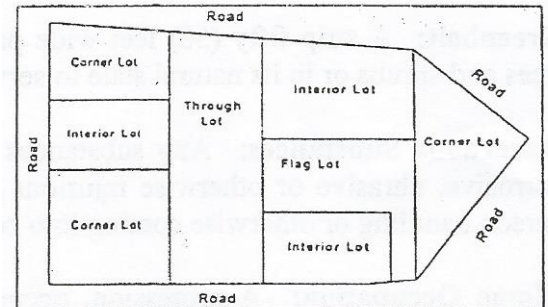
**kennel:** Any lot or premises on which four (4) or more dogs, cats, or other household pets of the same species four (4) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

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

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

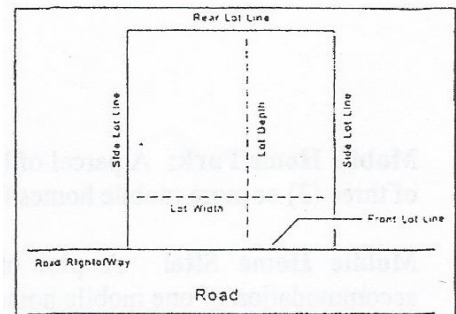
**Lot:** The parcel of land or site condominium unit occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this Ordinance for the district in which located, but not including any area : within any abutting right-of-way or traffic lane.

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



**Lot Coverage:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures. This shall be deemed to include all buildings, porches, arbors, breezeways, patio roofs, and the like, whether open box type and/or lathe roofs or, fully roofed, but shall not include fences, walls or hedges used as fences or swimming pools.

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



**Lot, Double Frontage:** A lot other than a corner lot having frontage on two (2) more or less parallel roads. If there are existing structures in the same block fronting on one (1) or both of the roads, the required front yard setback shall be observed on those roads where such structures presently front.

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

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

**Lot Line, Front:** In the case of an interior lot abutting upon a road, the front lot line shall mean the line separating such lot from such road right-of-way. In the case of a corner or double frontage or a through lot, the front lot line shall be that line separating said lot from the road on the side of the lot that has the narrowest road frontage, or if the two lot lines have an equal amount of frontage, the front lot shall be on the most improved or best rated road. (*See Lot, Double Frontage*).

**Lot Line, Rear:** The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than twenty (20) feet long lying farthest from the front lot line and wholly within the lot.

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

**Lot of Record:** A parcel of land defined by a legal description and recorded in the office of the Mackinac County Register of Deeds, or site condominium unit established and recorded by Master deed in the Mackinac County Register of Deeds on or before the effective date of this Ordinance.

**Lot, Through:** See Lot, Double Frontage.

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

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

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

**Master Plan or Comprehensive Plan:** See Land Use Plan.

**Migratory Labor:** Temporary or seasonal labor employed in planting or harvesting.

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

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

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

**Motel or Motor Court:** A series of attached, semi-detached or detached rental units providing overnight lodging for transients, open to the traveling public for compensation.

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

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

**Nonconforming Structure:** A building, or structure, lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to regulations of the zoning district in which such building or structure is located.

**Nonconforming Use:** A use of land lawfully in existence on the effective date of this Ordinance, or any amendments thereto, that does not conform to the use regulations of the zoning district in which it is located

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

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

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

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

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

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

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

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

**Open Space:** Land upon which no structures, parking, rights-of-way, easements, sewage disposal systems (including backup areas for sewage disposal) or other improvements have or will be made that commit land for future use other than outdoor recreational use. Land proposed for outdoor recreational usage that will result in the development of impervious surfaces shall not be included as open space.

**Ordinary High Water Line:** 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 soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or Stream, the ordinary high water Mark shall be the 100 year flood limit line.

**Parent Parcel:** Any lot, from which sublots or sub parcels are created after the adoption date of this ordinance.

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

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

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

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

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

**Plot Plan:** The drawings and documents depicting and explaining all salient features of a proposed development which requires a zoning permit but is not required to prepare a site plan, in order to evaluate compliance with ordinance standards and requirements.

**Porch, Enclosed:** A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

**Porch, Open:** A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

**Principal Structure:** The main structure on the premises devoted to the principal use.

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

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

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

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

**Recreational Vehicle:** A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, fifth wheel trailers, travel trailers, and tent trailers.

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

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

**Road, Private:** Any road which is privately constructed and has not been accepted for maintenance by the County Road Commission, State of Michigan or the federal government. All private roads shall meet county road standards until a private road ordinance is adopted by the Township.

**Road, Public:** Any road or portion of road which has been dedicated to and accepted for maintenance by the County Road Commission, State of Michigan or federal government.

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

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

**Seasonal Use:** Any use or activity that can not be conducted or should not be conducted each month of the year.

**Setback:** The minimum required horizontal distance from the applicable right-of-way line, easement, or property line of a lot within which no buildings or structures may be placed.

**Sexually Oriented Business:** A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio.

**Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

**Sign:** An identification, description, illustration or device affixed to, or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, person, activity, institution, or business. A sign so described may be either mobile or non-mobile.

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

**Special Approval:** Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land use in the district when such use is specified in this Ordinance for that district upon such approval.

**Stable:** A building or structure used to house horses, either for the property owner's private use or for hire.

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

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

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground. Driveways, sidewalks, parking areas, septic systems and tanks are excluded from this definition.

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

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

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

**Trail Coach:** See Recreational Vehicle definition.

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

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

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

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

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

**Wind Turbine Generator, Commercial:** A wind turbine generator designed and used primarily to generate electricity by or for sale to utility companies.

**Wind Turbine Generator Farm, Commercial:** Two (2) or more wind turbine generators located on the same parcel designed and used primarily to generate electricity by or for sale to public utility companies.



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

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

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

**Yard, Front:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line, or road-right-of-way line as the case may be.

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

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

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

# Article 10.

## Amendments and Enactment

### **Section 10.01 Amendment to this Ordinance**

1. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set in Act 110 of the public act of 2006 as amended.
  - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Bois Blanc Township Zoning Map may be amended, supplemented or changed by the Township Board following a recommendation from the Township Planning Commission.
  - B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission, Zoning Board of Appeals, Zoning Administrator, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
  - C. The procedure to be followed for initiating and processing an amendment shall be as follows:
    - 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if public hearing is held.
    - 2) The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.
    - 3) The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
    - 4) Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by publication in a newspaper of general circulation. To be printed not less than fifteen (15) days before the date of such hearing. And by notifying all property owners within five hundred (500) feet of any land proposed for rezoning and all occupants of single and two-family dwellings within five hundred (500) feet not less than 15 days prior to the public hearing. Not less than fifteen (15) days notice of the time and place of such hearing shall also be given by mail to each public utility company and railroad within the zone affected who have registered to receive such notices. The notices shall include the places and times at which the tentative text and any map of the Zoning Ordinance may be examined and shall be verified by an affidavit of mailing or personal service.

- 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
  - a) Is the proposed rezoning consistent with the Bois Blanc Township Master Plan?
  - b) Is the proposed rezoning reasonably consistent with surrounding uses?
  - c) Will there be an adverse physical impact on surrounding properties?
  - d) Will there be an adverse effect on property values in the adjacent area?
  - e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
  - f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
  - g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
  - h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
  - i) the rezoning in conflict with the planned use for the property as reflected in the master plan?
  - j) Is the site served by adequate public facilities or is the petitioner able to provide them?
  - k) Are there sites nearby already properly zoned that can be used for the intended purposes?
  - l) The community should evaluate whether other local remedies are available.
- 6) Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within 30 days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
- 7) The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
- 8) After the Township Board receives the summary and recommendation from the Planning Commission (and after the County Planning commission report has been submitted or after the 30 day prior has expired, whichever comes first), the Township Board may act on the Zoning Ordinance amendment.
  - a) If a property owner requests a public hearing on the Zoning Ordinance amendment (by sending the request by certified mail addressed to the Township Clerk), the Township Board must hold the public hearing following the procedures outlined below. The Township Board shall request the Planning Commission to attend this public hearing.
  - b) If the Township Clerk does not receive a request for a public hearing, the Township Board may still elect to hold additional public hearings if it considers it necessary. If the Township Board holds public hearings, the following procedure must be observed.

- (1) The notice of public hearing must be published not less than 15 days before the hearing in a newspaper of general circulation in the Township..
  - (2) If the Township Board considers revisions to the proposed text or a Zoning Ordinance advisable, it must refer those revisions back to the Planning Commission for a report thereon within a time specified by the Township Board.
- c) If the Township Board does not hold a public hearing or after any public hearing(s) are held, the Township Board, at a regular meeting or a special meeting called for that purpose, may adopt by a majority vote of its membership the Zoning Ordinance amendment.
- (1) The Township Board may consider amendments that have previously been considered by the Planning Commission and for which the Planning Commission has held a public hearing.
  - (2) Subject to the right to a referendum, the Zoning Ordinance amendment shall take effect upon the expiration of seven (7) days (i.e. effective on the 8th day) after publication or at such later date after publication as may be specified by the Township Board.
- d) The following procedures must be followed to obtain a referendum on a zoning amendment:
- (1) Within seven (7) days after publication of a zoning ordinance amendment, a registered elector of the township may file with the township clerk a notice of intent to file a petition for a referendum.
  - (2) Upon filing the notice of intent, the zoning ordinance amendment shall not take effect until one of the following occurs:
    - a) The expiration of thirty (30) days after publication of the zoning ordinance amendment, if a petition for a referendum is not filed within that time.
    - b) If a petition is filed within thirty (30) days after publication of the zoning ordinance amendment, the township clerk determines that the petition is inadequate.
    - c) If a petition is filed within thirty days after publication of the zoning ordinance amendment, the township clerk determines that the petition is adequate and the ordinance is approved at an election. (Only township electors residing outside the limits of incorporated villages or cities can vote in this election.)
  - (3) The petition must be signed by a number of registered electors in the township greater than or equal to fifteen percent (15%) of the total votes cast for all candidates for governor in the last election in the township.
  - (4) The township board shall provide the manner of submitting the zoning ordinance amendment or a portion of the zoning ordinance amendment to the electors for their approval or rejection and determining the results of the election.

- 9) Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
  - a) The notice of Ordinance adoption must contain the following information:
    - (1) Either a summary of the regulatory effect of the Zoning Ordinance amendment, including the geographical area affected, or the text of the Zoning Ordinance amendment.
    - (2) The effective date of the Zoning Ordinance amendment.
    - (3) The place and time where a copy of the Zoning Ordinance amendment may be purchased or inspected.
- 10) No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

#### **Section 10.02 Enactment and Effective Date**

1. This Ordinance was adopted on September 14, 2005, by the Bois Blanc Township Board of Trustees and will be effective October 1, 2005. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on August 17, 2005.
2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, unless notice of intent to file a petition of referendum is filed within seven (7) days.