

ELY TOWNSHIP ZONING ORDINANCE

The Ely Township Board
Under the Direction of
The Ely Township Planning Commission
Ely Township
155 County Road 496
Ishpeming, Michigan 49849

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ELY TOWNSHIP ZONING ORDINANCE

TITLE

AN ORDINANCE enacted pursuant to the authority contained in Act 184 of the Public Acts of Michigan for 1943, as amended, (MCLA 125.271 et seq), known as the “Township Rural Zoning Act” for the establishment of a Zoning Ordinance governing the unincorporated portions of Ely Township and utilizing districts and standards to regulate the use of land and resources in the best interest of the public health, safety and welfare. The continued administration of this Ordinance, amendments to this Ordinance, and all other matters concerning operation of this Ordinance shall be done pursuant to Act 110 of the Public Acts of Michigan for 2006, as amended (being The Michigan Zoning Enabling Act, M.C.L. 125.3101 et seq), hereinafter referred to as the “Zoning Act”. This Ordinance is enacted to establish administrative procedures for the review and processing of land use proposals subject to authority of this Ordinance and to set up requirements for the administration, enforcement, penalties for violation, provisions for amendments and to establish a reasonable schedule of fees to carry out these provisions. This Ordinance also establishes appeals process along with procedures to be followed for the organization and perpetuation of a Zoning Board of Appeals outlining their authority, duties and responsibilities.

PREAMBLE

In accordance with the authority and intent of the Zoning Act, as amended, Ely Township desires to provide for its orderly development by utilizing and implement the various concepts, goals, objectives, policies and directives as outlined in the Ely Township Community Master Plan which are essential to the well-being of the community and which will place no undue burden upon its residents, commerce, food producers, the natural resources, energy conservation, developers or industry. The township further desires to assure adequate sites for residences, food production, recreation, industry and commerce; to provide for the free movement of vehicles upon the streets and highways of the township; to protect the residents, food producers, the natural resources, energy conservation, industry and commerce against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the township as a whole; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and building within the township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the township.

ENACTING CLAUSE

THE TOWNSHIP OF ELY, COUNTY OF MARQUETTE, STATE OF MICHIGAN
ORDAINS:

ARTICLE 1: GENERAL PROVISIONS

SECTION 1.01: SHORT TITLE

This Ordinance shall be known and may be cited as the “ELY TOWNSHIP ZONING ORDINANCE”.

ARTICLE 2: DEFINITIONS

SECTION 2.01: CONSTRUCTION OF LANGUAGE

The following rules of construction shall apply to the text of this Ordinance:

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.
- B. The particular shall control the general.
- C. In case any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- E. The word “use” includes the words, structures and building associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- G. The word “building” includes the word “structure” and the word “dwelling” includes the word “residence.” A “building” or “dwelling” includes any part thereof.
- H. The words “used” or “occupied” include the words “intended”, “designed” or “arranged” to be used or occupied.
- I. The word “person” includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well and an individual.
- J. The word “lot” includes the words “plot” and “parcel.”
- K. Unless the context clearly indicates the contrary, where regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either...or,” the conjunction shall be interpreted as follows:
 - 1. “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - 2. “Or” indicates that the connected items, conditions, provisions, or events shall apply singly or in any combination.

3. “Either...or” indicates that the connected items, conditions, provisions, or events may apply single but not in combination.
- L. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- M. Whenever a reference is made to several sections and the section numbers are connected by the word “to,” the reference includes both sections whose numbers are given and all intervening sections.
- N. In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

SECTION 2.02: DEFINITIONS

For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

Access: A way or means of approach to provide vehicular or pedestrian entrance or exit to a property from an abutting property or a public roadway.

Access Management: The process of providing and managing reasonable access to land development while preserving the flow of traffic in terms of safety, capacity, and speed on the abutting roadway system.

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Agricultural Land: Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities, and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens. Agricultural activity shall be further identified on the basis of intensity as:

Light agricultural activity: The cultivation of more than a garden but less than a farm, where the primary land use is residential and the production

of crops and husbandry of domesticated animals is primarily for the consumption, enjoyment and/or use of the occupants.

Traditional agricultural activity: One or more plots of land comprising a farm devoted to the raising of domestic animals and/or the cultivation of crops in quantity for the primary purpose of producing income, and which is operated in accordance with the Michigan Right to Farm Act, Public Act P.A. 93 of 1981.

Intensive agricultural activity: The keeping of animals, either in pens or buildings where one or more of the following conditions exist:

- 1) The quantity of animals exceeds traditional agricultural activity as determined by the Planning Commission.
- 2) Where animal density would result in destruction of cover vegetation for 50% or more of the enclosure area.
- 3) Where animals are confined within buildings for extended periods regardless of weather.
- 4) Where the primary food for purposes of preparation of animals for market is produced off-site and where grazing or foraging is minimal or does not occur, i.e., feedlot.
- 5) Where the processing operations also occur on the same premises.
- 6) The operation consists of a fur farm, feedlot (beef, hogs, etc.) or poultry farm.
- 7) Keeping of exotic, other non-domesticated or musk producing species.

Agricultural Produce Stand: A structure which is used seasonally for display and sale of agricultural produce.

Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

Ambient Sound Level: The amount of background noise at a given location prior to the installation of a Wind Energy System (WES) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute (ANSI) and is the sound pressure level exceeded 90% of the time (L90).

Apartment: A dwelling unit in a “multiple family dwelling” as defined herein.

Area, Sign: The entire area within a circle, triangle, rectangle, square, or polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign.

Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

Bar: A structure or part of a structure used primarily for the sale of dispensing of liquor by the drink.

Basic Utility Service: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead, communication, telephone, electrical, gas, steam, fuel, or water transmission or distribution systems, collection, supply, or disposal systems, including poles, wires, mains drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, towers, or structures which are enclosures or shelters for the service equipment or maintenance depots.

Basement: The portion of a building which is partially 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. A basement shall not be counted as a story.

Bed and Breakfast Establishment: As defined in Act No. 112, Public Acts of 1987, being Section 4b (4), and incorporated herein, "Bed and Breakfast" means a single-family residence structure that meets all of the following criteria:

- 1) Has 8 or fewer sleeping rooms, including the sleeping rooms occupied by the inn keeper, 1 or more of which are available for rent to transient tenants.
- 2) Serves breakfast at no extra cost to its transient tenants.

- 3) Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.

Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For the purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.

Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

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

Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, to the average height between the eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building walls.

Building, Principal: A building in which is conducted the main or principal use of the lot on which the building is located.

Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.

Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.

Certificate of Occupancy: A permit issued by the proper authority allowing the occupancy or use of a structure and land after final inspection for compliance with

all applicable codes and ordinances and in accordance with an approved site plan if required.

Child Care Center or Day Care Center: A facility other than a private residence, licensed by the State as may be required, receiving 1 or more preschool or school age children for group care periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child and which qualifies as a child care center or day care center as defined by State Law. A child care center or day care center includes a facility which provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center.

Church: A building whose primary purpose is the regular assembly 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 primary purpose.

Clinic: A place where mental, medical or dental care is furnished to persons on an outpatient basis by two or more licensed health care professionals.

Club: An organization of persons for special purposes for the promulgation of sports, arts, sciences, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

Commercial Freestanding Tower: Any tower except those used for meteorological measurement or Wind Energy Systems (WES).

Commercial Vehicle: A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.

Community Master Plan: The statement of policy by the Ely Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts, and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.

Conditional Use Permit: A permit issued by the Zoning Administrator subsequent to a Public Hearing before Planning Commission where the proposed conditional use is reviewed and approved and a permit issued to a person or

persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under “Conditional Uses Authorized by Permit”.

Condominium: Condominium Act. Act 59, Public Acts of 1978, as amended:

Condominium Documents: The master deed, recorded pursuant to the Condominium Act, and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner of the condominium.

Condominium Lot: The land in a condominium unit, together with the land in the adjacent and appurtenant limited common element, if there is such a limited common element.

Condominium Subdivision Plan: The drawings and information prepared in accordance with Section 66 of the Condominium Act.

Condominium Unit: The portion of a condominium project designed and intended for separate ownership and use, as described in the master deed.

Consolidated Master Deed: The final amended master deed for a contractible or expandable condominium project, or a condominium project containing convertible land or convertible space, which final amended master deed fully described the condominium project as completed.

Contractible Condominium: A condominium project from which any portion of the submitted land or buildings may be withdrawn in accordance with this Ordinance and Section 33 of the Condominium Act.

Conversion Condominium: A condominium project containing condominium units some of all of which were occupied before filing a Notice of Taking Reservations under Section 71 of the Condominium Act.

Expandable Condominium: A condominium project to which additional land may be added in accordance with this Ordinance and Section 32 of the Condominium Act.

Master Deed: The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference, the bylaws for the project and the condominium subdivision plan for the

project, and all other information required by Section 8 of the Condominium Act.

Notice of Proposed Action: The notice required by Section 71, of the Condominium Act, to be filed with the County of Marquette and other agencies.

Site Condominium: A condominium development containing residential, commercial, office, industrial or other structures or improvements for uses permitted in the zoning district in which it is located, and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

Contiguous Property: Any portion of an individual lot or property which can be identifies as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property which is joined only at a single common point is not considered contiguous property.

County Board: Marquette County Board of Commissioners

Day Care Center/Facility: See Child/Family/Group care centers.

Direct Legal Access: Access from a lot or parcel to a road maintained year-round by the Marquette County Road Commission, which consists of at least one of the following: A common boundary with the right-of-way line of road maintained year-round; a road maintained year-round passing through or extending into the lot or parcel; or a deeded easement giving the lot or parcel access to a road maintained year-round.

District: One zoning district.

Dwelling, Single-Family: A structure, including a mobile home, designed or used for residential occupancy by one family.

Dwelling, Two-Family: A structure containing two dwelling units designed for residential occupancy by one family.

Dwelling, Multiple Family: A structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.

Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

Dwelling, Seasonal: A residential building, whether temporary or permanent including a mobile home, which is not intended, situated, designed, or constructed for year-round occupancy. Where a “seasonal dwelling” is allowed as a principal permitted or conditional use in this Ordinance, it is intended that Essential Governmental Services, including but not limited to snow plowing, road construction, or maintenance, utilities, school bus service, and other like services, not be provided to such dwelling and use.

Driveway: Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.

Driveway-Shared: A driveway connecting two or more contiguous properties to the public road system.

Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

Essential Governmental Services: The minimum of publicly provided services required for the location of certain land uses as specified in Article 3. These services include direct legal access to an existing road maintained year-round by the Marquette County Road Commission, ready access for emergency vehicles, fire, police, and ambulance, garbage pick-up, a school bus route within ½ mile of the site and mail delivery.

Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

Family: An individual, or two or more persons related by blood, marriage, or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premise and living in a single cooking, sleeping, and bathroom/housekeeping unit. Every additional group or three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. This definition shall not apply in instance where family or group day care homes, or State licensed residential facilities have been established under the requirements of P.A. 395 of 1976, as amended.

Family Day Care Home: A private home, licensed by the State as may be required, in which 1 but less than 7 minor children are received for care and supervision for periods less than 24 hours a day, unattended by a parent or legal guardian, except children related to a n adult member of the family by blood, marriage or adoption. Family day care home

includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Farm: A tract of land of at least 20 acres devoted to agriculture for the purpose of raising crops or animals as a source of income.

Feed Lot: The place of confined or concentrated feeding of farm animals which are being fattened for market.

Fence: An artificially constructed barrier of wood, metal, stone or any manufactured materials erected for the separation of yard areas.

Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance materials.

Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios; whether covered or uncovered and basements, and breezeways shall not be considered as part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.

Floor Area Ratio: An intensity measured as a ratio, derived by dividing the gross floor area of a building(s) by the lot area.

Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area which is specifically used or intended to be used for the storage or processing of merchandise, for hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from the computation of "Floor Area, Usable". Measurement of "Floor Area, Usable" shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior faces of the exterior walls, including private garages.

Fur Farm: The place of confined keeping, raising or breeding of more than 150 animals for the purpose of producing fur or pelts.

Frontage Road or Front Service Drive: A local street/road or private road typically located in front of principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats and similar items or equipment, and having no public sales or shop services in connection thereof.

Gasoline Service Stations: A structure used for the retail sale of supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor-type car wash operations.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.

Group Day Care Home: A private home licensed by the State as may be required, in which more than six (6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Home Occupation: A use or occupation conducted on the premises either within the main residential dwelling or an accessory building which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the standards set out in Section 4.04 and Section 7.04.

Home Office: A Home Occupation consisting of the office of a practitioner of a recognized profession or a place for the regular transaction of business or performance of a particular service which does not cause or create any external disturbance, nuisance or annoyance beyond the confines of said home office and is in accord with Section 4.04D.

Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but does not include hospitals and nursing homes.

Identification Sign: A sign which pertains to the use of the premises upon which it is located and contains any or all of the following information:

1. The occupant of the use.
2. The address of the use.
3. The kind of business and/or the principal commodity sold on the premises.

Junkyard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags scrap metals, other scrap or discarded materials, or for

abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running condition, machinery or parts thereof.

Kennel: Any activity involving the permanent or temporary keeping or treatment of more than three (3) but less than thirty-one (31) dogs more than six (6) months of age. Such activity involving thirty-one (31) or more dogs older than six (6) months of age shall be considered intensive agricultural activity for the purposes of this Ordinance.

Loading Space: An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A parcel of land, including any portion in a street or road right-of-way, of a least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot or parcel shall have adequate vehicular access to a public street, and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. Any combination of complete and/or portions of lots of record;
4. A parcel of land described by metes and bounds which was not created in violation of the Subdivisions Control Act as amended, or the Ely Township Subdivision Control Ordinance provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.

Lot Area: The area of land within the boundary of a lot excluding any part under water, and, in addition, it is the area of land bounded by any front lot lines (i.e., road centerline/right-of-way line of the highway on which it fronts) and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines.

Lot, Corner: A lot which has contiguous frontage on at least two intersecting streets or upon town portions of a curvilinear street where the interior angle between the two tangents is less than 145 degrees.

Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

Lot, Interior: A lot other than a corner lot.

Lot Line(s): Any of the lines bounding a lot as defined herein.

1. **Front Lot Line:** In case of an interior lot, is that line separating said lot from the street. In the case of a through lot, it is both lines separating said lot from either street. In the case of a corner lot, both sides abutting the street are considered front yards and consequently both have front lot lines.

2. **Rear Lot Line:** That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has a discontinuous lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
3. **Side Lot Lines:** Any lot line other than the front lot line or rear lot line.

Lot of Record: A lot described in Ely Township's 1994 Real Property Final Assessment Roll dated May 9, 1994 as prepared by the County of Marquette or described in a deed, land contract, memorandum of land contract or lease agreement for a term of more than one year, provided that such documents were fully executed and acknowledged by a Notary Public prior to January 1, 1994, the effective date of the Ely Township Interim Zoning Ordinance, and provided that such lot actually exists as shown or described.

Lots, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.

Lot, Width: The straight-line horizontal distance between the side lot lines, measured at the front lot line. Minimum lot width as used in Article 4, Section 4.01 shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions unless approved either by the Planning Commission or the zoning Administrator.

Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.

Meteorological Tower (Met Tower): Includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over no more than three (3) years for either instantaneous wind information or to characterize the wind resource at a given location.

Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula including, but not limited to, iron ore copper, sand, gravel, stone, gypsum, peat, topsoil, silver, gold, diamonds and other precious and semi-precious stones, and uranium.

Mining: The extraction of minerals including the actual removal, processing, and transportation of minerals and attendant by-products.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling unit with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

Mobile Home Park (As defined by Michigan Public Act 96, of 1987, as amended): A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which are offered to the public as dwelling units regardless of whether or not a charge is made, and, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary park.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modular or components, which are then transported to a site where they are assembled on a permanent foundation to form a single-family dwelling unit meeting all codes and regulation applicable to conventional single-family home construction.

Night Club: A restaurant that is open until early in the morning and provides food, drink, music or entertainment.

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

Nonconforming Use: A use of a building or structure or of a lot, parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is now situated.

Non-Participating Parcel: A parcel of real estate that is neither a Project Parcel nor a Participating Parcel.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

Open Space, Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.

Open Space, Required: The yard space of a lot which is established by and between the right-of-way line, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

Outdoor Wood-Fired Boiler: A wood-fired boiler, stove, or furnace that is not located within a building intended for habitation by humans or domestic animals.

Parking Lot: A use containing one or more parking spaces located above or below grade available for the storage of storage or parking of permitted vehicles, exclusive of drives and entrance ways providing access thereto.

Parking Space: An accessible area of not less than nine (9) feet by nineteen (19) feet, exclusive of drives, aisles or entrance ways giving access thereto.

Participating Parcel: A parcel of real estate that is not a Project Parcel, but is subject to an agreement between the owner and developer allowing the construction of all or part of a LWES closer to a Participating Parcel property line or habitable structure than would be permitted in the absence of such an agreement.

Permit: Written governmental permission issued by an authorized official empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Personal Services: Establishments primarily engaged in providing services involving the care of a person or for his or her apparel.

Planning Commission: The Planning Commission of the Township of Ely.

Plot Plan: The development plan for uses designated in this Ordinance on which is shown the existing and proposed conditions of the lot including: significant natural features, utilities, structure, driveways and other information that reasonably may be required in order for the approving authority to make an informed decision.

Poultry Farm: The place of confined keeping, raising or breeding fowl on a commercial scale for the production of eggs or meat. See Agricultural Land, Intensive Agricultural Activity.

Premises: A lot, parcel or plot as otherwise used in this Ordinance.

Principal Structure: The main use to which the premises are devoted.

Principal Use: The main use to which the premises are devoted.

Privy: A non-portable outbuilding or outhouse with one or more seats and a pit serving as a toilet. All privies shall be constructed and maintained in accordance with Section 12771 of Act 368, P.A. of 1978, and the administrative rules promulgated therefrom.

Project Parcel: The parcel or parcels of real estate on which all or any part of a LWES will be constructed.

Public Utility: Any person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulation to the public; gas, steam, electricity, sewage disposal, refuse removal, communication, cable television, telephone, telegraph, transportation or water.

Rear Service Drive: A local street/road or private road typically located behind principal buildings and parallel to an arterial for service to abutting properties for the purpose of controlling access to the arterial.

Reclamation Plan: A plan for reconditioning or rehabilitating a mining area of portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control erosion, visual blight and the prevention of land or rock slides and air and water pollution.

Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs, or assigns.

Recreational Vehicle: A vehicle used for pleasure and designed for recreational use and not as a place of domicile, built upon a frame of chassis with wheels attached and not exceeding forty (40) feet in length.

Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as grills, cafes, drive-ins and any fast-food establishments permitting consumption on the premises.

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage or persons, vehicles, or for the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Sawmill: The machinery and appurtenant structures used for the manufacture of wood products. Included, but not limited to, are circular or band saws, or planer, debarkers, chippers and kilns.

Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs and other living vegetation.

Setback: The minimum unoccupied distance between the lot line and the principal and accessory building(s), as required by this Ordinance.

Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front of the line.

Setback, Rear: The minimum required unoccupied distance extending the full lot width, between the principal and accessory buildings and the lot line opposite the front line.

Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory building and the side lot line.

Shopping Center: A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign: A name, identification, image, description, display or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.

Additional Definitions Pertaining to Signs:

Advertising Sign: A sign advertising services or products, activities, persons or events.

Area, Sign: The entire area within a circle, triangle or polygon enclosing the extreme limits of writing representation, emblem, or any fixture or similar character, together with any frame or other material of color framing an integral part of the display or used to differentiate the sign from the background on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign.

Balloon: See Pennant.

Banner: See Pennant.

Billboard: An off-premise advertising sign which is from 100 to 300 sq. ft. in area.

Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premises.

Construction Sign: A temporary sign erected during construction of a structure or building for which a valid building permit has been issued.

Directional Sign: A temporary sign erected during construction of a structure or building for which a valid building permit has been issued.

Face: The portion of the sign upon, against, or through which the message is displayed or illustrated.

Flashing Sign: An illuminated sign on or in which artificial light source is not constant in intensity and color whenever such sign is in use. Message signs, defined hereafter, are not flashing signs.

Free Standing Sign: A sign having its own support mechanism placed in or upon the ground.

Ground Sign: A permanent sign supported by a monument or base.

Home Occupation Sign: An on-premise sign used to advertise a home occupation approved in accordance with Sections 4.04, 5.05 and 5.10.

Identification Sign: A sign which pertains to the use of a premise and contains any of all of the following information:

- 1) The occupancy of the use.
- 2) The address of the use.
- 3) The kind of business and/or the principal commodity sold on the premises.

Illuminated Sign: A sign which emits or reflects artificial light either by means of exposed tubing or lamps lighting its surface, or by means of light transmitted through the sign face. (Message signs, defined hereafter, are not illuminated signs.)

Message Sign: A sign which emits artificial light and shows a message such as time, temperature, date or other such information or advertisements.

Off-Premise Sign: A sign which advertises goods, services or attractions not available on the same site as the sign.

On-Premise Sign: A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off premise signs.

Pennant: A flexible piece of fabric or other material designed to attract attention or convey information by means of lettering, logos, color, or movement.

Permanent Sign: A sign of durable construction and durable materials designed to remain in one location and position either through attachment to a building element or mounting on a standard secured to a below grade footing.

Pole Sign: A sign supported by one or more uprights or braces in or upon the ground.

Political Sign: A temporary sign which advertises a candidate for public office or urges action on any matter on an election ballot but which is not affixed to a sign structure.

Portable Sign: See “Temporary Sign”. (A vehicle sign defined hereafter, shall not be considered a portable sign.)

Projecting Sign: A sign which is attached directly to the building wall, and which extends more than fifteen (15) inches from the face of the wall.

Public Signs: Signs of noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.

Real Estate Sign: A temporary sign advertising the sale or rental of property.

Roof Sign: A sign mounted or painted on a roof. Roofs with slopes in excess of 60 degrees from a horizontal plane shall be considered walls for the purposes of this Ordinance.

Streamer: See pennant.

Structure: Any bracing or device which supports or contains the sign.

Swinging Sign: A sign affixed in a manner that allows it to swing freely in the wind.

Temporary Sign: A sign intended to be displayed for a limited period of time and one which is without permanent foundations or attached to a permanent building.

Vehicle Sign: A sign painted on or affixed to a vehicle.

Wall Sign: A permanent sign which is painted on or attached directly to a building wall with the face of the sign parallel to and extending not more than fifteen (15) inches from the face of the wall.

Window sign: A sign affixed to or placed next to a window.

Site Plan: The documents and drawings required by this Ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and State and Federal statutes.

Stable: A structure used for the shelter or care of horses, ponies, mules, donkeys or other animals.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the highest level of the adjoining ground.

Street: A public dedicated right-of-way which afford traffic circulation and is a principal means of access to abutting property.

Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, sheds, free standing signs, fences, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots and utility poles. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.

Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquor may be served or sold only as accessory to the primary use.

Temporary Structure: A structure without any foundation or footing and which is removed when the designated time period, use or activity for which the temporary structure was erected has ceased.

Temporary Use: A use established for a fixed time period with the intent to discontinue such use upon the expiration of the time period. Temporary uses are permitted in designed districts and are subject to the conditions and standards of Section 4.22; temporary uses.

Throat Length: The distance parallel to the centerline of a driveway to the first on-site location at which a driver can make a right-turn or a left-turn. On roadways with curb and gutter, the throat length shall be measure from the face of the curb. On roadways without a curb and gutter, the throat length shall be measured from the edge of the paved shoulder.

Tower Height: The height above the average grade of the fixed portion (hub) of the tower.

Total Extended Height: For a *Horizontal Axis Wind Turbine* it is the distance from the average grade to highest point of the rotor blade and for a *Vertical Axis Wind Turbine* it is the distance from the average grade to the highest point of the wind turbine.

Trip Generation: The estimated total number of vehicle trips produced by a specific land use or activity. A trip end is the total number of trips entering or leaving a specific land use or site over a designated period of time. Trip generation is estimated through the use of trip rates that are based on the type and intensity of development.

Variance: A modification of the literal provisions of the Zoning Ordinance, which is authorized by the Zoning Board of Appeals and granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship to the property owner, due to specific circumstances unique to the individual property on which the variance is granted. A Dimensional Variance is a modification of the literal provision of the Zoning Ordinance which is authorized by the Zoning Board of

Appeals when strict enforcement of the Ordinance would cause practical difficulties for the property owner due to circumstances unique to the property.

Wind Energy System (WES): A means of generating electrical power through the utilization of wind power which is further defined on the basis of capacity as:

Small Wind Energy System (SWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce residential on-site consumption of utility power. The nameplate capacity is not to exceed sixty (60) kilowatts and the tower height does not exceed one hundred (100) feet.

Medium Wind Energy System (MWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to reduce commercial, municipal, or industrial on-site consumption of utility power. The nameplate capacity is listed from more than sixty (60) kilowatts to three hundred (300) kilowatts and the tower height does not exceed one hundred sixty-four (164) feet.

Large Wind Energy System (LWES): A tower mounted system which includes the foundation, tower, generator, blades, wire or other components used in the system and which is primarily intended to supply electricity to a grid system for off-site customers. The nameplate capacity is listed above three hundred (300) kilowatts and the tower height will exceed one hundred sixty-four (164) feet.

Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.

Yards:

1. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of any building or structure.
2. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of any building or structure.
3. Yard, Side: An open space between the side line of the lot and the nearest line of any building or structure and extending from the front yard to the rear yard.

Zoning Administrator: The Township's designated agent or representative charged with the responsibility of administering the Ely Township Zoning Ordinance.

Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Ely.

Zoning Compliance Permit: A permit issued by the Township Zoning Administrator or his agents or assigns, to a person intending to initiate any work or change any use of property or build or construct any buildings or structures in Ely Township.

ARTICLE 3: ZONING DISTRICT AND MAPS

SECTION 3.01: ESTABLISHMENT OF DISTRICTS

For the purpose of this Ordinance, Ely Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names:

- R: Residential
- R-2: Residential Two
- R-5: Residential Five
- R-10: Residential Ten
- RP: Resource Production
- TP: Timber Production
- LS&R: Lake Shore and River
- RS: Recreational Structure
- RS-10: Recreational Structure Ten
- TD: Town Development
- I: Industrial
- MUW: Multi-Use Wilderness
- PL: Public Lands

SECTION 3.02: ZONING DISTRICT MAP

The boundaries of the respective districts enumerated in Section 3.01 are defined and established as depicted on maps numbered 1 through 4 inclusive entitled, “Official Zoning Map of Ely Township”, and are an integral part of the Zoning Ordinance. The maps, along with all notations and explanatory matter thereon, is as much a part of this Ordinance as if fully described herein.

If changes are made in district boundaries, such changes shall be made in accordance with the provisions of this Ordinance, and shall be incorporated on the “Official Zoning Map of Ely Township”. Subsequent to the final approval by the Township Board, an entry shall be made on the Official Zoning Map of Ely Township showing the date and official action taken.

One copy of the Official Zoning Map of Ely Township shall be maintained and kept current by the Township Clerk. The official map shall be accessible to the public shall be the final authority as to the current zoning status of all properties within Ely Township.

SECTION 3.03: REPLACEMENT OF OFFICIAL ZONING MAP

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any

significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

SECTION 3.04: APPLICATION OF DISTRICT REGULATIONS

The regulations established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have authority to decide appeals in accordance with Article 10, to vary or modify any of its rules or provisions so that the spirit, intent, and purposes of this Ordinance shall be observed, public safety secured and substantial justice done as authorized by the Zoning Act as amended.

SECTION 3.05: SCOPE OF PROVISIONS

- A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulation of this Ordinance which applicable in the Zoning District in which such use, building, or structure shall be located.
- B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Administrator or the designated agent shall determine if a use is similar to an expressly permitted use. Any appeals of the Zoning Administrator's interpretation shall be to the Zoning Board of Appeals.
- C. Accessory uses are permitted as indicated for the various Zoning Districts if such uses are clearly incidental to the permitted principal uses.
- D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety, and welfare of the community.

SECTION 3.06 CONFLICTING REGULATIONS

Whenever the provisions of this Ordinance impose more stringent requirements, regulations, restrictions or limitations than those imposed by another Ordinance of Ely Township, the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such laws or Ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of the preceding Marquette County Zoning Ordinance, or Ely Township Interim Ordinance.

SECTION 3.07: DISTRICT R: RESIDENTIAL

- A. Intent: To establish and maintain a moderately dense residential environment in accessible areas where direct access to an existing municipal water supply and/or community sanitary sewer system may be available. Evidence of “direct legal access”, as defined in Article 2, is required to issue a Zoning Compliance Permit for construction of a principal structure for all dwelling(s).
- B. Permitted Principal Uses (Minimum Lot Size = 1 acre. When provided with community sanitary sewer service and municipal water supply, Minimum Lot size = 20,000 Sq. Ft.):

- 1. Single Family Dwellings
- 2. Family Day Care Home

- C. Permitted Accessory Uses: Accessory structures normally associated with single-family dwellings and mobile homes, such as a garage, shed for yard tools, playhouse, pens, bath house, swimming pools, woodshed and sauna.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article 7. Conditional uses in this district shall be permitted only on lots fronting on and with principal driveway access to a paved street and so located, site planned, and designed as to avoid undue noise and other nuisance and dangers and not unreasonable interfere with, degrade or decrease the enjoyment of existing used of nearby land. (Minimum Lot Size = 1.5 acre except for Home Occupations = 20,000 Sq. Ft.):

- 1. Two family dwellings
- 2. Multiple family dwellings provided they are connected to a municipal water supply of community sanitary sewer system.
- 3. Mobile home parks, together with accessory buildings and uses customarily incident thereto, including a residence for the mobile park owner or operator and his/her family, but excluding any retail sales of mobile homes unless the same are located upon a developed mobile home site; subject, however to the following conditions and limitations.

All mobile home parks shall comply with the requirements imposed by Michigan Public Act 96 of 1987, as amended, and any all amendments thereto and with an and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

Prospective applicants for a mobile home park are apprised that the Township may wish to enact more stringent standards regulating mobile home parks than the standards set by the Michigan Mobile Home Commission and the Michigan

Department of Public Health depending upon the proposed site and project size. Approval for higher standards shall first be obtained from the Michigan Mobile Home Commission.

To apply for such approval, the Township shall first hold a public hearing on the more stringent standard it proposes to adopt. After the public hearing, the Township shall file its proposed standard with the Michigan Mobile Home Commission for review. Included with the proposed standards shall be:

- a. A statement indicating the current state standard for which a more stringent standard is being sought.
- b. A statement indicating why the Township requires a stricter standard than that set by the State.
- c. A statement that the proposed higher standards are not designed to generally exclude mobile homes or persons who engage in any aspect pertaining to the business of mobile homes.

If the Michigan Mobile Home Commission either approves the proposed standards or fails to disapprove the proposed standards within sixty (60) days after it was filed with Michigan Mobile Home Commission, then the Township may adopt the standard by Ordinance.

Accordingly, the Planning Commission shall render a decision on the Conditional Use Permit for a mobile home park within one hundred eighty (180) days of the public hearing.

- 4. Child or day care centers, group day care home.
- 5. Public service installations subject to the conditions of Article 4, Section 4.19.
- 6. Home occupations, subject to the conditions of Article 4, Section 4.04.D (minimum lot size: 20,000 Sq. Ft.).
- 7. Outdoor Wood-Fired Boiler subject to the conditions as specified in Section 4.27.

SECTION 3.08: R-2 RESIDENTIAL TWO

- A. Intent: To establish and maintain a residential environment in accessible rural areas at low densities. This district is designed to accommodate residential opportunities for those who are willing to assume the costs of providing an individual potable water supply and a septic system for the treatment of wastewater on the same lot. Evidence of “direct legal access”, as defined in Article 2, is required to issue a Zoning Compliance Permit of a principal structure for all dwelling(s), commercial or institution use.

- B. Permitted Principal Uses: (Minimum Lot Size = 2 acres, unless otherwise specified):
 1. Single-family dwellings.
 2. Two-family dwellings.
 3. Family Day Care Home.

- C. Permitted Accessory Uses: Accessory structures normally associated with single-family, two-family dwellings such as a garage, shed for yard tools, playhouse, pens, bath house, swimming pools, woodshed, and sauna.

- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article 7. Conditional Uses in this district shall be permitted only on lots fronting on and with the principal driveway access to a paved street and so located, site planned, and designed as to avoid undue noise and other nuisance and dangers and no unreasonably interfere with, degrade, or decrease the enjoyment of existing uses of nearby land.
 1. Child Day Care Centers, Group Day Care Home.
 2. Churches.
 3. Private Schools.
 4. Public service installations subject to the conditions in Article 4, Section 4.19.
 5. Unlighted Golf courses.
 6. Multiple family dwellings.
 7. Light agricultural activities on ten (10) acres or more, and located a minimum of 660 feet from any existing year-round and/or seasonal residential dwelling unit.
 8. Home Occupations, subject to the conditions of Article 4, Section 4.04D, 30,000 Sq. Ft. minimum.
 9. Bed and Breakfast establishments.
 10. Kennels.
 11. Outdoor Wood-Fired Boiler subject to the conditions specified in Section 4.27.
 12. Meteorological Towers and Small Wind Energy Systems (SWES).

SECTION 3.09: DISTRICT R-5: RESIDENTIAL FIVE

- A. Intent: To establish and maintain an alternative residential environment in accessible rural areas at moderately low densities. Soil and natural conditions vary throughout the area from substantial wood lots to farms and locations within this district are considered to be suitable for predominantly rural, scattered-site development. Evidence of “direct legal access”, as defined in Article 2, is required to issue a Zoning Compliance Permit for construction of a principal structure for all dwellings(s), commercial or institutional use.

- B. Permitted Principal Uses (Minimum Lot Size = 5 acres, unless otherwise specified):
1. Single-family dwellings.
 2. Family Day Care Home.
 3. Churches.
 4. Private Schools.
 5. Private recreational facilities including parks, playgrounds, camps, campgrounds, golf courses and similar recreation facilities.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as private garage, shed for yard tools, playhouse, pens, boat house, swimming pool, woodshed, and sauna.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article 7. Conditional uses in this district may be permitted provided they are located and designed to not unreasonably interfere with, degrade, or decrease the enjoyment of existing uses of nearby land. (Minimum Lot Size = 5 acres unless otherwise specified.)
1. Kennels, subject to the conditions of Section 4.04E.
 2. Commercial recreational facilities including race tracks, motorcycle hill-climbing sites, go-cart and/or similar facilities.
 3. Public service installations subject to the conditions of Article 4, Section 4.19.
 4. Veterinarian and animal clinics.
 5. Bed and breakfast establishments.
 6. Home Occupations, subject to the conditions of Article 4, Section 4.04D.
 7. Child and Day Care Centers, Group Day Care Home.
 8. Light Agricultural activities on ten (10) acres or more and located a minimum of 660 feet from any existing year-round and/or seasonal residential dwelling unit.
 9. Traditional agricultural activities on tracts of 20 acres or more and located a minimum of 660 feet from any existing year-round and/or seasonal residential dwelling unit.
 10. Accessory uses of structures clearly incidental to the permitted intensity of the agricultural activity on the site.
 11. One agricultural produce stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, or food stuffs made from such products.

12. Outdoor Wood-Fired Boiler subject to the conditions as specified in Section 4.27.
13. Meteorological Towers and Small Wind Energy Systems (SWES).

SECTION 3.10: DISTRICT R-10: RESIDENTIAL TEN

- A. Intent: To protect and maintain established settlement patterns and to encourage very low-density residential development within year-round accessible rural areas, allowing individuals to pursue light agricultural activities along with the raising of livestock for seasonal recreation and enjoyment. Private on-site potable water supplies and waste water treatment systems are expected and shall be provided by individual owners. Public services of facilities may be limited to the basic essentials of county road access, electric power and telephone utilities. Evidence of “direct legal access”, as defined in Article 2, is required to issue a zoning compliance permit for construction of a principal structure for all dwelling(s), commercial, or institutional use.
- B. Permitted Principal Uses (Minimum Lot Size = 10 acres unless otherwise specified):
 1. Single Family Dwelling Units.
 2. Family Day Care Home.
 3. Recreational Structures.
 4. Churches.
 5. Private Schools.
 6. Growing and Harvesting of Timber.
 7. Private Recreational facilities including parks, winter sports facilities, trails, playgrounds, camps, campgrounds, golf courses, and similar facilities.
 8. Veterinarian offices and Animal Clinics.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
 1. Accessory structures normally associated with residential dwellings such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodsheds, and sauna.
 2. Accessory structures clearly incidental to the permitted intensity of the agricultural activity on the site.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article 7. Conditional uses in this district may be permitted provided they are located and designed to not unreasonably interfere with, degrade, or decrease the enjoyment of existing uses of nearby land. (Minimum Lot Size = 20 acres unless otherwise specified.)
 1. Resorts and lodges.

2. Gun clubs, rifle, trap and pistol ranges, hunting or shooting preserves on tracts of 40 acres or more.
3. Commercial free-standing towers.
4. Commercial recreational facilities including race tracks, motorcycle hill-climbing sites, go-cart tracks and similar facilities.
5. Public service installations subject to the conditions as specified in Section 4.19.
6. Light agricultural activities on ten (10) acres or more and located a minimum of 660 feet from any existing year-round and/or seasonal residential dwelling unit.
7. Traditional agricultural activities on twenty (20) acres or more and located a minimum of 660 feet from any existing year-round and/or seasonal residential dwelling unit.
8. Intensive agricultural activities provided that no such operations shall be established within ¼ mile of any existing year-round and/or seasonal residential dwelling unit not on the premises and shall be located a minimum of seventy -five (75) feet from any lot line.
9. Child and Day Care Centers, Group Day Care Home.
10. Home occupations, subject to the conditions of Article 4, Section 4.04D, ten (10) acre minimum.
11. Mineral extraction and accessory structures and use normally associated with a mineral extraction process, subject to Section 4.20.
12. Kennels, subject to conditions as specified in Section 4.04E.
13. Stables, subject to conditions as specified in Section 4.21.
14. One agricultural produce stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries, and the like, or food stuff made from such products.
15. Bed and Breakfast Establishments.
16. Wood-Fired Boiler, on ten (10) acres or more subject to the conditions as specified in Section 4.27.
17. Wood Working.
18. Meteorological Towers and Small/Medium Wind Energy Systems (SWES and MWES).

SECTION 3.11: DISTRICT RP: RESOURCE PRODUCTION

- A. Intent: To establish and maintain very low-density rural areas which because of their location, potential mineral content, accessibility, natural characteristics and potentially high cost of providing public services for intensive uses are suitable for a wide range of forestry, agriculture, mineral extraction, natural resource and recreational uses. Essential Governmental Services may not be provided on a year-round basis or may not be provided at all. Evidence of “direct legal access”, as defined in Article 2, is required to issue a Zoning Compliance Permit for

construction of a principal structure for all dwelling(s), commercial or institutional use.

- B. Permitted Principal Uses (Minimum Lot Size = 20 acres)
1. The growing and harvesting of timber.
 2. Private Campgrounds, day camps.
 3. Private Parks, winter sports facilities, and trails.
 4. Recreational structures.
 5. Light agricultural activities, including a greenhouse.
 6. Traditional agricultural activities, including greenhouse(s).
 7. Mineral extraction, subject to Section 4.20.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with recreational structures such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pool, woodshed and sauna.
 2. Accessory uses or structures clearly incidental to the permitted intensity of the agricultural activity on the site.
 3. One agricultural produce stand for the sale of farm produce, specialty crops such as tree fruits, nuts, berries and the like, or foodstuffs made from such products.
 4. Accessory uses and structures normally associated with the operation of a mineral extraction process.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Conditional Use Permit as provided for in Article 7. Conditional uses in this district may be permitted provided they are located and designed to not unreasonably interfere with, degrade, or decrease the enjoyment of existing uses of nearby land. (Minimum Lot Size = 20 acres unless otherwise specified.) Evidence of “direct legal access”, as defined in Article 11, is required to issue a Zoning Compliance Permit for construction of a principal structure for all dwelling(s), commercial or institutional use.
1. Single-family dwellings on parcels of 20 acres or more provided that electrical service is available plus accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed and sauna.
 2. Gun clubs, archery, rifle, trap and pistol ranges, hunting or shooting preserves on tracts of 40 acres or more.
 3. Commercial free-standing towers.
 4. Commercial recreational facilities including golf courses, race tracks, motorcycle hill-climbing sites, go-cart tracks and similar facilities.
 5. Resorts and lodges.

6. Public service installations subject to the conditions as specified in Section 4.19.
7. Intensive agricultural activities provided that no such operations shall be established within ¼ mile of any existing year-round and/or seasonal residential dwelling unit not on the premises and shall be located at least seventy-five (75) feet from any lot line.
8. Family and Group Day Care Homes.
9. Sawmills.
10. Child or Day Care Centers.
11. Home occupations, subject to the conditions of Article 4, Section 4.04D.
12. Airports, subject to the conditions of Section 4.17.
13. Kennels subject to the conditions as specified in Section 4.04E.
14. Stables subject to the conditions as specified in Section 4.21.
15. Contractor yards and shops.
16. Outdoor Wood-Fired Boiler subject to the conditions as specified in Section 4.27.
17. Meteorological Towers and Small/Medium Wind Energy Systems (SWES and MWES).

SECTION 3.12: DISTRICT TP: TIMBER PRODUCTION

- A. Intent-To maintain for timber production and recreational use those lands, which because of their current status and physical characteristics, are suited for timber production.
- B. Permitted Principal Uses (Minimum Lot Size = 40 acres):
 1. The growing and harvesting of timber.
 2. Recreational structures.
 3. Sawmills.
 4. Woodyards.
 5. Public service installations subject to the conditions as specified in Section 4.19.
 6. Outdoor Wood-Fired Boiler subject to the conditions as specified in Section 4.27.
- C. Permitted Accessory Uses:
 1. Any structural or mechanical building or use customarily incidental to the operation of sawmills or woodyards.
 2. Accessory structures normally associated with recreational structures such as private garages, sheds for yard tools, playhouses, boat houses, pens, swimming pools, woodsheds, and saunas.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by the application for and the issuance of a

Conditional Use Permit as provided for in Article 7. Conditional uses in this district may be permitted provided they are located and designed to not unreasonably interfere with, degrade, or decrease the enjoyment of existing uses of nearby land. (Minimum Lot Size = 40 acres.) Evidence of “direct legal access” as defined in Article 2, is required to issue a Zoning Compliance Permit for conditional uses.

1. Mineral Extraction, subject to the conditions as specified in Section 4.20.
2. Airports, subject to the conditions as specified in Section 4.17.
3. Meteorological Towers and Small/Medium/Large Wind Energy Systems (SWES, MWES & LWES).

SECTION 3.13: DISTRICT LS&R: LAKESHORE AND RIVER

- A. Intent: To establish and maintain for residential and recreational uses those areas with frontage on inland lakes and rivers which, because of existing development, natural characteristics and accessibility, are suitable for development of this type. Evidence of “direct legal access”, as defined in Article 2, is required to issue a Zoning Compliance Permit for construction of a principal structure for all dwelling(s) or commercial use.
- B. Permitted Principal Uses (Minimum Lot Size = 1 acre. When provided with community sanitary sewer service and municipal water supply, Minimum Lot Size = 20,000 Sq. Ft.):
 1. Single-family dwellings.
 2. Family day care home.
 3. Recreational Structures.
 4. Publicly owned parks or access sites.
- C. Permitted Accessory Uses: Accessory structures normally associated with single-family dwellings, mobile homes, and seasonal dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, and sauna.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article 7. Conditional uses in this district may be permitted provided they are located and designed to not unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land. (Minimum Lot Size = 1 acre. When provided with community sanitary sewer service and municipal water supply, Minimum Lot Size = 20,000 Sq. Ft.)
 1. Marinas, boat liveries, bathing facilities, fishing piers, resorts, lodges, and associated facilities.
 2. Child or Day Care Centers, Group Day Care Home.

3. Home occupations, subject to the conditions of Article 4, Section 4.04D (Minimum Lot Size 30,000 Sq. Ft.).
4. Meteorological Towers and Small Wind Energy Systems (SWES).

SECTION 3.14: DISTRICT RS: RECREATIONAL STRUCTURE

- A. Intent: To establish and maintain areas for recreational and/or seasonal uses. The district is designed for areal with frontage on inland lakes and rivers, which because of their natural characteristics, accessibility, and high cost of providing public services, are suited for less intensive development than the LS&R District and are intended for recreational or seasonal use only. Essential Governmental Services may not be provided on year-round basis or may not be provided at all.
- B. Permitted Principal Uses (Minimum Lot Size = 1 acre).
 1. Recreational Structures
- C. Permitted Accessory Uses: The following are permitted accessory uses:
 1. Accessory structures normally associated with recreational structures, such as private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, recreational docks, sauna and wood shed.
- D. Conditional Uses Authorized by Permit: The following seasonal uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article 7. Conditional uses in this district may be permitted provided they are located and designed to not unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land. (Minimum Lot Size = 1 Acre.) Evidence of “direct legal access”, as defined in Article 2, is required to issue a Zoning Compliance Permit for construction of a principal structure for all dwelling(s), commercial or institutional use.
 1. Single-family dwellings.
 2. Home occupations, subject to the conditions of Article 4, Section 4.04D (Minimum Lot Size = 1 acre).
 3. Marinas, boat liveries, bathing facilities, fishing piers, resorts, lodges, and associated facilities.
 4. Meteorological Towers and Small Wind Energy Systems (SWES).

SECTION 3.15: DISTRICT RS-10: RECREATIONAL STRUCTURE TEN

- A. Intent: To establish and maintain areas for recreational, seasonal, and limited resource production uses. This District is designed for areas which because of their natural physical characteristics, accessibility and existing land use patterns, along with the high cost of providing public services are suited for less intensive development than the RS District and are primarily intended for recreational,

seasonal, and limited resource production use. Essential Governmental Services may not be provided on a year-round basis or may not be provided at all.

- B. Permitted Principal Uses (Minimum Lot Size = 10 acres).
 - 1. Recreational Structures.
 - 2. The growing and harvesting of timber.

- C. Permitted Accessory Uses:
 - 1. Accessory structures normally associated with recreational structures, such as private garages, sheds for yard tools, playhouses, pens, boat houses, saunas, swimming pools, recreational docks and wood sheds.

- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District following application for and issuance of a Conditional Use Permit as provided in Article 7. Conditional uses in this District may be permitted provided they are located and designed to not unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land. (Minimum Lot Size = 10 acres unless otherwise specified.) Evidence of “direct legal access”, as defined in Article 2, is required to issue a Zoning Compliance Permit for construction of a principal structure for all dwelling(s), commercial or institutional use.
 - 1. Marinas, boat liveries, bathing facilities, fishing piers, resorts, lodges, and associated facilities.
 - 2. Single-family homes.
 - 3. Home occupations subject to the conditions of Article 4, Section 4.04D (Minimum Lot Size = 10 acres).
 - 4. Sawmills when located and designed so as to not unreasonably interfere with, degrade, or decrease the enjoyment of existing uses of nearby land.
 - 5. Mineral extraction on parcels containing 20 acres or more subject to the conditions of Section 4.20.
 - 6. Airports on parcels containing 20 acres or more subject to the conditions of Section 4.17.
 - 7. Golf courses.
 - 8. Public service installations subject to the conditions as specified in Section 4.19.
 - 9. Woodyards,
 - 10. Light agricultural activities on ten (10) acres or more and located a minimum of 660 feet from any existing year-round and/or seasonal residential dwelling unit.
 - 11. Outdoor Wood-Fired Boiler subject to the conditions specified in Section 4.27.
 - 12. Meteorological Towers and Small Wind Energy Systems (SWES).

SECTION 3.16: DISTRICT TD: TOWN DEVELOPMENT

- A. Intent: To establish a transition District between residential and retail, and service establishments, that are compatible with a small-town setting serving residents and tourists. This District is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents. Evidence of “direct legal access”, as defined in Article 2, is required to issue a Zoning Compliance Permit for construction of a principal structure for all dwelling(s), commercial or institutional use.
- B. Permitted Principal Uses (Minimum Lot Size = 1 acre. When provided with community sanitary sewer service and municipal water supply, Minimum Lot Size = 20,000 Sq. Ft.):
1. Single-family dwellings.
 2. Two-family dwellings.
 3. Offices.
 4. General retail sales to the consumer, production may occur on the premises provided all goods produced on the premises must be sold on the premises.
 5. Restaurants, grills, cafes.
 6. Personal services.
 7. Bed and Breakfast establishments.
 8. Family Day Care Home.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwelling such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, wood shed, and sauna.
 2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 3. Signs, as required and subject to the regulations established in Article 5.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District following application for and issuance of a Conditional Use Permit as provided in Article 7. Conditional uses in this District may be permitted provided they are located and designed to not unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land. (Minimum Lot Size = 1.5 acres unless otherwise specified. When provided with community sanitary sewer service and municipal water supply, Minimum Lot Size = 20,000 Sq. Ft.)
1. Churches.
 2. Private Schools.
 3. Private parks and similar recreational facilities (Minimum Lot Size = 30,000 Sq. Ft.)

4. Multiple family dwellings located on parcels containing a minimum of 1.5 acre provided they are connected to a municipal water supply and a community sanitary sewer system.
5. Nursing Homes.
6. Road Commission and public works building and maintenance/storage facilities as well as commercial rental storage facilities.
7. Motor vehicle sales and service.
8. Mobile home, camper, recreational vehicle and boat sales and service.
9. Construction and farm equipment sales and service.
10. Hotels and motels.
11. Gas stations.
12. Automotive repair garage.
13. Laundromats.
14. Day Care and Child Care Centers, Group Day Care Home.
15. Bars, taverns, nightclubs.
16. Home occupations, subject to the conditions as specified in Section 4.04D (Minimum Lot Size = 30,000 Sq. Ft.)
17. Public service installations subject to the conditions as specified in Section 4.19.
18. Contractor yards and shops.
19. Sawmills.
20. Private Transfer Stations.
21. Bulk food processing facilities and operations.
22. “Sexually explicit entertainment”, “adult bookstore”, “adult motion picture or video theater” as defined and dimensionally regulated by Section 4.26.
23. Meteorological Towers and Small/Medium Wind Energy Systems (SWES and MWES). The total extended height of the WES must comply with setback requirements without a Variance.
24. Mineral extraction on parcels containing 10 acres or more under a Temporary Conditional Use for a period of five (5) years. After a period of five (5) years the applicant may apply for extensions of five (5) year periods. This Temporary Conditional Use is subject for the conditions as specified in Section 4.20.

SECTION 3.17: DISTRICT I: INDUSTRIAL

- A. Intent: This District is designed for manufacturing, assembling, and fabricating businesses and commercial activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.
- B. Permitted Principal Uses (Minimum Lot Size = 25,000 Sq. Ft. when provided with community sanitary sewer service and municipal water supply):

1. Industrial manufacturing and operations for the servicing, compounding, fabrication, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would create a nuisance to owners or occupants of surrounding premises. Such manufacturing operations shall be contained within fully enclosed buildings except for the following permissible outdoor activities:
 - a. Outdoor storage in the rear yard area shall not exceed 20% of the square floor area of the principal building upon the premises and must be screened from the adjoining premises of a higher use district classification and also from public streets by a solid fence, wall or natural screening as approved by the Planning Commission.
 - b. Delivery operations to and from said business.
 - c. Such other temporary outdoor storage as may be allowed under a dimensional or placement variance permit granted by the Zoning Board of Appeals where, in its discretion, the same would not create a nuisance to adjoining premises. Compatible land uses which do not require large land areas for isolation or protection are encouraged.
 2. Warehousing.
 3. Auto body and paint shops.
 4. Lumber yards.
 5. Research laboratories.
 6. Public service installations subject to the conditions as specified in Section 4.19.
- C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 2. Signs, as required and subject to the regulations established in Article V.
- D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for the issuance of a Conditional Use Permit as provided for in Article 7. Conditional Uses in this district may be permitted provided they are located and designed not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.
(Minimum Lot Size = 1 acre, unless otherwise specified.)
1. A complex or development of a multiple number of industrial types uses which does not comply with all conditions and limitations pertinent thereto but which still complies with the spirit of this Ordinance as determined by the Zoning Board of Appeals.

2. Intensive agricultural activities located on parcels of 20 acres or more provided that no such operations shall be established within ¼ mile of any existing year-round and/or seasonal residential dwelling unit not on the premises and shall be located at least seventy-five (75) feet from any lot line.
3. Contractor yards and shops.
4. Sawmills.
5. Private Transfer stations.
6. Bulk food processing facilities or operations.
7. Mineral extraction on parcels containing 10 acres or more subject to the conditions of Section 4.20.
8. Outdoor Wood-Fired Boiler subject to the conditions as specified in Section 4.27.
9. Meteorological Towers and Small/Medium Wind Energy Systems (SWES and MWES).

SECTION 3.18: DISTRICT MUW: MULTI-USE WILDERNESS

- A. Intent: The Multi-Use Wilderness District has been created to conserve significant natural resource characteristics found within the Township. Land within this District is intended to be used primarily for industrial activities, such as forestry and mining, as well as for low density recreational activities associated with forest land. This district, therefore, has been developed for conserving land areas which are:
 1. Subject to periodic flooding.
 2. Ideal for general conservation purposes such as preservation of hydrologic functions of adjacent tributary stream land areas and tracts of land significantly large for the management of timber resource areas.
 3. Sources of water supplies, i.e., aquifer, recharge, discharge and potential water impoundment areas.
 4. Known to contain potential mineral resource extraction reserves.
 5. Large tracts of land having potential for heavy industrial uses such as wood using complexes or mineral extraction and/or refining processes.
 6. Known to contain wildlife habitats such as deer yards, waterfowl, and fishery habitats, bird of prey and endangered species nesting territories, and sharp-tail grouse management areas.
 7. Characterized by unsuitable and unstable soil conditions, rock outcrops, severe topography and/or poor accessibility for intensive residential developments.
- B. Permitted Principal Uses (Minimum Lot Size = 40 acres, unless otherwise specified):
 1. Growing and harvesting of forest products.
 2. Public or private low-density recreational uses such as parks of

campgrounds.

3. Hunting, fishing, hiking and trapping.
4. Hunting camps or seasonal dwelling units only, provided that no public utilities or special permits shall be provided; that no publicly maintained road be provided, no any public service other than public safety.
5. Outdoor Wood-Fired Boiler subject to the conditions as specified in Section 4.27.

C. Permitted Accessory Uses: The following are Permitted Accessory Uses:

1. Any structural or mechanical building or use customarily incidental to the growing and harvesting of forest products.
2. Accessory structures normally associated with camps, recreational structures or residential dwelling such as private garages, sheds, boat house, sauna, wood sheds, etc.
3. Accessory uses and structures normally associated with the operation of a mineral extraction process.
4. Accessory uses clearly incidental to the permitted intensity of the activity on the site.

D. Conditional Land Uses by Permit: The following uses of land and structures may be permitted in this District by application for the issuance of a Conditional Use Permit as provided for in Article 7. Conditional uses in this District may be permitted provided they are located and designed not to unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

(Minimum Lot Size = 40 acres, unless otherwise specified.)

1. Mining subject to the same conditions outlined in Section 4.20, Mineral Extraction.
2. Meteorological Towers and Small Wind Energy Systems (SWES).

SECTION 3.19: DISTRICT PL: PUBLIC LANDS

A. Intent: To establish and maintain appropriate areas, owned 100% in fee by Ely Township, West Marquette County Sanitation Authority (WMCSA) or public primary, secondary and post-secondary educational institutions, for public purposes which are designed to serve the entire community or specific sections of it, except such uses as constitute a nuisance in the place where conducted, and, to allow the necessary flexibility to address specific land use proposals regarding public lands to make informed decisions in the best interests of the Public health, safety and welfare of the Township and its residents.

B. Permitted Principal Uses:

1. Township hall, community centers and fire halls.
2. Elevated water storage tanks, wastewater treatment facilities.
3. Cemeteries.

4. Public Transfer Stations.
5. Public Community School District facilities.
6. Public post-secondary educational & support facilities.
7. Public recreational facilities including parks, playgrounds, camps, campgrounds, winter sports facilities, trails, golf courses and similar recreation facilities.
8. Post Offices.

C. Permitted Accessory Uses:

1. Any accessory use deemed appropriate by the Planning Commission for Township or Public educational institution use, provided that such uses do not constitute a nuisance in the place where conducted.

D. Conditional Use Authorized by Permit:

The following uses of land and structures may be permitted in this District, by the application for and the issuance of a Conditional Use Permit as provided for in Article 7. Conditional Uses in this district may be permitted provided they are located and designed to no unreasonably interfere with, degrade or decrease the enjoyment of existing uses of nearby land.

1. Public service installations subject to the conditions specified in Section 4.19.

SECTION 3.20: OPEN SPACE PRESERVATION

In accordance with provisions as set forth in P.A. 177 of 2001, and at the option of the land owner, any land located within the Township of Ely and zoned for residential development, regardless of zoning district, may be developed, as determined by the Township under existing Ordinances, Laws, and Rules, with the same number of dwelling units on a portion of the land area, as would be allowed to be developed for the buildable portion of the entire land area. Not more than fifty percent (50%) of the buildable land shall be developed for residential use. Land being developed for residential use under the open space preservation option shall follow the provisions of Article 6 Site Plan Review and Article 7 Conditional Land Uses and only if all the following apply:

1. The land is zoned at a density equivalent of two (2) or fewer dwelling units per acre, or, if the land is served by a public sewer system, three (3) or fewer dwelling units per acre.
2. A percentage of the buildable land area, but not less than fifty percent (50%), will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.
3. The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this section would also depend upon such an extension.

ARTICLE 4: GENERAL REGULATION

SECTION 4.01: HEIGHT, BULK AND PLACEMENT REGULATIONS

Except as otherwise specifically provided for in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the requirements as set forth in the following Schedule of Regulations:

SCHEDULE OF REGULATIONS

MINIMUM LOT SIZE (SQUARE FEET/ACRES)		MINIMUM LOT WIDTH* (FEET)		MINIMUM SETBACKS AND MAXIMUM HEIGHTS (FEET) MAIN STRUCTURE ACCESSORY BUILDINGS								
District	Permit Use	Cond Use	Permit Use	Cond Use	Front	Side	Rear D	Height K	Front	Side	Rear D	Height K
R	1 Acre	40,000 B/C	120 100 A	120 100 A 140 B/C	30	15	25	30	30	6	10	14
R-2	2 Acre	————	165	————	30	20	30	30	30	10	15	16
R-5	5 Acre	————	264	————	30	30	30	30	30	15	20	16
R-10	10 A	20 Acres	330	660	35	35	35	30	35	30	35	30
TD	30,000 20,000	40,000 A/C	120 100 A	120 140 C	30	10	35	30	30	6	15	14>CU
LS&R	1 Acre	————	120 100 A	————	30	15	30	30	30	6	20	14
RS	1 Acre	————	120	————	30	20	30	30	30	10	20	16
RS-10	10 A	————	330	————	35	35	35	30	35	30	35	30
RP	10 A	————	660	————	30	30	30	30 E	30	30	35	30 E
TP	40 A	————	660	————	35	35	35	30 E	30	30	35	30 E
1	25,000	1 Acre 20 Acres	100	660 G	40	10 F	20	E	40	6 F	20	E
MUW	40 A		1320		50	50	200 H	30 E	50	50	200 H	30 E
PL J.	None		None		None	None	None	None	None	None	None	None

* The maximum lot depth to width ratio shall not be greater than 4:1

- A. With public sanitary sewer or municipal water supply.
- B. Two-family dwellings.
- C. Multiple family dwellings subject to the requirements set forth in Sections 3.07 and 4.03.

- D. Waterside minimum setback shall be 50 feet for main structures unless otherwise noted and 30 feet minimum for accessory buildings/structures unless otherwise noted. Septic systems and sauna drains shall be a minimum of 75 feet from the water's edge at the ordinary high-water mark or from a legally established lake level elevation and in accordance with Section 4.04.
 - E. Height shall not exceed the horizontal distance to any lot line.
 - F. Minimum side-yards as indicated and in addition a minimum 30-foot-wide clearance unobstructed access way and/or easement shall be provided to the rear yard of each lot or parcel. Side-yards from existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits and 10 feet for parking areas.
 - G. Minimum size required for Intensive Agricultural Actives - see Section 3.17.
 - H. Waterside minimum setback as measured from the ordinary high-water mark, a legally established lake level elevation, or a specified datum plane.
 - I. The square footage of accessory building/structure is limited to 1300 square feet in the Residential (R), Residential Two (R2), Town Development (TD), Recreational Structure (RS), and Lake Shore & River (LS&R). Maximum height of an accessory building/structure in the (D) Town Development District is 14 feet unless authorized under a Conditional Use Permit.
 - J. This District is principally for Township, West Marquette County Sanitation Authority (WMCSA) or Public Education institutional usage.
 - K. See figure 11-4A & 4B for definition of building height.
-

A. Allocation and Reduction of Lot Area:

- 1. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimension for construction or alteration of buildings.
- 2. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. All yards shall meet at least the minimum requirements established herein.

B. Height Requirement Exceptions:

- 1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
- 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial radio, television or transmission tower shall be so located that the distance from the base of the tower to the nearest property line shall be fifty (50) feet greater than the height of the tower;
- 3. Public utility structures; and
- 4. Agriculture related structures such as barns, silos, elevators and the like.

C. Access Through Yards:

1. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

SECTION 4.02: MINIMUM FLOOR AREA

Every single and two-family dwelling, excluding recreational and/or seasonal structures, shall have a minimum floor area of not less than 600 square feet, exclusive of basements, garages, unenclosed porches and breezeways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet.

SECTION 4.03: MAXIMUM DENSITY FOR MULTIPLE-FAMILY AND CONDOMINIUM DEVELOPMENTS

- A. The following room assignments shall be used to compute the maximum number of rooms per lot:
Efficiency = 1 room
One Bedroom = 2 rooms
Two Bedrooms = 3 rooms
Three Bedrooms = 4 rooms (or more)
- B. Plans presented showing 1-, 2- or 3-bedroom units and including “den”, “library”, or other extra room shall count such extra room as a bedroom for the purpose of computing density.
- C. The area used for computing density shall be the total site area exclusive of any dedicated public right-of-way of either interior or bounding roads.
- D. For multiple family dwellings, the total number of rooms (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel, in square feet, divided by:
 1. Five Thousand (5,000) with private water and sanitary facilities;
 2. Three Thousand Three Hundred and Fifty (3,350) with municipal water and private sanitary facilities.
- E. All units shall have at least one (1) living room and one (1) bedroom, except that not more than ten (10) percent of the unites may be of an efficiency apartment type.

SECTION 4.04: ACCESSORY BUILDINGS AND USES

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other Ordinance. The following special rules are applicable.

- A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or the carport and the main building shall be considered part of the main building, but shall not be considered livable floor space.
- B. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot. An accessory building may be placed less than ten (10) feet but more than five (5) feet from other structures provided that exterior wall facing the adjacent building have a one-hour fire resistance rating or equivalent as required by the Marquette County Resource Management and Development Department.
- C. Saunas.
 - 1. All drains from saunas shall be connected to approved septic systems whenever possible.
 - 2. Where connection to an approved septic system is not possible, all discharges from sauna drains shall be located at least seventy-five (75) feet from any surface water or wetlands, at least seventy-five (75) feet from any potable water supply, and at least fifteen (15) feet from any property line.
 - 3. All sauna drains and/or discharges shall be constructed and connected to approved systems in accordance with the Marquette County Health Department Sanitary Code and/or any other applicable rules, regulations or standards relative to sauna drains and/or discharge.
- D. Customary Home Occupation are hereby authorized upon application for an issuance of a Conditional Use Permit as provided for in Article 7. Customary Home Occupations, except for a home office, which does not exhibit any outside evidence of the Home Office Occupation, does not require any additional parking spaces and does not generate any additional traffic volume may, upon application, be approved by the Zoning Administrator and a Zoning Compliance Permit issued. All other Customary Home Occupations shall meet all of the following requirements:
 - 1. Home Occupations shall employ only those members of the family residing on the premises and not more than one outside employee;
 - 2. There shall be no outdoor storage nor exterior evidence of the conduct of home occupations, other than an approved sign;
 - 3. Specifically excluded is the storage, display and sale of merchandise not produced by such home occupations;

4. If the Home Occupation is conducted in an accessory building, it shall not exceed fourteen (14) feet in height, and shall occupy not more than three hundred (300) square feet of said accessory building;
5. No traffic shall be generated by such Home Occupation in greater volumes than would be normally expected in that residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall meet the requirements of Section 4.08;
6. The use of the dwelling unit Home Occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such Home Occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of Home Occupation;
7. No equipment or processes shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises;
8. Any sign advertising the Home Occupation shall comply with the regulations in Article 5.
9. A Home Occupation shall include the use of a single-family dwelling by an occupant of that dwelling to provide instruction in a craft or fine art therein.

- E. Kennels, as defined in Section 2.02, are permitted provided that they obtain a license from the Marquette County Treasurer and the following standards are met:
1. Kennels are permitted on lots at least three and one-half (3 ½) acres in area. The specific number of dogs allowed is determined by the lot size rounded to the nearest acre.
 2. In the R-2 and R-5 Districts, one dog per acre is permitted up to a maximum of ten (10) dogs provided they are kept at least one hundred eighty (180) feet from any existing year-round and/or seasonal residential dwelling unit not located on the premises.
 3. In the R-10 and RP Districts, one dog per acre is permitted up to a maximum of thirty (30) dogs provided they are kept at least three hundred eighty (380) feet from any existing year-round or seasonal residential dwelling unit not located on the premises.

NOTE: Kennel activity involving more than thirty (30) dogs older than six (6) months of age shall be considered intensive agricultural activity for the purposes of this Ordinance.

- F. Private stables accessory to a principal use are authorized upon application for an issuance of a Conditional Use Permit as provided in Article 7 and shall meet the standards and requirements in Section 4.21.
- G. Seasonal sale of Farm Products as authorized upon application for, and issuance of a Conditional Use Permit as provided for in Article 7. In addition, such uses shall meet the terms as identified below:
 1. The maximum length of permit shall be for four (4) months of each calendar year.
 2. Sales areas, including produce stands, shall not be located within the right-of-way of any street or highway. Entrances and exits to the parking lot shall be a minimum of thirty (30) feet from any road intersection.
 3. All associated signs shall comply with the regulations set forth in Article 5 of this Ordinance.

SECTION 4.05: ONE PRINCIPAL STRUCTURE OR USE PER LOT

No more than one principal structure or use may be permitted on a lot or parcel, unless specifically provided for in this Ordinance.

EXCEPTION: In the Town Development District (TD), there may be both a residential dwelling unit and a separate building used for commercial purposes on the same lot or parcel. In the Public Lands District (PL) there are no restrictions regarding structures or uses on the same lot or parcel for permitted uses.

SECTION 4.06: LOTS OR PARCELS OF RECORD

Minimum lot area and lot width regulations shall not apply to any lawful nonconforming parcel of land shown as a lot described in Ely Township's 1994 Real Property Final Assessment Roll dated May 9, 1994 as prepared by the County of Marquette OR to a lawful nonconforming parcel of land described in a deed, land contract, memorandum of land contract or lease agreement for a term of more than one year, provided that such documents were fully executed and acknowledged by a Notary Public prior to January 1, 1994, the effective date of the Ely Township Interim Zoning Ordinance, and provided that such lot actually exists as shown or described. No vested right shall exist in the owner of any lot or parcel created in violation of this Zoning Ordinance or any prior Zoning Ordinance applicable to such lot or parcel.

SECTION 4.07: STORM WATER RUNOFF AND DRAINAGE

Any land use with more than five thousand (5,000) square feet of impermeable surface shall retain all storm water drainage resulting from runoff on-site by diverting the runoff to a storm water detention or retention pond or into an approved public storm sewer or drainage system. Storm water runoff and drainage resulting from site development and construction shall be addressed in accordance with the requirements of all existing

statutes as well as any applicable county or local Ordinances or any rules promulgated by the Marquette County Drain Commissioner relative to storm water management.

SECTION 4.08: OFF-STREET PARKING REQUIREMENTS

Except in the Public Lands District (PL) for permitted uses, there shall be provided off-street parking for motor vehicles, and the minimum number of parking spaces to be provided is shown in the following list:

<u>USE</u>	<u>SPACES REQUIRED</u>
Single and two-family dwellings, Recreational structures	2 per dwelling unit
Rooming houses, Fraternities, Sororities, dormitories, Convalescent homes, and Housing for the elderly	.4 times the maximum lawful number of occupants
Hotels and Motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and Townhouses	2 per dwelling unit
Churches, Theaters, facilities for spectator sports, auditoriums, concert halls	.35 the seating capacity
Golf courses	7 per hole
Barber shops and Beauty parlors	2 plus 1.5 per chair
Bowling Alleys	5 per lane plus spaces required for restaurant facilities
Bed and Breakfast establishments	2 per dwelling unit plus 1.2 per rental unit
Child or day-care centers, family and group day-care homes	1 per employee or care-giver plus .3 per child
Fast food take-out establishments and drive-in restaurants	1 per employee plus 1 per 50 sq. ft. of gross floor area provided for customer sales and service areas

Restaurants (except drive-ins)	1.2 per 100 sq. ft. of floor space
Furniture and Appliance stores	.3 per 100 sq. ft. of floor space
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft of floor space
Riding or Boarding Stables	1 per horse stall
Gas Stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Automotive Service Center	1 per employee 2 per service bay
Laundromats	.5 per washing machine
Doctor's and Dentist's Offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space
Retail stores and Service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other business and Industrial use	.75 times maximum number of employees on premises at any one time
Airports	1 per space in hangers or tie-down areas plus 2 per maximum numbers of employees at any given time

Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

Required off-street parking shall be provided on the lot to which it pertains.

The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.

The following minimum design standards shall be observed in laying out off-street parking facilities:

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Stall Length</u>	<u>Curb to Curb</u>
0-15 degrees	9 feet	12 feet	23 feet	30 ft.
16-37 degrees	10 ft.	11 ft.	19 ft.	47 ft.
38-57 degrees	10 ft.	13 ft.	19 ft.	54 ft.
58-74 degrees	10 ft.	18 ft.	19 ft.	61 ft.
75 -90 degrees	10 ft.	24 ft.	19 ft.	63 ft.

SECTION 4.09: REQUIRED PLANTING SCREENS

Planting screens are not required in the Public Lands District (PL) for permitted uses. In Districts Town Development (TD) and Industrial (I), or whenever a multiple family use may locate or where any parking lot, trash collection, outdoor storage, merchandising, or service area lies within fifty (50) feet of any Residential District (R, R-2, R-5, R-10, or LS&R), or adjoins an existing residential dwelling withing the TD or I District, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.

SECTION 4.10: PARKING LOT LANDSCAPING

Parking lot landscaping is not required in the Public Lands District (PL) for permitted uses. Where the provision of off-street parking for fifty (50) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) sq. ft. for each parking space, which shall be so located that no parking space is more than one hundred twenty (120) feet from a position of the landscaped open space required by this Section. Landscaped open space required by this Section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least six (6) feet high when planted or when this Ordinance become applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner to prevent growth to

a height of at least fifteen (15) feet or to reduce existing height below fifteen (15) feet. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: Poplars, Willows, American Elm, Birch, seed-bearing Locusts, and Box Elders. All plant materials shall be kept pruned to maximize visibility through them between the heights of three (3) and eight (8) feet so as not to create a hazard to drivers or pedestrians.

SECTION 4.11: PLANTING SCREEN SPECIFICATION

All planting screens required by this Ordinance shall consist of plants, at least thirty (30) inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five (5) feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case and shall not be located where they will obstruct vision at the intersecting roadways or driveway entrances.

<u>PLANT</u>	<u>DISTANCE APART</u>
Lilac	3 feet
Privet	1.5 ft.
Arbor Vitae	4 ft.
Pfitzer	4 ft.
Scotch Pine	5 ft.
Jack Pine	5 ft.
Spruce	5 ft.

Substitution of other plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

SECTION 4.12: TIME OF COMPLETION FOR PLANTINGS

All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after thirty (30) days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

SECTION 4.13: CLEAR VIEW TRIANGLES

In order to provide a clear view of intersecting roadways for motorists, triangular areas of clear vision shall be provided at the intersection of any public and/or private roadway formed by the right-of-way lines of the two intersecting roadways and a line connecting a point on each right-of-way line thirty (30) feet from the intersection of the right-of-way lines.

No fence, wall, sign, screen, or planting shall be located or maintained in any way which could obstruct vision or interfere with traffic visibility between a height of two and one-

half (2 ½) and ten (10) feet above average grade within the clear view triangle described above, nor shall anything obstruct vision at curves and driveway entrances. Determination of vision obstruction shall be made by the Zoning Administrator.

SECTION 4.14: WATERFRONT SETBACK

All structures located on lots or parcels abutting any body of water shall be established in accordance with the requirements of the Inland Lakes and Streams Act No. 346, P.A. 1972, and the Goemaere-Anderson Wetland Protection Act No. 203, P.A. 1979. With the exception of the MUW, Multi-Use Wilderness District, all structures shall maintain a fifty (50) foot minimum setback as measured from the ordinary water mark or from a legally established lake level elevation or specified datum plane. All structures proposed within the MUW, Multi-Use Wilderness District, shall be in accordance with the requirements set forth in Section 3.18, and the regulations outlined in Section 4.01. Excluding the MUW District, all sauna drains and/or discharges and on-site sanitary septic systems shall not be located closer than seventy-five (75) feet from said ordinary high-water mark or legally established lake level elevation. The part of the waterfront setback located within fifteen (15) feet of the water's edge shall be maintained in its natural condition. Trees and shrubs in a space fifty (50) feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in the natural grade. A lot shall be regarded in its natural condition where there is at least one tree or shrub having a height of fifteen (15) feet for each one hundred (100) square feet of area thereof in wooded areas or sufficient natural ground cover in open areas. All uses shall be subject to the waterfront setback except private bathing facilities, saunas, storage shed, and associated facilities which shall maintain a minimum setback of thirty (30) feet as measured from the river bank or lake bluff line unless otherwise specified.

A. Limitation of "Funnel Development"

Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single family home, cottage, condominium, or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high-water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership, or lease. EXCEPTION: This restriction shall not apply to an official public access site or the Multi-Use Wilderness, MUW, District as defined and regulated in Section 3.18 and 4.01.

SECTION 4.15: STORAGE OF HAZARDOUS MATERIALS

- A. Storage tanks and associated equipment shall be screened from adjoining residential areas with an opaque fence or screen.
- B. The storage, handling, dispensing and use of the hazardous materials shall be done in accordance applicable Federal, State, County and any local rules and regulations.
- C. Hazardous materials storage and handling areas shall be equipped with structures or systems designed to prevent direct or indirect discharge to groundwater.
- D. Storage tanks and associated equipment shall meet applicable yard requirements for principal buildings.
- E. Plans shall be reviewed and approved by the Fire Chief responsible for fire protection in the Township.

SECTION 4.16: DISCHARGES TO GROUNDWATER

No discharges to groundwater, whether direct or indirect, shall be permitted without evidence of required permits and approvals from all Federal, State and County agencies administering such permit or approval programs.

SECTION 4.17: AIRPORTS

Airfields, airstrips and airports are authorized upon application for and issuance of a Conditional Use Permit as provided in Article 7 and shall meet the following standards:

- A. The area shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Agency and the Michigan Bureau of Aeronautics for the class of airport proposed, in accordance with their published Rules and Regulations.
- B. Any building, hangar or other structure shall be at least one hundred (100) feet away from any right-of-way or boundary line.
- C. Any runway, taxiway or hangar shall be located at least one thousand (1,000) feet from the nearest existing residence not located on the premises.
- D. Any proposed runway or landing strip shall be situated so that the approach zones are free of any light obstructions such as towers, chimneys, other tall structures, or natural obstructions outside the airport site.
- E. There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Agency. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
- F. The number, size, weight and type of aircraft may be limited in the Conditional Use Permit if required to assure public safety and welfare.

SECTION 4.18: CONDOMINIUMS

- A. Approval Required.

Pursuant to authority conferred by Section 141 of the Condominium Act, preliminary and final site plans for all site condominiums shall be approved by the Planning Commission. In determining whether to approve a site plan for a site condominium, the Planning Commission shall consult with the Zoning Administrator, Township Attorney, Township Engineer, and DPW Foreman, regarding the adequacy of the master deed, deed restrictions, utility systems and streets, site layout and design, and compliance with all requirements of the Condominium Act and this Ordinance.

B. General Requirements:

1. No construction, grading, work or other development shall be done upon the land intended to be used for a site condominium until a final site plan has been approved, unless written permission from the Planning Commission has been secured. No permits for erosion or sanitary sewage facilities shall be issued for property in a site condominium development until a final site plan therefore has been approved by the Planning Commission and is in effect. This requirement shall include contractible, conversion, and expandable site condominiums.
2. If a building, structure or use to be placed on a condominium lot requires site plan approval under Article 6 herein, a site plan for that building, structure, or use shall be approved in accordance with Article 6 herein, before a Zoning Compliance Permit shall be issued.
3. The Planning Commission shall have the authority to review and approve or deny preliminary and final site plans for site condominiums.
4. Each condominium unit shall be located within a zoning district that permits the proposed use.
5. For the purposes of this Ordinance, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, no shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.
6. Each condominium lot shall be connected to a public water facility and to sanitary sewer facilities if available.
7. Relocation of boundaries between adjoining condominium lots, if permitted in the condominium documents, as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made a part of the bylaws and recorded as part of the master deed.
8. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium

documents, as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which located and shall be approved by the Zoning Administrator. These requirements shall be made part of the condominium bylaws and recorded as part of the master deed.

9. All information required by this Ordinance shall be updated and furnished to the Zoning Administrator until applicable Zoning Compliance Permits have been issued in accordance with the requirements set forth.

C. Preliminary Site Plan Requirements.

1. A preliminary site plan shall be filed for approval at the same time the notice of proposed action is filed with Ely Township.
2. The preliminary site plan shall include all land that the developer intends to include in the site condominium project.
3. The preliminary site plan shall include all information required in Article 6, herein except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots and all required yard, rather than individual buildings, shall be shown on the preliminary site plan.

D. Final Site Plan Requirements.

1. A final site plan shall be filed for review for each phase of development shown on the approved preliminary site plan.
2. A final site plan for any phase of development shall not be filed for review by the Planning Commission unless a preliminary site plan has already been approved by the Planning Commission and is in effect.
3. A final site plan shall include all information required in Section 66 of the Condominium Act, and the master deed and bylaws. The final site plan shall also include all information required in Article 6, herein, except in the case of a development that consists only of condominium lots and not buildings or other structures at the time of site plan application, the location and dimensions of condominium lots rather than individual buildings, and required yards shall be shown on the final site plan.
4. The applicant shall provide proof of approvals by all County and State agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the County Drain Commissioner and the Marquette County Health Department. The Planning Commission shall not approve a final site plan that is subject to its jurisdiction.

E. Revision of Condominium Subdivision Plan.

If the condominium subdivision plan is revised, the final site plans shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before building permit may be issued, where such permit is required.

- F. Streets.
All streets proposed for any site condominium, shall be developed in the minimum design, construction, inspection, approval, and maintenance requirements of the Marquette County Road Commission.
- G. Amendment to Master Deed or Bylaws.
Any amendment to a master deed or bylaws that affect the approved preliminary of final site plan, shall be reviewed and approved by the Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require review of any amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the approved site plan.
- H. Development Agreement. The Planning Commission may require, as a condition of approval, that the applicant enter into a development agreement with the Planning Commission and Ely Township, incorporating the terms and conditions of final site plan approval and record the same in the Office of the Register of Deeds for Marquette County.
- I. Construction Located in General Common Element.
Any application for a building permit for construction to be located in a general common element shall include written authorization by the Condominium Association for the application.
- J. Monuments and Lot Irons.
Monuments shall be set at all boundary corners and deflection points and all road right-of-way line intersections, corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points along condominium lot lines.
The Planning Commission may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one (1) year, on condition that the developer deposit with the Township Clerk cash, a certified check, or any irrevocable bank letter of credit running to Ely Township, whichever the developer selects, in an amount as determined from time to time by resolution of the Township Board. Such deposit shall be returned to the developer upon receipt of a certificate by a Professional Land Surveyor licensed in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the Township Board shall promptly require a Professional Land Surveyor to set the monuments and irons in the ground as shown on the condominium site plans, at a cost not to exceed the amount of the security deposit.
- K. Right-of-way and Utility Easements.
All rights-of-way and utility easements shall be described separately from individual condominium lots and shall be accurately delineated by bearings and

distances on the condominium subdivision plan and the final site plan. The right-of-way and utility easements shall be separately designed for their individual purpose, such as access, roadway, location, installation, maintenance and replacing of public utilities. The developer shall dedicate to Ely Township all easements for utilities. All streets shall be constructed in accordance with the standards and specifications of the Marquette County Road Commission. Water, sewer and electrical easements may be placed within streets, subject to the approval of the Township and in accordance with the standards and specifications of the Marquette County Road Commission.

SECTION 4.19: PUBLIC SERVICE INSTALLATIONS

- A. The following standards shall apply to public utility transformer stations and substations, gas regulator station, and radio, television, microwave transmitting and receiving apparatus or towers, and enclosures or shelters for the service equipment or maintenance depots.
- B. Basic utility services as defined in Article 2, Section 2.02 are exempt from these and the other regulations of this article.
- C. Standards:
 - 1. The lot area and width shall not be less than that specified for the district in which the proposed use is located.
 - 2. The yard and setback requirements shall not be less than that specified for the district in which the proposed use is located.
 - 3. The horizontal distance from the base of any building or tower to the nearest lot line shall be at least the height of the structure plus fifty (50) feet.
 - 4. Not more than thirty (30%) percent of the lot area may be covered by buildings.
 - 5. All buildings shall be harmonious in appearance with the surrounding residential area and screened by suitable plant material or shall be fenced as approved by the Planning Commission.
 - 6. Where mechanical equipment is located in the open it shall be screened from the surrounding residential areas by suitable plant material and shall be fenced as approved by the Planning Commission.
 - 7. All signs and off-street parking shall be in compliance with this Ordinance.
 - 8. In Districts where these installations are Conditional Uses, the public utility must prove the necessity of locating within that district.

SECTION 4.20: MINERAL EXTRACTION

- A. Mineral extraction is the extraction and/or processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium and other minerals. It is the intent of these regulations to:
1. Provide for the proper environmental management during the site planning, operational and reclamation states of the mineral extraction process;
 2. Provide the Township with information important to overall planning and orderly economic growth; and
 3. Provide for the right to extract mineral deposits where located.
- B. Any grading, land balance, or soil erosion control measures shall be designed and constructed in accordance with the requirements as set forth in Act 347 of the Public Acts of 1972, as amended. The Soil Erosion and Sedimentation Control Act, and in compliance with the regulation for Soil Erosion and Sediment Control as administered by the Marquette County Soil and Water Conservation District. All fill or temporary or permanent storage areas, located in other than public road right-of-way's, shall be approved by the Planning Commission prior to placement.
- C. The following shall not require an application for a mineral extraction permit:
1. Any active mining operation at the date of enactment of this Ordinance to continue mineral extraction from the existing holes or shafts, which may be enlarged on the land constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes or shafts.
 2. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
 3. Site preparation authorized by Zoning Compliance Permit.
 4. Grading or site preparation associated with public roadway construction, reconstruction, or maintenance within the right-of-way.
- D. Application for Mineral Extraction Permit:
 No mineral extraction, except those activities exempted by Subsection B, shall be undertaken without first obtaining a Mineral Extraction Permit from the Planning Commission and upon payment of a permit fee established by the Township Board. The Zoning Administrator, upon receipt of the application for Mineral Extraction Permit and the designated fee, shall forward all necessary information within thirty (30) days to the Planning Commission for their review and action. The Planning Commission shall review the application for Mineral Extraction Permit at a Public Hearing, to be scheduled in accordance with the provision of Section 9.02, and they shall approve, approve with conditions, or reject the Mineral Extraction Permit with explanation. If any of the application information is available in the form of an Environmental Impact Assessment or other appropriate documents which are required to be submitted to various County, State and/or Federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

An application for a Mineral Extraction Permit must contain a Site Plan, Operation Plan, and Reclamation Plan as described herein. All information and conditions including the site plan, operation plan and reclamation plan submitted as part of an application for a Mineral Extraction Permit and as approved by the Planning Commission may require a financial guarantee as provided for in Section 6.10 to ensure compliance with the conditions of the permit. Any revision, modification or corrections to an approved site plan, operation plan, or reclamation plan shall be done in accordance with Section 6.09. The applicant shall submit the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent to the Zoning Administrator:

1. Site Plan Requirements:

A site plan consisting of eighteen (18) identical copies on one or more sheets at a scale adequate to illustrate the proposed operation.

 - a. A legal description of the property; the name, address and telephone number of the owner, developer and designer.
 - b. Date, north point, and scale.
 - c. All dimensions for the proposed development area as shown on a site plan and stated in the field by a surveyor or engineer, with the survey stakes visible showing the relationship of the subject property to abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within one hundred (100) feet of any parcel boundary line.
 - e. The location of all existing and proposed drives and parking areas.
 - f. The location of right-of-way widths of all abutting streets, alleys and private easements.
 - g. The location of proposed planting and screening, fencing, signs, and advertising features.
 - h. The height and floor area of all proposed structures.
 - i. The size and location of all existing and proposed public and private utilities and required landscaping.
 - j. Proposed location, area extent, estimated depth of excavation.
 - k. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used for mining operations.
 - l. A narrative description of the general groundwater conditions and the possible impact mining operations may have upon adjacent groundwater levels and quality. The operator must identify and outline plans to alleviate possible problems in the groundwater supply to adjacent land owners.
 - m. Additional information as noted and as required in Section 6.06 of this Ordinance.
2. Operation Plan Requirements Shall Include the Following:

- a. A narrative description outlining the estimated time span with the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel routes to be used to transport the mined material to processing plant or markets, and the proposed steps to be taken to relieve adverse effects.
- b. A narrative description of the social and economic impact Ely Township including an estimate of the number of potential employees, proposed transportation routes for employees and any changes to the present road system that might be made necessary by the proposed operation.
- c. Sight buffers as reasonable and practical along all boundaries of the mining operation which abut any R, R-2, R-5, R-10, LS&R, RS, RS-10 or TD Zoning Districts. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury.
The following techniques may be used, but are not limited to the following screening methods:
Buffer Zone: An area of sufficient depth as to screen the operation from view.
Earth Berms: Earth berms, constructed to a height of at least six (6) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six (6) feet above the general level of terrain along the property lines. Berms shall have slopes not to exceed on one (1) foot vertical to four (4) feet horizontal, and shall be planted with trees and shrubs.
Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening.
Fencing: Solid fences or masonry walls constructed to a height of six (6) feet an inconspicuous as compared to color.
- d. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
- e. Identify plans for utilities, access roads, drainage, traffic plans, travel routes to/and from the site, hours of operation and other site improvements showing appropriate measures that have been, are, or will be provided.

3. Reclamation Plan Requirements.

- a. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses.
- b. Description of topsoil stripping and conservation during storage and replacement.
- c. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.
- d. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
- e. A plan for disposal or treatment of any harmful or toxic material found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.
- f. A timetable for completion of reclamation requirements.

E. General Standards.

The Planning Commission shall review the particular facts and circumstances of each Application for a Mineral Extraction Permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

- 1. Will be harmonious with and in accordance with the general policies and specific objectives of the Community Master Plan;
- 2. Will provide adequate site drainage so that waters will not adversely affect the neighboring properties;
- 3. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to its affect from noise, traffic, smoke, fumes, glare or odors;
- 4. Will be served adequately by essential facilities and services;
- 5. Will not create excessive financial burdens at public cost in providing public facilities and services and will not be detrimental to the economic welfare of the community; and
- 6. Will protect the public health, safety and welfare of the community.

SECTION 4.21: THE KEEPING OR HUSBANDRY OF ANIMALS

- A. The following regulations apply to the keeping or husbandry of animals as part of the light, traditional or intensive agricultural operations or stables. The regulation specified in this section shall not apply to ordinary household pets or kennels.
- B. Minimum enclosure area per animal:
 - 1. Horses, mules, donkeys, cows, or other similar animals:
 - a. 100,000 square feet if the animals are pastured;
 - b. 4,000 square feet if animals are fed and not required to graze or forage;
 - c. If the animals are kept inside a building, one stall shall be provided for each animal: a tie downs stall shall be a minimum size of four

- (4) feet by eight (8) feet; a box stall shall be a minimum size of ten (10) feet by ten (10) feet.
2. Goats, sheep, pigs or other similar animals:
 - a. 50,000 square feet if animals are pastured;
 - b. 2,000 square feet if animals are fed and not required to graze or forage.
 3. Turkeys, geese, ducks or other similar animals:
 - a. 2,500 square feet if animals are pastured;
 - b. 100 square feet if animals are fed and not required to graze or forage.
 4. Poultry, fowl, rabbits, or other similar animals:
 - a. 900 square feet if animals are pastured;
 - b. 36 square feet if animals are fed and not required to graze or forage;
 - c. 9 square feet if animals are kept exclusively indoors.
- C. The following minimum setbacks shall be provided:
1. To minimize odor and to avoid nuisance problems, pastures, stables, corrals, enclosures, and piles of manure, which are part of or incidental to, either light or traditional agricultural operations, or stables shall be located at least fifty (50) feet from any street right-of-way line or lot line and at least six hundred sixty (660) feet from any existing year-round and/or seasonal residential dwelling unit not located on the premises.
 NOTE: If small animals such as poultry, fowl and rabbits are kept exclusively indoors the minimum distance from an existing residence not on the premises shall be three hundred (300) feet.
 NOTE: The minimum setback from existing residence not on the premises may be reduced providing the owners of all existing properties within the minimum distance of the proposed site grant written permission to the applicant. This written permission shall be recorded as a Special Zoning Order by the Zoning Administrator as specified in Section 9.07 and shall become a part of the permanent record and shall run with the land regardless of transfer of ownership unless otherwise specified in the Conditional Use Permit.
 2. Manure shall be piled, stored, removed, and/or applied to land in accordance with the Marquette County Health Department regulations. However, manure shall not be applied to any land that is closer than one hundred (100) feet of a residential lot line.
- D. A one hundred (100) foot wide area of vegetative cover, exclusive of pasture area, shall be maintained between any corral, unvegetated exercise area, manure pile, manure application area, and any surface water or well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.
- E. In areas with a slope of five (5) percent or less: corrals, unvegetated exercise areas, and manure piles shall be a minimum of one hundred fifty (150) from a

well and two hundred (200) feet from any surface water, unless the location of the surface water is upgrade or there is adequate diking to comply with the Marquette County Health Department standards.

- F. Corrals, unvegetated exercise areas, manure piles, and manure application areas are prohibited on lands with slopes greater than five (5) percent, in areas designated as ten (10) year floodplains, in any waterways, and on soils classified as very poorly drained by the U.S.D.A. Soil Conservation Service in any pertinent Soil Survey.
- G. Area requirements for agricultural uses will be determined based upon the definition of lot area. The minimum area requirements may be met by any combination of lands under common ownership or by leasehold agreement within the R-2, R-5, R-10 or RP Zoning Districts.
Upon the granting of a Conditional Use Permit under this section, the owner/applicant, successors, heirs, and assigns are responsible to maintain, under common ownership, a lot area meeting minimum requirements for the duration of that use.
- H. Upon the granting of a Temporary Conditional Use Permit under Item G of his section, the owner/lessee applicant, along with any heirs and/or assigns, shall maintain under a common ownership or leasehold, a lot area meeting the minimum requirements for the duration of that Temporary Conditional Use. If the lot areal requirements are to be satisfied utilizing a common leasehold arrangement, then all of the following items, 1 through 6, shall be required and all information shall be submitted to the Zoning Administrator thirty (30) days prior to the next Planning Commission meeting:
 - 1. The lease agreement shall be in writing outlining the specific conditions, provisions and terms of the leasehold agreement, drafted in accordance with the requirements set forth in this Ordinance and executed by all appropriate parties.
 - 2. The common leasehold agreement shall be for an initial period term of not less than two (2) years shall be continuous and renewable thereafter, at a minimum, on an annual basis.
 - 3. A copy of the common leasehold agreement shall be provided to the Ely Township Zoning Administrator with a completed Application for a Temporary Conditional Use Permit along with a Site Plan prepared in accordance with the requirements of Article 6, Section 6.06, Required Information, of this Ordinance, prior to the initiation of the approval procedures. No agricultural activities may be conducted until a Temporary Conditional Use Permit has been granted by the Ely Township Planning Commission.
 - 4. The lessee shall notify the Township Zoning Administrator immediately of any changes in the common leasehold agreement regarding renewal, cancellation, restructuring and/or any other item of concern which could or may affect the fulfillment of any Ordinance requirements.

5. All violations cited for non-compliance with any of the requirements set forth in Section 4.21 of the Ordinance or with the required standards or conditions attached to the granted Temporary Conditional Use Permit shall be promptly addressed by the applicant and by the Planning Commission in accordance with Article 7, Conditional Uses, Section 7.06: Conditions and Safeguards.
6. The Temporary Conditional Use Permit, if approved and granted by the Planning Commission, shall be contingent upon the applicant maintaining a continuous, common leasehold agreement fulfilling all of the requirements as set forth in this Section and in Article 7, Conditional Use Permits. If the lease agreement is revoked by either party or is terminated for any reason, all agricultural activities shall cease.

SECTION 4.22: TEMPORARY USE PERMITS

A Temporary Use may be permitted in a designated Zoning District for a fixed period of time with the approval of the Zoning Administrator or as otherwise stated, upon completion of an application form and payment of a fee and based upon findings of fact that the location of such activity will not adversely affect adjoining properties not adversely affect public health, safety and the general welfare.

- A. A Temporary Use Permit may be issued by the Zoning Administrator or as otherwise stated, upon the completion of an application form, for a fixed time period upon complying with the specific standards of this section and upon payment of a fee as established by the Ely Township Board.
- B. Specific Temporary Uses Permitted Include:
 1. Christmas Tree sales
 2. Contractor's office and materials/equipment storage for site under construction
 3. Real estate/sales office
 4. Portable asphalt or concrete batch plant
 5. Temporary shelter
 6. Tent or warehouse sales of retail goods
- C. General Standards:
 1. Christmas Tree Sales
 - a. Permitted in all Zoning Districts with approval of the Zoning Administrator.
 - b. The maximum length of permit and open-lot sales shall be forty-five (45) days.
 2. Contractor's Office and Materials/Equipment Storage for Site Under Construction
 - a. Such uses are permitted in all Zoning Districts with the approval of the Zoning Administrator where the use is incidental to a construction project. An office or shed shall not contain sleeping or cooking accommodations.

- b. The maximum length of permit shall be one (1) year and may be renewed by written request, stating the reasons for such request.
 - c. An office or shed shall be removed upon completion of the construction project.
 - d. All materials or equipment shall be removed upon completion of the construction project.
 - 3. Real Estate/Sales Office
 - a. Permitted in any district for any new subdivision with the approval of the Township Zoning Administrator.
 - b. A model home may be used as a temporary sales office.
 - c. Maximum length of permit shall be one (1) year.
 - d. Office shall be removed upon completion of the development of the subdivision.
 - 4. Portable Asphalt or Concrete Batch Plant
 - a. Due to the potential for high impact regarding land uses of this nature, the applicant shall follow the procedures and requirements as outlined in Article 7, Conditional Use Permits.
 - b. Maximum length of permit shall not exceed one (1) construction season or nine (9) months, whichever is less.
 - 5. Temporary Shelter

When fire or natural disaster has rendered a single-family residence unfit for human habitation, the temporary use of a mobile home located on the single-family lot during rehabilitation of the original residence or construction of a new residence is permitted with the approval of the Zoning Administrator and subject to the following additional regulations.

 - a. Require a potable water supply and sanitary facilities must be provided.
 - b. The maximum length of the permit shall be six (6) months, however, the Zoning Administrator may extend the permit for a period or periods not to exceed sixty (60) days in the event of extenuating circumstances. Application for the extension shall be made at least fifteen (15) days prior to expiration of the original permit.
 - 6. Tent or Warehouse Sales of Retail Goods
 - a. Permitted in the R-5, R-10, RP and TD Zoning Districts as approved by the Zoning Administrator.
 - b. The maximum length of permit shall be for thirty (30) days, and may be renewed for an additional thirty (30) days. The maximum length of time allowed for a Temporary Use shall not exceed ninety (90) days.
- D. Additional Regulations:
 - 1. The above temporary uses shall also be subject to the following regulations as required:

- a. Documentation from the Marquette County Health Department stating that adequate arrangements for a potable water supply and temporary sanitary facilities have been provided.
- b. Permanent or temporary lighting shall not be installed without an electrical permit and inspection.
- c. All uses shall be confined to the dates specified on the Temporary Use Permit.
- d. Hours of operation shall be limited to those specified on the Temporary Use Permit.
- e. The site shall be cleared of all debris at the end of the fixed time period and all temporary structures shall be removed within thirty (30) days after the Temporary Use has been discontinued. A cash deposit, certified check, bond, or other financial guarantee acceptable to the Township may be provided by the applicant in an amount, as determined by the Planning Commission, sufficient to fulfill the faithful performance of the agreement, shall be posted or a signed contract with a disposal firm shall be required as part of the application for a Temporary Use Permit to ensure the premises will be kept free of all debris during and after the Temporary Use has ceased.
- f. Public parking for exclusive use of the facility shall be provided, and a stabilized drive to the parking area shall be maintained. It shall be the responsibility of the applicant to guide traffic to and from these areas and to preventing patrons from unlawful parking. Parking will be required exclusively on private property.
- g. Traffic control requirements as specified by the Michigan State Police and/or the Marquette County Sheriff's Department shall be arranged for by the applicant with written confirmation provided to the Township.
- h. A cash deposit, certified check, bond, or other financial guarantee acceptable to the Township may be posted by the applicant in an amount, as determined the Planning Commission, sufficient to ensure the repair for any damage resulting to any public property or right-of-way as a result of the Temporary Use activity.

E. Appeals:

1. Appeals, concerning the decision of the Planning Commission and/or the Zoning Administrator, relating to the Temporary Uses or Temporary Use Permits shall be made to Ely Township Zoning Board of Appeals in accordance with the requirements and procedures as set forth in Article 7, Conditional Use Permits, Section 7.07: Appeals, and Article 10, Zoning Board of Appeals, Section 10.07: Appeals.

SECTION 4.23: US41/M28 CORRIDOR & ACCESS MANAGEMENT PROCEDURES

- A. Fees in escrow for professional reviews:
Any application for Rezoning, Site Plan Approval, a Conditional Use Permit, Planned Unit Development, Variance or other use or other Zoning Action Request, requiring a Zoning Compliance Permit under this Ordinance above the following threshold, may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required by either the Zoning Administrator or the Planning Commission for any project which requires a traffic impact study under Sec. 4.24 or 4.25 or which has more than twenty (20) dwelling units, or more than twenty-thousand (20,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces, or which involves surface or below surface mining or disposal of mine materials. An escrow fee may be required to obtain a professional review of any other project which may, in the discretion of the Zoning Administrator or Planning Commission create an identifiable and potentially negative impact on public roads, other infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.
1. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise Ely Township values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the Ely Township Planning Commission indicating the extent of conformance or nonconformance with this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by Ely Township and a copy of the statement of expenses for the professional services rendered, if requested.
 2. No application for which an escrow fee is required will be processed until escrow fee is deposited with the Ely Township Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.
 3. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any land use or Zoning Compliance Permit issued by Ely Township in response to the applicant's request. Any unused fee collected in escrow shall be promptly returned to the applicant once a final determination on an application has been made or the applicant withdraws the request and expenses have not yet been incurred.

4. Disputes on the costs of professional reviews may be resolved by an arbitrator mutually satisfactory to both parties.

SECTION 4.24: ACCESS MANAGEMENT STANDARDS

A. Intent:

The provisions of this Section are intended to promote safe and efficient travel within Ely Township, minimize disruptive and potentially hazardous traffic conflicts, ensure safe access by emergency vehicles; protect the substantial public investment in the street system by preserving capacity and avoiding the need for unnecessary a costly reconstruction which disrupts business and traffic flow, separate traffic conflict areas by reducing the number of driveways, provide safe spacing standards between driveways, and between driveways and intersections; provide for shared access between abutting properties; implement the Community Master Plan and the US-41/M28 Comprehensive Corridor & Access Management Plan recommendations; ensure reasonable access to properties, though not always by the most direct access; and coordinate access decisions with the Michigan Department of Transportation.

B. One Access Per Parcel:

1. All land in a parcel or lot having a single tax code number, as of the effective date of the amendment adding the provision to the Ordinance (hereafter referred to as “the parent parcel”), that shares a lot line for less than six hundred (600) feet with right-of -way on US41/M28 shall be entitled to one (1) driveway or road access per parcel from said public road or highway.
 - a. All subsequent land divisions of a parent parcel, shall not increase the number of driveways or road accesses beyond those entitled to the parent parcel on the effective date of this amendment.
 - b. Parcels subsequently divided from the parent parcel either by metes and bounds descriptions, or a plat under the applicable provisions of the Land Division Act, Public Act 288 of 1967, as amended, or as a condominium project in accord with the Condominium Act, Public Act 59 of 1978, as amended, shall have access by a platted subdivision road, by another public road, by an approved private road or rear service drive.
2. Parent parcels with more than six hundred (600) feet of frontage on a public road or highway shall also meet the requirements of B. 1. a and B. 1. b above, except that whether subsequently divided or not, they are entitles to not more than on driveway for each six hundred (600) feet of public road frontage thereafter, unless a Registered Traffic Engineer, (P.E.) determines that topographic conditions on the site, curvature on the road, or sight distance limitations demonstrate a second driveway within a lesser distance is a safer of the nature of the land use to be served requires a second driveway for safety.

- C. Applications:
1. Standards of Road Authorities Apply:
All driveways and related access standards of the Michigan Department of Transportation shall be met prior to approval of a Zoning Compliance Permit.
 2. Application, Review and Approval Process:
Applications for driveway or access approval shall be made on a form prescribed by and available at the Michigan Department of Transportation. A copy of the completed form submitted to the applicable road authority shall be submitted to the Zoning Administrator as well.
 3. Applications for all uses requiring site plan review shall meet the submittal, review and approval requirements of Article 6 in addition to those of this Section 4.24. In addition:
 - a. Applications are strongly encouraged to rely on the following sources for access designs; the National Access Management manual, TRB.2003; National Cooperative Highway Research Program (NCHRP), “Access Management Guidelines to Activity Centers” Report 348, “Impacts of Access Management Techniques” Report 420; and AASHTO (American Association of State Highway and Transportation Officials) “Green Book” A Policy on Geometric Design of Highways and Streets. The following techniques are addressed in these guidebooks and are strongly encouraged to be used when designing access.
 - 1) Not more than one driveway access per abutting road.
 - 2) Shared driveways.
 - 3) Service drives: front and/or rear.
 - 4) Parking lot connections with adjacent property.
 - 5) Other appropriate designs to limit access points on an arterial or collector.
 - b. As applicable, applications shall be accompanied by an escrow fee for professional review per the requirements of Section 4.23.
- D. Review and Application Process:
The following process shall be completed to obtain access approval:
1. An Access Application meeting the requirements of Section 4.24 C above shall be submitted to the Zoning Administrator on the same day it was submitted to the Michigan Department of Transportation.
 2. The completed application must be received by the Zoning Administrator at least thirty (30) days prior to the Planning Commission meeting where the application will be reviewed.

3. The applicant, the Zoning Administrator and representatives of the Michigan Department of Transportation and the Planning Commission may meet prior to the Planning Commission meeting to review the application and the proposed access design. Such a meeting will occur for all projects where a traffic impact study is required.
4. The Planning Commission shall consider the application first, and shall recommend denial based on nonconformance with this Ordinance, or is shall recommend approval conditioned upon approval of the applicable road authority, or if necessary, request additional information. The action of the Planning Commission shall be immediately transmitted to the applicable road authority.
5. If the Michigan Department of Transportation review the application first, it shall immediately send its decision on the application to the Township Planning Commission for their consideration. One of three actions may result:
 - a. If the Planning Commission and the Michigan Department of Transportation approve the application as submitted, the access application shall be approved.
 - b. If both the Planning Commission and the Michigan Department of Transportation deny the application, the application shall not be approved.
 - c. If either the Planning Commission or the Michigan Department of Transportation requests additional information, approval with conditions, or does not concur in approval or denial, there shall be a joint meeting of the Zoning Administrator, a representative of the Planning Commission and staff or the Michigan Department of Transportation and the applicants. The purpose of this meeting will be to review he application to obtain concurrence between the Planning Commission and the Michigan Department of Transportation regarding approval or denial and the terms and conditions of any permit approval.
6. No application will be considered approved, nor will any permit be considered valid unless all the above-mentioned agencies, as applicable, have indicated approval unless approval by any of the above-mentioned agencies, would clearly violate adopted regulations of the agency. In this case the application shall be denied by that agency and the requested driveway(s) shall not be constructed. Conditions may be imposed by the Planning Commission to ensure conformance with the terms of any driveway permit approved by a road authority.

E. Record of Applications:

The Zoning Administrator shall keep a record of each application that has been submitted, including the disposition of each one. This record shall be public record.

F. Period of Approval.

Approval of an application remains valid for a period of one year from the date it was authorized. If authorized construction, including any required rear service road or frontage road is not initiated by the end of one (1) year, the authorization is automatically null and void. Any additional approvals that have been granted by the Planning Commission or the Zoning Boards of Appeals, such as Conditional Use Permits, or variances, also expire at the end of one year.

G. Renewal.

An approval may be extended for a period not to exceed one year. The extension must be requested, writing by the applicant before the expiration of the initial approval. The Zoning Administrator may approve extension of an authorization provided there are no deviations from the original approval present on the site or planned, and there are no violations of application Ordinances and no development on abutting property has occurred with a driveway location that creates an unsafe condition.

If there is any deviation or cause for question, the Zoning Administrator shall consult a representative of the Michigan Department of Transportation for input.

H. Re-issuance Requires New Application.

Re-issuance of an authorization that has expired requires a new Access Application for to be filled out and processed independently of previous action.

I. Maintenance.

The applicant shall assume all responsibility for all responsibility for all maintenance of such driveway approaches from the right-of-way line to the edge of the traveled roadway.

J. Changes Require New Application.

Where authorization has been granted for entrances to a parking facility, said facility shall not be altered or the plan of operation changed until a revised Access Application has been submitted and approved as specified in this Section.

K. Closing of Driveways.

Application to construct or reconstruct any driveway entrances and approach to a site shall also cover the reconstruction or closing of all nonconforming of unused entrances and approaches to the same site at the expense of the property owner.

- L. Change of Use Also May Require New Driveway.
When a building permit is sought for the reconstruction, rehabilitation or expansion of an existing site or a zoning or occupancy certificate is sought for use or change of use, for any land, buildings, or structures, all of the existing, as well as proposed driveway approached and parking facilities shall comply, or be brought into compliance, with all design standards as required by the Michigan Department of Transportation and as set for the in this Ordinance prior to the issuance of a Zoning Compliance Permit and pursuant to the procedures of this section.
- M. Access Management Standards.
Where the Ely Township Planning Commission determines, based on input from traffic engineering and/or access management experts, that driveways should be closed or consolidated, or that adjoining parking lots should be directly connected, or connected by a frontage road or rear service road, or that special throat length or interior parking lot designs related to safely queuing vehicles upon entry or exit, or that such other measures should be instituted to improve safety of ingress or egress or connections between property, and such recommendations are consistent with accepted designs as indicated in the sources described in Section 4.24, C, 3, a. above, the Planning Commission shall require such design as a condition of approval of the site plan or Zoning Compliance Permit.
- N. Inspections.
The Zoning Administrator shall inspect the driveway and any other required access elements as constructed for conformance with the approved application prior to allowing occupancy. The Zoning Administrator may consult with MDOT prior to making a determination of conformance or nonconformance with an approved application.
- O. Performance Bond.
Ely Township may require a performance bond or cash deposit in any sum not to exceed \$5,000.00 for each such driveway approach or entrance to insure compliance with an approved application. Such bond shall terminate and deposit be returned to the applicant when the terms of the approval have been met or when the authorization is cancelled or terminated.

SECTION 4.25: TRAFFIC IMPACT STUDY

- A. If the proposed land use exceeds the traffic generation thresholds below, then the Zoning Administrator shall require submittal of a traffic impact study, at the expense of the applicant, as described below prior to consideration of the application or site plan by either the Zoning Administrator or the Planning

Commission. At their discretion, the Planning Commission may accept a traffic impact study prepared for another public agency. A traffic impact study shall be provided for the following developments unless waived by the Planning Commission following consultation with the Michigan Department of Transportation.

1. For any residential development of more than twenty (20) dwelling units, or any office, commercial, industrial, or mixed-use development, with a building over 50,000 square feet.
2. When permitted uses could generate either a thirty percent (30%) increase in average daily traffic, or at least one hundred (100) directional trips during the peak hour of the traffic generator at the peak hour on the adjacent streets, or over seven hundred fifty (750) trips in an average day.
3. Such other development that may pose traffic problems in the opinion of the Planning Commission.

B. At a minimum the traffic impact study shall contain the following:

1. Analysis of existing traffic conditions and/or site restrictions using current data.
2. Projected trip generation at the subject site or along the subject service drive, if any, based on the most recent edition of the Institute of Transportation Engineers Trip Generation manual. Ely Township may approve use of other trip generation data if based on recent studies of at least three (3) similar uses withing similar locations in Michigan.
3. Illustrations of current and projected turning movements at access points. Include identification of the impact of the development and its proposed access on the operation of the abutting streets. Capacity analysis shall be completed based on the most recent version of the Highway Capacity Manual published by the Transportation Research Board, and shall be provided in an appendix to the traffic impact study.
4. Description of the internal vehicular circulation and parking system for passenger vehicles and delivery trucks, as well as the circulation system for pedestrians, bicycles and transit users.
5. Justification of need, including statements describing how any additional access (more than one driveway location) will improve safety on the site and will be consistent with the US-41/M28 Corridor & Access Management Plan and the Community Master Plan, and will not reduce capacity or traffic operations along the roadway.
6. Qualifications and documented experience of the author, describing experience in preparing traffic impact studies in Michigan. The preparer shall be either a Registered Traffic Engineer (P.E.) or Transportation Planner with at least three (3) years of experience preparing traffic impact studies in Michigan. If the traffic impact study involves geometric design,

the study shall be prepared or supervised by a Registered Professional Engineer, (P.E.) with a strong background in traffic engineering.

- C. Ely Township may utilize its own traffic consultant to review the applicant's traffic impact study, with the cost of the review being borne by the applicant per Section 4.23.

SECTION 4.26: SEXUALLY EXPLICIT ENTERTAINMENT

A. Purpose:

In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature are recognized as having serious objectionable operational characteristics, particularly when located so as to have a deleterious effect upon the adjacent areas. Special Detailed Use regulations are necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. The Detailed Use regulations are itemized in this section. The primary control or regulation id for the purpose of preventing the location of these uses within specified distances from a church or other religious institution, school, or a public park or land zoned for such use.

B. Definitions:

1. For the purpose of this section, "specified sexual activities" is defined as:
 - a) Human genitals in a state of sexual stimulation or arousal;
 - b) Acts of human masturbation, sexual intercourse or sodomy;
 - c) Fondling or other erotic touching human genitals, pubic region, buttock or female breast.
2. For the purposes of this section, "specified anatomical areas" are defined as:
 - a) Less than completely and opaquely covered: Human genitals, pubic region, buttock, and female breast below a point immediately above the areola;
 - b) Human male genitals in a discernable turgid state, even if completely and opaquely covered.
3. As used in this section, "sexually explicit entertainment" is the offering for observation by patrons or members of the public, whether or not a fee, compensation or other goods and services are sold or offered in conjunction therewith, of entertainment which is distinguished or characterized by an emphasis on acts depicting, suggesting, describing, displaying or relating to "specified sexual activities" or "specified anatomical areas".
4. As used in the section "adult bookstore" is an establishment having as a substantial or significant portion of its stock and trade, videos, books, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicted, describing or relating to "specified sexual activities" or "specific anatomical areas" as the same as defined

herein, or an establishment with a segment of section devoted to the sale or display of such material.

5. For the purpose of this section, adult motion picture or video theater is defined as: an enclosed building used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specific anatomical areas” as the same is defined herein, for observation by patrons therein.
6. For the purpose of this section “used” is defined as a continuing course of conduct of exhibiting “specified sexual activities” and/or “specified anatomical areas” in a manner which appeals to a prurient interest.

C. Restrictions and Prohibitions:

1. No persons shall use, establish, build, operate, or allow to be operated an adult bookstore, an adult motion picture theater, an adult video rental store, or sexually explicit entertainment in any building or on any lands within twelve hundred (1,200) feet from any church or other religious institution, school, or public/private recreational facility.
2. Sexually explicit entertainment, an adult bookstore, an adult motion picture theater, or an adult video rental store is only permitted within a Town Development District as a Conditional Use authorized by permit, and shall be located within such District subject to the restrictions of this section relating to distance separations as set forth in Section C.1. above.
3. No person shall use or allow to be used, any land or building within Ely Township for sexually explicit entertainment, if any portion of such land or building is occupied, used, owned, or leased by a license or permittee under any license or permit issued by the Michigan Liquor Control Commission.
4. In reviewing the Conditional Use Application, the Planning Commission shall maintain an adequate distance separation from single/two/multiple family dwellings, family and group day care homes, child or day care centers, bed & breakfast establishments, establishments selling alcoholic beverages for on or off premise consumption or public works buildings/storage facilities. The Planning Commission shall use their experience and discretion to balance the rights of existing and proposed future uses.

SECTION 4.27: OUTDOOR WOOD-FIRED BOILERS

- A. The installation, use or maintenance of an outdoor wood-fired boiler requires, at a minimum, the issuance of a Zoning Compliance Permit by the Zoning Administrator. Any outdoor wood-fired boiler in existence on the effective date of this amendment, May 22, 2007 shall be permitted to remain upon application for and issuance of a Zoning Compliance Permit and is subject to only Paragraphs F, G, and H of this section.

- B. The boiler unit shall be installed on a concrete slab extending two (2) feet outside the firebox enclosure.
- C. The outdoor wood-fired boiler shall be located a minimum of thirty (30) feet from the nearest building on the same property as the boiler and also with a minimum side yard and rear yard setbacks of twenty-five (25) feet from the property lines.
- D. The outdoor wood-fired boiler shall be located a minimum of: 250 feet (in the Residential/R District), 200 feet (in the Residential Two/R-2 District), 150 feet (in any other permitted district) from the nearest building not located on the same property as the boiler.
- E. The outdoor wood-fired boiler shall have an insulated chimney that extends at least twelve (12) feet above the ground surface. If there are any off-premise residences located within three hundred (300) feet, the chimney shall extend at least as high above the ground surface as the height of the roof of all such residences.
- F. Only firewood (trunks or branches larger than three (3) inches in diameter) and untreated lumber (wood which has been milled and dried but has not been treated with any substance which penetrates or covers the surface) are permitted in an outdoor wood-fired boiler. No refuse (waste material other than trees, logs, brush, and stumps) is permitted to be burnt.
- G. Outdoor wood-fired boilers shall be operated only between September 1st and May 31st.
- H. All outdoor wood-fired boilers shall be equipped with functioning spark arrestors.

SECTION 4.28: METEOROLOGICAL TOWERS AND WIND ENERGY SYSTEMS (WES)

- A. **Meteorological Towers:**
 Meteorological Towers (Met Towers) are permitted as a Temporary Conditional Use in the same districts as any WES. The Met Tower shall be permitted for no more than twelve (12) months for a SWES, twenty-four (24) months for a MWES and thirty-six (36) for a LWES and are subject to all applicable requirements and application procedures of any SWES regulated under Section B below. All applicants for any Wind Energy System or Met Tower to provide a printed copy of the Notice Criteria Tool Evaluation with their Township forms.

- B. **Small Wind Energy Systems (SWES):**
 The primary use of this system is for residential on-site consumption of utility power produced by a generator of sixty (60) kilowatts or less located on a tower not exceeding one hundred (100) feet in height.
 Every application shall be accompanied by the following informational requirements:
 1. A completed application for, a Plot or Site Plan and a statement with supporting evidence, all as specified in Section 7.02 (C).
 2. Evidence of compliance with a setback of 110% of the total extended height of the SWES from any public road Right-of-Way, any overhead

utility line and all property lines. Guy wire anchors, if required, shall be placed at least fifteen (15) feet from any property line and shall be clearly visible to a height of six (6) feet above grade.

3. SWES specification including manufacturer and model; rotor diameter; tower height, type and drawings; tower foundation drawings.
4. The method of restricting access to ground mounted electric/control equipment and tower access to a height of ten (10) feet above grade.
5. Description of lightning protecting and location of underground wiring.
6. Confirmation that there will be no artificial lighting unless required by the Federal Aviation Administration.
7. Furnishing copies of written utility notification and permission to interconnect with the electric grid, unless the system is to be installed off-grid.
8. Demonstration that the rotor blade clearance is a minimum of twenty (20) feet above grade.
9. Providing evidence that turbine blade shadow flicker will not fall on public roadways or off-site habitable structures.
10. Description of the automatic braking, governing or feathering system to prevent uncontrolled blade rotation or over speeding.
11. Submission of a sound level analysis prepared by the turbine manufacturer or a qualified engineer indicating that noise emission from the SWES will not exceed fifty (50) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sounds pressure level exceeds 50 dB(A), the standard shall be ambient plus 5 dB(A).

A SWES that is out-of-service for a continuous twelve (12) month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a SWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice of Abandonment. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner of such withdrawal if the Owner provides information that demonstrates the SWES has not been abandoned.

If the SWES is determined to be abandoned, the Owner if the SWES shall remove the wind generation and the tower at the Owner's sole expense within three (3) months of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

C. Medium Wind Energy Systems (MWES):

The primary use of this system is for commercial, municipal, or industrial on-site consumption of utility power produced by a generator of more than sixty (60) kilowatts to three hundred (300) kilowatts located on a tower not exceeding one hundred sixty-four (164) feet in height.

Every application shall be accompanied by the informational requirements of Section B above unless amended as follows:

1. The Site Plan shall comply with the applicable requirements of Article 6: SITE PLAN REVIEW, Section 6.06 REQUIRED INFORMATION.
2. MWES specifications including manufacturer and model; rotor diameter; tower height, type and sealed drawings; seated tower foundation drawings.
3. The method of restricting access to ground mounted electric/control equipment and tower access to a height of twelve (12) feet above grade.
4. Demonstration that the rotor blade clearance is a minimum of thirty (30) feet above grade.
5. Submission of a sound level analysis prepared by a qualified engineer indicating that noise emissions from the MWES will not exceed forty-five (45) dB(A) measured at the property lines. This sound pressure level may be exceeded during short-term events such as utility outages and/or severe wind storms. In the event the ambient sound pressure level exceeds 45 dB(A), the standard shall be ambient plus 5 dB(A).

A MWES that is out-of-service for a continuous twelve (12) month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the Owner of a MWES that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from receipt of the Notice of Abandonment. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the Owner of such withdrawal if the Owner provides information that demonstrates the MWES has not been abandoned.

If the MWES is determined to be abandoned, the Owner if the MWES shall remove the wind generation and the tower at the Owner's sole expense within three (3) months of receipt of the Notice of Abandonment. If the Owner fails to remove the wind generator and tower, the Zoning Administrator shall submit a recommendation to the Township Board to pursue legal action to have the wind generator and tower removed at the Owner's expense.

D. Large Wind Energy Systems (LWES):

The primary use of this system is to supply electricity to a grid system for off-site customers produced by a generator of more than three hundred (300) kilowatts located on a tower exceeding one hundred sixty-four (164) feet in height. Property may be owned or leased by the developer.

NOTE: The construction of a LWES is preceded by an investigation of on-site wind characteristics to assess suitability for power generation. This typically

involves wind monitoring over several months with the installation of a Met Tower, which due to its height, would necessitate an application for and receipt of special zoning approval. As of the effective date of these amendments to Ely Township's Zoning Ordinance, June 23, 2009, no such approval has been requested or granted for any Met Tower installation.

Prospective applicants are apprised that Ely Township has initially adopted basic regulation for LWES to assist developers in site assessment and up-front planning to minimize potential problems. Upon granted a Conditional Use for a Met Tower in districts where LWES are conditionally permitted, the Ely Township Planning Commission will commence work to complete this portion of the Ordinance within seven (7) months. Topics to be addressed may include, but are not limited to, Road use and restoration plan, Design site plan, Aircraft protection, blasting plan, Avian and wildlife impact, Microwave and electromagnetic interference, Shadow flicker analysis, Noise and testing parameters, Lighting and stray voltage assessment, Security and emergency response plan, Emergency shutdown plan, Decommissioning and site restoration plan and Bonding/financial guarantee agreement, etc.

1. LWES will be initially subject to the following requirements:
 - (a) The Site Plan shall comply with the applicable requirements of Article 6 SITE PLAN REVIEW, Section 6.6 REQUIRED INFORMATION.
 - (b) Turbine rotor blade clearance shall be a minimum of fifty (50) feet above grade.

NOTE: Noise related to LWES installations is a serious concern for impacted communities and the emergent wind industry. The State of Michigan appears to advocate relaxed rules for siting industrial wind generation in quiet rural communities and ignores, to the discomfiture of residents, two decades of European and Australian experience in regulation and balance between societal and corporate rights.

Available information about the negative effects of LWES upon individuals is contradictory, although research completed and in progress appears to support the potential for public health risks for a segment of the population and other negative impacts upon property. At the same time progress within the wind industry is continuous with increasingly higher generating capacity available in individual wind turbines. More time is required to assess the impact of these industrial-sized systems on the health and safety of people residing, pursuing recreation and working in their vicinity.

Presently, due to industry evolution and unconfirmed scientific studies, Ely Township decides to err on the side of caution. Options presently available to reduce LWES noise emissions involve reducing the sound power at the source or increasing the distance between source and receiver.

- (c) Setbacks

- (1) Each LWES shall be setback 150% of the total extended height of the LWES from any Participating Parcel or Project Parcel property boundary lines.
- (2) Each LWES shall be setback 200% of the total extended height of the LWES from any public road Right-of-Way and any overhead utility line.
- (3) Each LWES shall be located 1600 feet from any single family or seasonal dwelling located on a Participating Parcel.
- (4) Each LWES shall be located 3300 feet from any single family or seasonal dwelling located on a Non-Participating Parcel.

(d) Sound Emission Testing

All testing, modeling and analysis of each LWES shall conform to the measurement standards and protocols of ANSI S12.9, Parts 1-5; ANSI S12.17; ANSI S12.18 and IEC 61400 – 11 and be performed by a qualified professional consultant selected by Ely Township and paid for by the applicant via an Escrow Account controlled by the Township.

(1) In order to establish long-term background noise, the preconstruction La90 and Lc 90 ambient sound levels are to be measured at the property lines of Non-Participating Parcels at night time between the hours of 9:00pm to 5:00am.

(2) Post-construction operating sound levels are to be measured within nine (9) months of a fully operational LWES installation at the property lines of Non-Participating Parcels at night time between the hours of 9:00pm to 5:00am. The maximum noise emission at any Non-Participating Parcels containing a single family or seasonal dwelling shall not be in excess of the following limits:

-Maximum Emission Level – 40dB(A)

-Maximum Emission Level – 55dB(C)

-Maximum emission above preconstruction ambient level – La90+5dB

-Maximum emission above preconstruction ambient level – Lc90+5dB

-Emission Spectra Imbalance – $Lc90+5dB - (La90+5dB) < 20dB$

Each limit above is independent and exceeding any of the limits will be determined to be evidence of non-compliance. The Zoning Administrator shall immediately inform the operator of non-compliance with the Emission Limits, The LWES shall be removed from the operation until such time as compliance with noise levels is achieved.

*Information in the Sounds Emission Testing section is based in part upon “The How to Guide to Siting Wind Turbines to Prevent Health Risks from

Sound” by G.W. Kamperman and R.R. James Version 2.1, dated October 28, 2008.

SECTION 4.29: PRIVATE EASEMENT

- A. A roadway which serves four parcels or less including the Parent Parcel.
 - 1. A private easement shall have a 16’ wide improved surface with tree branches trimmed to a height of 15’ to accommodate emergency vehicles.
 - 2. A private easement shall have direct legal access to a public roadway-maintained year-round by the Marquette County Road Commission and a wide enough R.O.W. shall be reserved in the event the owner sells more than four parcels and therefore becomes a private road, the individual selling the additional parcel(s) shall be responsible for the upgrading to private road status and must be in compliance with section 4.30 of the Ely Township Zoning Ordinance.

SECTION 4.30: PRIVATE ROAD

- A. A roadway which serves more than four parcels including the Parent Parcel.
 - 1. All private roads shall be developed in the minimum design, construction, inspection, approval and maintenance requirements of the Marquette County Road Commission.

ARTICLE 5: SIGNS

SECTION 5.01: INTENT

It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services and facilities without difficulty and confusion, to prevent hazards of life and property, and to assure the continues attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the right of legitimate business interests and of the public.

SECTION 5.02: DISTRICT SIGN REGULATIONS

- A. Sign regulations within all residential districts shall be permitted as follows:
 - 1. One sign to announce the sale or rent of property whose area shall not exceed six (6) square feet.
 - 2. Churches shall be permitted a total sign area of twenty (20) square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
 - 3. One sign per vehicle entrance which identifies a platted subdivision development or mobile home park not exceeded thirty-two (32) square feet and eight (8) feet in height.

4. Multiple dwellings and nursing homes shall be permitted one (1) identification sign not to exceed twelve (12) square feet and eight (8) feet in height.
5. One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated or have working parts. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from visual appearance of the neighborhood.
6. Signs shall not be located on or within the right-of-way and shall not interfere with traffic visibility.
7. All signs shall be located a minimum of ten (10) feet from any boundary line other than a road right-of-way line or in accordance with Section 4.01, relative to minimum setbacks for side yards whichever is more restrictive.

SECTION 5.03: TOWN DEVELOPMENT DISTRICT

- A. On-premise signs are permitted in the Town Development (TD) District on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each ten (10) feet frontage, or sixty (60) square feet for each acre of area of the developed premises. There shall be a maximum of one hundred (100) square feet of sign area for each developed parcel.

Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a name distinct from that of the occupants, as in a shopping center, an additional two (2) square feet of sign for each ten (10) feet of street frontage, up to a maximum of two hundred (200) square feet is permitted only for signs identifying the developed premises.

- B. Signs shall be subject to the following setback requirements:
1. A minimum five (5) foot setback is required when the distance from the centerline of the road to the right-of-way line is less than fifty (50) feet. A sign maybe located at the right-of-way line when the distance from the centerline of the road to the right-of-way line is greater than fifty (50) feet. The setback shall be measured from the right-of-way line to the closest part of the sign, whether it be at or above grade. Signs shall be subject to the height regulations for the Town Development District and shall be located a minimum of ten (10) feet from said boundary line other than a road right-of-way line.

SECTION 5.04: INDUSTRIAL DISTRICT

In the Industrial District, on-premise signs shall be permitted having a sign area not to exceed one hundred (100) square feet. Off-premise signs shall be permitted having a maximum sign area of three hundred (300) square feet per sign. Back-to-back signs shall have a maximum of three hundred (300) square feet for each side and shall be no more than four (4) feet apart. Individual signs shall be located at least three hundred (300) feet

apart and shall maintain a minimum forty (40) foot setback. The maximum height for signs in the Industrial District shall be thirty (30) feet and shall be located a minimum of ten (10) feet from said boundary line other than a road right-of-way line.

SECTION 5.05: CONDITIONAL USE SIGNS

On-premise signs are permitted to identify or advertise an approved conditional use or activity however, such signs shall not advertise a specific product which has not been produced on the premise. Signs shall have a maximum sign area of sixteen (16) square feet and shall not exceed eight (8) feet in height. Signs shall be subject to the following setback requirements:

- A) A minimum five (5) foot setback is required when the distance from the centerline of the road to the right-of-way line is less than fifty (50) feet;
- B) A sign may be located at the right-of-way line when the distance from the centerline of the road to the right-of-way line is greater than fifty (50) feet. The setback shall be measured from the right-of-way line to the closest part of the sign, whether it be at or above grade. Sign regulations in the Section shall not apply to any conditional use located in the TD or I Districts, or to churches, multiple family dwellings, nursing homes or home occupations.

SECTION 5.06: TEMPORARY SIGNS

Signs which are intended to identify or advertise a non-profit, annual or one-time event or occurrence, such as a fair or other event of general public interest, shall be authorized by written permit of the Zoning Administrator for a period not to exceed two (2) months by upon finding that the proposed sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all temporary signs which shall be removed no later than ten (10) days after the end of the event.

SECTION 5.07: CONSTRUCTION SIGNS

One (1) construction sign is permitted per project not to exceed sixteen (16) feet in the sign area for residential districts and thirty-two (32) square feet from the Town Development or Industrial Districts. Signs shall not be erected more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall not be confined to the site of construction, and shall be removed prior to occupancy.

SECTION 5.08: EXEMPT SIGNS

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance.

- A. Public Signs of a noncommercial nature and in the public interest, erected by, or based upon the order of a public officer in the performance of official duty.
- B. Political signs which are intended to advertise a public election, and individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs

must be removed within ten (10) days of the election date and shall not be located on or within the public right-of-way.

- C. “No Hunting” and “No Trespassing” signs.
- D. Signs which identify the name of a farm or farming operations.
- E. Residential Identification Signs which only have the occupant’s name and/or house number.

SECTION 5.09: LIGHTING OF SIGNS

No lighted signs shall be permitted within any residential district. No strobe or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

SECTION 5.10: MAINTENANCE OF SIGNS

Dilapidated signs and/or structures which may cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are hereby declared a nuisance and a potential hazard to the general health, safety and welfare. All signs shall be maintained in a safe condition and good repair, and failure to maintain a sign as required by this Ordinance, or to remove it upon notice from the Zoning Administrator, shall constitute a violation of this Ordinance.

SECTION 5.11: NON-CONFORMING SIGNS

- A. It is the intent and purpose of this Section to eliminate all nonconforming signs just as rapidly as the police power of the Township allows, except as may be otherwise provided for in Article 8 of this Ordinance.
- B. Non-Conforming signs:
 - 1. Shall not be structurally altered to prolong the life of the signs, nor shall the shape, size, type or design of the sign/structure be altered.
 - 2. Shall not be continued after the activity, business, or usage to which it relates has been discontinued for thirty (30) days or longer.
 - 3. Shall not be reconstructed after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.
 - 4. Shall not be altered or changed to create another non-conforming use or structure.
 - 5. May have the face or message updated but shall not be structurally altered in any way.

SECTION 5.12: BILLBOARDS

All billboards shall meet the provisions of the Highway Advertising Act of 1972, Act 106 of 1972, as amended.

ARTICLE 6: SITE PLAN REVIEW

SECTION 6.01: PURPOSE

The purpose of site plan review is to ensure that a proposed land use or activity is in compliance with the local Ordinances and State and Federal statutes. The term “Site Plan” includes all documents, plans, and drawings required by the Zoning Ordinance. The site plan should specifically denote the detailed intent of the petitioner. The specified standards and required procedures contained herein are intended to promote the orderly development of Ely Township, assure compliance with all applicable Federal, State and local Ordinances and to promote and protect the public health, safety and general welfare of Township residents and the public at large.

SECTION 6.02: REQUIRED PLAN APPROVALS

Site plan review is required for all proposed land uses and activities including any subdivisions of land developed in accordance with the requirements of P.A. 59, 1978, the Condominium Act, and subsequent amendments as specified in P.A. 538, 1982, as well as other requests for zoning status where the Zoning Administrator determines that a site plan is necessary for the accurate review and/or documentation of the petitioner’s request except as provided for in Section 6.03 of this Ordinance.

SECTION 6.03: EXCEPTIONS

Site Plan Review is not required for any permitted proposed land uses or activities in the Public Lands District (PL). Single-family residential lots, for which off-street parking areas are provided as required in this Ordinance, are exempted from the site plan approval requirement when the proposed building and plot plan have been reviewed and approved by the Zoning Administrator and where a building permit has been issued. Wherever conflict may arise between the required information to be provided with an application for Site Plan Review as stated in Section 6.06 of this Article, with the requirements as set forth in Public Act 96 of 1987, as amended, relative to Mobile Home Parks, the State Statute shall prevail. All other required information items noted in this section shall, however, be provided as stated herein.

SECTION 6.04: SITE PLAN REVIEW AND APPROVAL AUTHORITY

The Township Planning Commission is the official designated legal entity charged with the review and approval of all site plan documents except as provided for in Section 6.03.

SECTION 6.05: PROCEDURES FOR SITE PLAN REVIEW

Upon request, an application form shall be provided to the petitioner by the Township Zoning Administrator. All questions on the form shall be completed in ink and signed by the petitioner or his representative, and returned to the Township Zoning Administrator along with the proposed site plan, specifications and the required payment of a nonrefundable fee, as outlined in the “Schedule of Fees”, to offset processing and review costs. If the Township Zoning Administrator determines that the site plan submission does not include all of the required information as required herein, written notice of

denial, including all of the reasons for rejection along with instructions for revising the submission to make it acceptable, will be provided to the petitioner within thirty (30) days of the original application date and plan submission. Any applicant seeking Site plan approval in the US-41/M28 Corridor must submit to the Ely Township Zoning Administrator a transmittal letter indicating a Site Plan has been furnished to the Ishpeming Transportation Service Center for review and approval by MDOT.

It shall be the responsibility of the Township Zoning Administrator to forward the completed application along with all other final plan documents to the Planning Commission for review and consideration at their next regularly scheduled meeting if all the required information has been received at least then (10) days prior to the date of the next regularly scheduled meeting.

To assure full disclosure of relevant information to all potentially impacted review and/or approval agencies having jurisdiction within the proposed project development area, the Township Zoning Administrator may transmit one (1) copy of the complete site plan to each of the following agencies for their review and comment:

1. Marquette County Drain Commissioner
2. Marquette County Road Commission
3. Marquette County Health Department
4. Superintendent of Schools
5. Fire Chief
6. Chief of the Local Law Enforcement Authority
7. Affected Utility Companies
8. Other Federal, State County or local agencies which may be impacted by the proposed development plan
9. Michigan Department of Transportation (MDOT) US Hwy 41/M28 Corridor Access Review

The Planning Commission shall base its review and evaluation of the site plan upon the specific requirements and standards as established within each individual Zoning District Classification and upon the General Standards for Site Plan Approval.

SECTION 6.06: REQUIRED INFORMATION

Every application will be accompanied by the following informational requirements unless the proposed structure contains less than 1500 square feet of gross floor area, the land use activity requires less than six (6) off-street parking spaces, and the specific informational requirements are waived in writing by the Zoning Administrator and approved by the Planning Commission.

1. An application form as provided by the Township Zoning Administrator fully completed in ink and signed by the petitioner or his representative.
2. A minimum of twelve (12) copies of all plans, documents and/or drawings containing the following information and data for all proposed land uses and activities except as provided for in Section 6.03.

3. A complete legal description of the parcel(s) as it appears on the deed, and the gross and net area of the proposed site plan in acres.
4. A fully dimensioned map/drawing, at a readable scale, showing all relevant data including building setbacks, spatial relationship of all buildings, scale, directional arrow, original dates, revision dates, if any, and a vicinity sketch or location map (1" =2000' approximate).
5. The name of the proposed project/development/activity.
6. The name, address, and telephone number of all fee interest holders and type of ownership.
7. Any proposed deed restrictions or covenants affecting the proposed plan and future on or off-site development.
8. The size, shape, location and use of all existing and proposed structures.
9. The location of all existing and proposed driveways, curb cuts, and points of ingress and egress.
10. The location, names and widths of all existing and proposed, public or private rights-of-way including roads, railroads, easements, clear view triangles, utility licenses and the jurisdiction of ownership status of each.
11. The location and names of all existing and proposed water courses, water bodies, flood plains, surface drainage ways, either natural or man-made.
12. The existing and proposed zoning classification of the plan site and all adjacent or abutting properties, and if platted, the Liber and Page numbers of record plats.
13. The designated access locations for fire vehicles and emergency apparatus along with fire lane widths, type of road surfacing, and any turnaround areas along with all relevant dimensions.
14. The notation of any significant or distinctive topographical features which may be desirable to protect as natural features.
15. The nature, size, type and specific location of any forest or vegetative cover.
16. The existing and proposed pavement widths, condition, and type, and the location of any acceleration or deceleration lanes existing or proposed.
17. The existing or proposed vehicular, bicycle, and pedestrian circulation systems including all relevant dimensions; parking space sizes and numbers; designated handicapped parking areas and numbers; customer/employee parking areas.
18. The location, size, and depth as may be required for all public or private utility lines, individual service leads, storage tanks, existing and/or proposed to service the project.
19. The definition and location of all loading areas, truck docks, service drives, and truck wells, with relevant dimensions.
20. The location of all permanent or temporary signs, existing or proposed, including their design, area, size, height, illumination and the type of construction.
21. A complete landscaping plan, including the location of all greenbelts, buffer yards, fencing or screening with specific indication of all landscape materials to be utilized.

22. The location of all proposed trash and refuse receptacles and the method to be used for screening the areas.
23. The existing and proposed topography of the site with elevations based USGS, on site or relative datum and mapped utilizing two (2) foot minimum contour intervals; five (5) foot intervals may be used where grades are in excess of ten percent (10%). All benchmark locations, descriptions and elevations shall be noted.
24. A complete set of architectural floor plans including all relevant square footage calculation, exterior building elevations, and the existing and proposed building grades and heights. Multiple unit proposals shall include all density and area calculations.
25. All available information relative to on-site soil conditions, profiles, inventories, borings and the source of all related reference material.
26. All available information on sub-surface water table depths or elevations, along with the quantity and quality of potential potable water supplies as required.
27. Any existing and proposed exterior lighting plans which may be anticipated for parking areas, and general information regarding maximum illumination and candlepower of proposed lighting systems.
28. Any such other information as may be required and/or deemed necessary by the Planning Commission to properly and adequately evaluate the proposed project site plan or land use activity.
29. Project completion schedule and/or development phases.
30. The seal of the licensed engineer, architect, landscape architect, land surveyor or community planner.

SECTION 6.07: GENERAL STANDARDS FOR SITE PLAN APPROVAL

1. The site plan shall be organized into a document reflecting adequate considering to the various design alternatives in accommodating the dictates of the physical site characteristics and constraints. The site plan shall further the use of lands in accordance with their character and adaptability providing for orderly development within the framework of this Ordinance.
2. The proposed land use and activity will be established in conformance with the requirements of the existing or proposed zoning district for the site, and shall be developed in such manner as to maximize the harmony and compatibility with the surrounding area.
3. Any adverse effects created on site by the proposed land use or activity shall be minimized utilizing effective landscaping design and screening techniques.
4. The natural features of the site shall be protected or preserved in their original state in so far as practical and whatever they can be utilized to enhance the development of the site.
5. The proposed plan shall reflect a proper relationship between existing and proposed streets and highways within the vicinity. Every structure shall have

adequate pedestrian access to public right-of-way, walkway or other common use areas.

6. All buildings and structures within the proposed site plan shall be accessible on all sides by emergency vehicles and emergency apparatus systems. Emergency vehicle access shall be available to the site by a public street and provided through the site utilizing fire lanes clearly marked and identifies for that purpose.
7. Physical improvements to the site, including vehicular and pedestrian circulation systems, water, sewer service, storm drainage, electric power, and telephone utilities, as well as land balance, grading and erosion control measures shall be designed and constructed in strict compliance with all the requirements of the individual, Federal, State, County, of local agencies' adopted standards and specifications.
8. Adequate measures shall be taken to control and minimize adverse impacts to neighboring areas due to on-site land uses or activities. Nuisance controls, addressing problems of noise, vibration, smoke, odor, glare, light, heat and drifted snow, sand or fugitive materials shall be incorporated into the plan as required.
9. A storm water management plan, that addresses on-site surface runoff problems and which can be integrated into a general drainage scheme for the area, shall be provided to assure against any adverse effects to neighboring or off-site property owners.
10. Accessibility, ingress, and egress to the site shall be designed to assure safety and convenience to the general public. All parking areas located within the proposed site plan shall be in compliance with the requirements set forth in this Ordinance.
11. Exterior lighting plans should anticipate adverse impact to adjacent properties; therefore, adequate design considerations shall be required to deflect or limit excessive light and glare which could impede the vision of drivers on adjacent roads or become a nuisance to adjacent property owners.

SECTION 6.08: PLANNING COMMISSION REVIEW

Upon receipt of the complete site plan submission along with the receipt of comments from an affected Federal, State, County or local approving agencies, the Planning Commission shall proceed with the review of the site plan documents to determine compliance with the requirements and general intent of the Zoning Ordinance. The Planning Commission at its option may schedule and conduct a public hearing prior to the final approval of any site plan required by this Ordinance. Within thirty (30) days, the Planning Commission shall respond to the petitioner through the Township Zoning Administrator with a written approval, approval with conditions of modification or a denial.

If approved, the Planning Commission Chairman, and the Township Zoning Administrator shall sign and date three (3) complete sets of the site plan. One (1) approved, signed and dated set shall be returned to the petitioner and the other two (2) copies shall be retained by the Township for record purposes. If the site plan is denied

approval, the reasons will be set forth in writing and forwarded to the petitioner by the Township Zoning Administrator.

SECTION 6.09: REVISIONS, MODIFICATIONS, OR CORRECTIONS TO AN APPROVED SITE PLAN

Once a site plan has been reviewed and approved by the Planning Commission, it shall become a part of the record of approval. Subsequent actions relating to the authorized activity shall be consistent with the approved site plan unless a change, conforming with this Zoning Ordinance, received mutual agreement of the petitioner and the Planning Commission. Except for minor changes, any changes requested specifically by the petitioner shall require a resubmission of the revised site plan and payment of an additional review fee.

SECTION 6.10: FINANCIAL GUARANTEES

To insure the construction and installation of the necessary improvements, and unless the site plan review requirements, as specified in Section 6.06 have been specifically waived in writing by the Zoning Administrator and approved by the Planning Commission in accordance with said Section 6.06, the Planning Commission may require that a cash deposit, certified check, bond, irrevocable bank letter of credit or other financial guarantee be provided by the petitioner prior to the issuance of the official site plan approval and Certificate of Occupancy. Surety shall be provided in an amount sufficient to fulfill the faithful performance of the agreement. The Planning Commission, at its option, may authorize proportional rebates of the financial guarantee to the petitioner as the construction work progresses and upon the completion of significant phases of the scheduled improvements.

SECTION 6.11: FINAL APPROVAL OF PROJECT

When the site has been substantially developed in compliance with the approved site plan documents, the Zoning Administrator may request an on-site inspection with the petitioner. The joint on-site inspection shall require the review and approval of all the required plan elements to the satisfaction of the Township Zoning Administrator in strict accordance to the requirements as set forth in this Ordinance. An as-built site plan, in accordance with Section 6.15, may be submitted at the time if requested by the Zoning Administrator.

After the joint field inspection has been completed, and the site has been approved by the Township Zoning Administrator, a letter of acceptance will be forwarded to the Petitioner by certified mail, return receipt requested. If there are deficiencies on the site and the improvements are not in compliance with the approved site plan documents, a similar certified letter setting for the reasons for such denial shall be sent to the petitioner. Until such time as the stated deficiencies are corrected, an official letter of acceptance will not be authorized.

SECTION 6.12: TIME LIMIT TO IMPLEMENT APPROVED SITE PLAN

The approved site plan shall be implemented and all required improvements completed no later than two (2) years after the date of initial approval. The Planning Commission, at its option, may authorize a one (1) year extension to the initial approval if extenuating circumstances justify an extension of time.

SECTION 6.13: ORDINANCE INTERPRETATION AND APPEALS

An individual aggrieved by an action of the Planning Commission in the approval, conditional approval, or denial of a site plan submission may appeal any interpretations of this Ordinance to the Township Zoning Board of Appeals for their review and final determination. The factual basis for the appeal must be exclusive, in writing and filed with the Township Clerk within seven (7) days after the state of the decision of the Planning Commission. An appeal shall stay action on the issuance of any permit pursuant to an approved site plan.

SECTION 6.14: ZONING BOARD OF APPEALS PROCEDURE

The Zoning Administrator shall not less than fifteen (15) days in advance of the hearing: cause to be published in a newspaper of general circulation one (1) notice of Public Hearing and shall notify by regular mail or personal delivery the applicant and all property owners within 300 feet of the subject property. The notice shall describe the nature of the appeal, indicate the property involved including the street address, state the time and place of the Public Hearing and indicate when and where written comments will be reviewed.

The Zoning Board of Appeals shall review the record of action taken on the final site plan and shall determine whether the record supports the action taken. No new evidence shall be presented. The Zoning Board of Appeals shall approve the final site plan if the requirements of this Section and other applicable Ordinance requirements are met. The Zoning Board of Appeals shall make written findings in support of its decision on the appeal.

SECTION 6.15: AS-BUILT SITE PLAN

Upon completion of the installation of required improvements as shown on the approved site plan, the property owner may submit to the Zoning Administrator one (1) reproducible mylar copy or other acceptable media copy at the discretion of the Zoning Administrator of an “as-built” site plan, certified by a licensed professional as noted in Section 6.06 (30), at least one week prior to the anticipated occupancy of any building. The Zoning Administrator may circulate the as-built plans among the appropriate agencies for review to insure conformity with the approved site plan and other Township, County, State or Federal requirements. Each agency shall have a thirty (30) day period to review the as-built plans, after which the Zoning Administrator may make the final inspection and issue any other necessary permits if all requirements of the approved site plan and this Ordinance have been satisfied.

SECTION 6.16: LAND CLEARING

No person shall undertake or carry out any such activity or use, including any grading, clearing, cutting and filling, excavating, or tree removal associated therewith for which site plan approval is first required by this Ordinance. Nor shall such activity proceed prior to obtaining necessary soil erosion and sedimentation control permits, wetlands permits, or floodplain permits. Any violation of this provision is subject to the fines and penalties prescribed in Section 12.04 of this Ordinance for each day the violation from the day of discovery of the incident until a restoration plan, or a site plan has been approved.

ARTICLE 7: CONDITIONAL USE PERMIT

SECTION 7.01: INTENT

The functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. The forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide the necessary control and reasonable flexibility in establishing provisions have been made for the health, safety, convenience and general welfare of the community's inhabitants. To accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following Sections together with previous references in other Sections designate what uses require a Conditional Use Permit.

SECTION 7.02: APPLICATION PROCEDURE

- A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- B. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. Every application shall be accompanied by the following information and data:

1. Conditional Use Permit Application for provided by the Zoning Administrator and filled out by the applicant.
 2. Uses proposed to occur entirely on a single family residentially zoned and utilized lot, for which adequate off-street parking areas are provided, shall submit a Plot plan. All other proposed uses shall submit ten (10) copies of a site plan meeting the requirements of Article 6 (Site Plan Review), Section 6.06.
 3. A statement with supporting evidence regarding the required findings specified in Section 7.04.
- D. Upon receipt of such material, the Zoning Administrator, may transmit one (1) copy to the road commission, drain commission, health department, school district, fire chief, local law enforcement authority, affected utility companies and other Federal, State, County or Local agencies impacted by the proposal and the Planning Commission for their review and comment. Each agency will be requested to review the document and forward any comments to the Zoning Administrator. The Zoning Administrator shall transmit a copy of the site plan along with any agency response to the Planning Commission for their review.
- E. Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- F. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of this Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- G. If on-site activities relative to the development of a Conditional Use Permit, have not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant. Where differences and/or conflicts may arise with the time constraints as set forth in Section 7.02, of this Ordinance with the time schedules as outlined in Rule 905(6), of the Mobile Home Commission General Rules based upon Public Act 96 of 1987, as amended, then the State Statute and Rule shall prevail. However, all other requirements as set forth withing Section 7.02 of this Article shall be accommodated.

SECTION 7.03: REVIEW AND FINDINGS

- A. Planning Commission Public Hearing: The Planning Commission shall review the application within thirty (30) days of the date of the application. The Zoning Administrator shall not less than fifteen (15) days in advance of the hearing: cause to be published in a newspaper of general circulation one (1) notice of Public Hearing and shall notify by regular mail or personal delivery the applicant and other parties of interest and all property owners within three hundred (300) feet of

the subject property involved including the street address, state the time and place of the hearing and indicate when and where written comments will be received concerning the request, pursuant to Section 103 of Act 110 of 2006, as amended (MCL 125.3103).

- B. Planning Commission Action: The Planning Commission shall approve, approve with conditions, or reject the application within thirty (30) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons in writing for approval, denial, or modification of the Conditional Use Permit application. The decision on a Conditional Use shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed. Following favorable action by the Planning Commission, the Zoning Administrator shall issue a Conditional Use Permit, in accordance with the site plan and any conditions placed on such permit by the Planning Commission. All conditions shall be clearly specified in writing and comply with the requirements of Section 504 (4) (a, b and c) of Act 110 of 2006, as amended (MCL 125.3504), and the petitioner has one year from the date of hearing to comply with all specified conditions except as provided for in Section 7.02 (G). Compliance shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.

SECTION 7.04: GENERAL STANDARDS

The Planning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general policies or with any specified objectives with the Ely Township Community Master Plan;
- B. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the area;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. Will not diminish the value of land, buildings, or structures in the District;
- E. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or school, and that the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide such services;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

- G. Will not involve uses, activities, processed, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- H. Will protect the public health, safety and general welfare of the community;
- I. Will be consistent with the intent and purpose of the specific zoning district in which it is located.

SECTION 7.05: CHILD/DAY CARE CENTERS, GROUP DAY CARE HOME

The following standards shall be utilized by the Planning Commission when considering the location for child/day care centers or group day care home:

- A. The proposed site shall not be located closer than 1,500 feet to any of the following:
 - 1) Any licensed facility/home for the care of children.
 - 2) An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - 3) A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - 4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- B. There will be appropriate fencing for the safety of the children in the child/day care center or group home as determined by the Township Planning Commission.
- C. The maintenance of the property will be consistent with the visible characteristics of the neighborhood.
- D. The proposed use shall not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a child/day care center or group home between the hours of 10 p.m. and 6 a.m.
- E. The proposed use shall meet regulations of this ordinance governing signs used by the child/day care center or group home to identify itself.
- F. A child/day care center or group home operator shall provide off-street parking accommodations for all employees as required by this Ordinance.

SECTION 7.06: CONDITIONS AND SAFEGUARDS

- A. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance, or operation of the use authorized by the Conditional Use Permit as

in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect the natural resources, the health, safety, and welfare, as well as the social and economic well-being of those benefiting from 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; and be consistent with the general standards listed in Section 7.04 of this Ordinance.

- B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
- C. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond, irrevocable bank letter of credit or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as the original approval to the effect that:
 - 1) Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2) Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after a written order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this Zoning Ordinance.
- F. All plans, specification and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, as part of the conditions of any Conditional Use Permit issued.
- G. No application for a Conditional Use Permit which had been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of six (6) months or more from the date of such denial, except on appeal or on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Planning Commission.

- H. The foregoing general standards are basic to all Conditional Uses, and the specific requirements accompanying the individual sections relating to particular uses are in addition to and shall be required in all applicable situations.

SECTION 7.07: APPEALS

- A. Appeals concerning the decision relating to a Conditional Use Permit by the Planning Commission shall be made to the Ely Township Zoning Board of Appeals by filing a written notice of appeal, in accordance with Section 10.07, within thirty (30) days of the date of decision specifying the basis of appeal. The Planning Commission shall transmit copies of all data constituting the record to the Township Zoning Board of Appeals.
- B. An additional fee shall be required for an appeal concerning the decision involving the Conditional Use Permit.
- C. The Township Zoning Board of Appeals shall consider the appeal at the next regularly scheduled Board meeting or at a special meeting called specifically for that purpose.
The Zoning Administrator shall not less than fifteen (15) days in advance of the hearing: cause to be published in a newspaper of general circulation one (1) notice of Public Hearing and shall notify by regular mail or personal delivery the applicant and all parties notified for the initial hearing. The notice shall describe the nature of the appeal, indicate the property involved including the street address, state the time and place of public hearing and indicate where and when written comments will be received.
- D. Any party or parties may appear at the Public Hearing in person or may be represented by an agent of legal counsel.
- E. Based upon the materials received and the testimony recorded at the Public Hearing, the Zoning Board of Appeals shall affirm or reverse, wholly or partly, the decision of the Planning Commission, or revise and modify the conditions imposed upon the issuance of any Conditional Use Permit. The Township Zoning Board of Appeals shall set forth in writing the reasons for approval, approval with conditions or denial and transmit the information to the Planning Commission.
- F. Any appeal relative to the final decision of the Township Zoning Board of Appeals shall be the Circuit Court of Marquette County, as provided by law.

ARTICLE 8: NONCONFORMING USES AND STRUCTURES

SECTION 8.01: INTENT AND PURPOSE

It is the intent of this Article to permit legal nonconforming structures or uses to continue until they are removed, but not to encourage their continued existence. It is recognized that there exists within the districts established by the Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

SECTION 8.02: ILLEGAL NONCONFORMING USES OR STRUCTURES

Nonconforming uses or structures existing at the effective date of this Ordinance that were established without approval of Zoning Compliance or without a valid building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance, shall be declared illegal nonconforming uses and are not entitled to the status and rights legally established nonconforming uses.

SECTION 8.03: DEFINITION AND CLASSIFICATION OF NONCONFORMING USES AND STRUCTURES

Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Class A nonconforming uses or structures are those which have been so designated by the Zoning Board of Appeals, after application by an interested person or the Zoning Administrator, upon findings that continuance thereof would not be contrary to the public health, safety, or welfare, or to the spirit of this Ordinance; that the use of structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform. All legally established nonconforming uses and structures not designated as Class A are Class B nonconforming uses or structures.

SECTION 8.04: PROCEDURES FOR OBTAINING CLASS A DESIGNATION

A written application shall be filed setting for the name and address of the applicant, giving a legal description of the property to which, the application pertains, and including such other information as may be necessary to enable the Zoning Board of Appeals to make a determination of the matter. The Zoning Board of Appeals may require the furnishing of such additional information as it considers necessary. The notice and hearing procedure before the Zoning Board of Appeals shall be the same as in the case of application for a variance. The decision shall be in writing and shall set forth the findings and reasons on which it is based. Conditions shall be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare or the spirit and purposes of this Ordinance. No vested interest shall arise out of a Class A designation.

SECTION 8.05: REVOCAION OF CLASS A DESIGNATION

Any Class A designation shall be revoked, following the same procedures required for designation, upon a finding that as a result of any change of conditions or circumstances the use or structure no longer qualifies for Class A designation.

SECTION 8.06: REGULATIONS PERTAINING TO CLASS A

NONCONFORMING USES AND STRUCTURES

- A. No Class A nonconforming use shall be resumed if it had been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 75% of the replacement cost of this structure.
- B. No Class A structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.
- C. No Class A nonconforming structure shall be enlarged or structurally altered nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 75% of the replacement cost of the structure.

SECTION 8.07: REGULATIONS PERTAINING TO CLASS B
NONCONFORMING USES AND STRUCTURES

It is a purpose of this Ordinance to eliminate Class B nonconforming uses and structures as rapidly as is permitted by law without payment of compensation.

- A. No Class B nonconforming use shall be resumed if it has discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction repair exceeds 50% of the assessed value of the structure.
- B. No Class B nonconforming structure shall be enlarged or structurally altered, nor shall it be repaired or reconstructed if damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50% of the assessed value of the structure.
- C. In the case of mineral removal operations, existing holes or shafts may be worked or enlarged on the land which constitute the lot on which operations were conducted at the time of becoming nonconforming, but no new holes or shafts shall be established.

SECTION 8.08: NONCONFORMING LOTS

Any nonconforming parcel of land shown as a lot in a map recording with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described may be used for permitted uses even though the lot area and/or dimensions are less than those required for the District in which the lot is located, provided that yard dimensions and other requirements of the District, not involving lot area or width, are met. If a parcel contains more than one nonconforming lot, which is contiguous and in one ownership and would make one or more conforming lots, then only one structure would be permitted per conforming parcel. In addition, if a parcel contains more than one nonconforming lot which is contiguous and in one ownership but

would not make one or more conforming lots, then only one structure would be permitted per parcel.

The spirit of this provision is to limit density in areas of historically small lots to provide the proper isolation for wells, septic systems, drainage and similar public health considerations. No vested right shall arise to the property owner for any parcel created in violation of any preceding Marquette County Zoning Ordinance.

SECTION 8.09: NONCONFORMING USES

Any nonconforming use, whether Class A or Class B, may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. A nonconforming use shall not be enlarged or increased, not extended to occupy a greater area of land than occupied at the effective date of adoption or amendment of this Ordinance.
- B. A nonconforming use shall not be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
- C. A nonconforming use shall not be extended throughout any parts of a building which were not manifestly arranged or designed for such use, and which existed at the time of adopting or amendment of this Ordinance. No such use shall be extended to occupy any land outside such building.

SECTION 8.10: REPAIRS AND MAINTENANCE

On any nonconforming structure or any structure devoted in whole or in part to a nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this section 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 8.11: CHANGE OF TENANCY OR OWNERSHIP

As long as there is no change in the character or nature of the nonconforming use, a change of tenancy or ownership is allowed.

SECTION 8.12: DISTRICT CHANGES

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as result of the boundary changes.

SECTION 8.13: PRACTICAL DIFFICULTY CASES

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Zoning Board of Appeals when it finds that the request is a case of practical difficulties in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, EXCEPT that any approval for structural changes, alteration or enlargement may be granted only with a finding by the Zoning Board of Appeals that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the practical difficulties.

ARTICLE 9: ADMINISTRATION AND ENFORCEMENT

SECTION 9.01: ADMINISTRATION

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board who shall have the right to delegate said responsibility to appropriate Township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

SECTION 9.02: ADMINISTRATIVE STANDARDS AND PROCEDURES

- A. In the course of administration and enforcement of this Ordinance, when it is necessary or desirable to make administrative decisions, unless other standards are provided in this Ordinance, such decisions shall not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- B. Where a Public Hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the Planning Commission:
 - 1) Shall base their decision upon facts presented at a Public Hearing;
 - 2) For Conditional Uses, Mineral Extraction Permits, and for the Zoning Board Appeals hearings, the Zoning Administrator shall publish notice of the Public Hearing in a newspaper of general distribution. Such notice is to be given not less than fifteen (15) days prior to the Public Hearing. Also, notification by mail or personal service shall be given to the applicant and all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's tax assessment roll shall be used as prima facie evidence of record ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than one dwelling unit or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given

to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;

- 3) For amendments, the Zoning Administrator shall publish a notice in a newspaper of general circulation in the Township, at least fifteen (15) days before the hearing. Said notice shall also go to utilities and railroads registered to receive the notice, and if the amendment is rezoning, also notification by mail or personal service shall be given to all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's assessment roll shall be used as prima facie evidence of record ownership;
- 4) All Hearing notices shall include the time, place and nature of the request, the street address and the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the Zoning Ordinance and proposals or applications may be examined;
- 5) All interested parties at the Hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration;

Note: In addition, the Zoning Administrator:

- 6) Shall prepare a comprehensive summary record of the Hearing, including an exact record of motions, votes and other official action;
- 7) Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
- 8) Shall file the record, written testimony, or documents submitted with regard to the Hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section;
- 9) Shall comply with all other requirements under the law; and;
- 10) Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.

C. Wherever a discretionary decision is authorized in the Ordinance, such as, but not limited to, the issuance of Conditional Use Permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements), may be imposed provided they are:

- 1) Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
- 2) Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
- 3) Necessary to meet the intent and purpose of the Zoning Ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to ensure compliance with those standards; and

- 4) The conditions imposed with respect to the approval of a land use or activity and shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and open to public inspection.

SECTION 9.03: ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Township Board and shall possess the necessary qualifications as outlined in a detailed job description on file with the Township Clerk, and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of the Township. The Zoning Administrator, or the designated agent, shall administer the provisions of this Ordinance and shall have all administrative powers and authority in connection therewith which are not specifically assigned to some other officer or body. The Zoning Administrator, Township officer, employee or designated agent shall have no power or authority to vary or waive the requirements of this Ordinance.

SECTION 9.04: DUTIES OF THE ZONING ADMINISTRATOR

- A. The Zoning Administrator shall have the power and authority to issue Zoning Compliance Permits and to review Site Plans to determine whether it is in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance.
- B. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out the duties of the office and to issue necessary permits and notices in the administration of this Ordinance.
- C. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall take such action as authorized to prevent violation of the provisions of this Ordinance.
- D. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- E. The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals.
- F. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until all required and pertinent information has been received and found to conform with the requirements of this Ordinance.

SECTION 9.05: ZONING COMPLIANCE PERMIT

- A. It shall be unlawful to use or occupy or permit the use or occupancy of any structure, building, premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit has been issued by the Zoning Administrator. The Permit shall be issued to the petitioner upon sufficient documentation that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.
- B. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

SECTION 9.06: ENFORCEMENT AND NOTICE OF VIOLATION

- A. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, a written notice of violation shall be issued.
- B. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- C. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- D. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within the specified period shall be reported to the Township Attorney who may initiate prosecution procedures.

SECTION 9.07: SPECIAL ZONING ORDERS, MAP AND RECORDS

The Zoning Administrator may maintain records, to be known as the Special Zoning Orders which shall list with a brief description, all variances, condition use permits, applicable condominium information, designations or nonconformance, written grants and/or authorizations and any terminations thereof. Each item shall be assigned a number when entered. The Zoning Administrator may also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers of the Special Zoning Orders indicating the locations affected by the items in the records. The Special Zoning Orders Map and Records shall be open to public inspection.

SECTION 9.08: FEES

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be available at the Township office and may be revised only by the Township Board. Administrative procedures shall not commence and no permit nor certificate shall be issued unless all required fees have been paid in full.

ARTICLE 10: ZONING BOARD OF APPEALS

SECTION 10.01: CREATION AND MEMBERSHIP

The Zoning Board of Appeals is hereby established in accordance with Act 110 of the Public Acts of 2006, as amended. The Board shall consist of five (5) members and two (2) alternate members to be designated at the option of the Ely Township Board. The first member of the Zoning Board of Appeals shall be a member of the Planning Commission and the remaining members shall be selected from the electors residing in Ely Township. One member may be a member of the Township Board; however, an elected officer of the Township shall not serve as chairperson and an employee or contractor of the Township Board may not serve as a member nor an employee of said Board of Appeals. The term of office shall be three (3) years, except for ex-officio members of the Planning Commission or Township Board, whose terms shall be limited to their official terms as Commissioner and/or Board Member respectively or to such lesser periods as determined by resolution of the Township Board.

SECTION 10.02: PROCEDURES

- A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairperson. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation 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 affect any variation in this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson and at such times as its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 9.02.

SECTION 10.03: DUTIES AND POWERS

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided herein; administrative review (Zoning Administrator, Planning

Commission), interpretation of the Zoning Ordinance, including the zoning map, variances and nonconforming uses.

- B. The Zoning Board of Appeals shall not have the power nor authority to alter or change the zoning district classification of any property, not make any change in the terms or intent of this Ordinance, but does have authority to act on those matters specifically provided for in this Ordinance.
- C. The Township Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present, and a member shall disqualify themselves from a vote in which they may have a conflict of interest.

SECTION 10.04: ADMINISTRATIVE REVIEW

- A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator as well as Site Plan and Conditional Use decision appeals of the Planning Commission.
- B. The Zoning Board of Appeals shall have the authority to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 - 2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator;
 - 3. Determine the off-street parking requirements for any use not specifically mentioned either by classifying it with one of the groups listed in Section 4.08 or by an analysis of the specific needs.

SECTION 10.05: VARIANCES

SECTION 10.05.01: APPLICATION PROCEDURES

- A. Any person having an interest in a property may file an application for a variance for the zoning district in which the land is located.
- B. Applications shall be submitted through the Zoning Administrator to the Zoning Board of Appeals. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- C. Every application shall be accompanied by the following information and data:
 - 1. Variance Request Application for provided by the Zoning Administrator and filled out by the applicant.
 - 2. Variances requested affecting land, buildings or structures on a single family residentially zoned and utilized lot, for which adequate off-street parking areas are provided, shall submit a Plot Plan. All other proposed uses shall submit six (6) copied of a site plan meeting the requirements of Article 6 (Site Plan Review), Section 6.06.

3. A statement with supporting evidence regarding the required standards specified in Section 10.06.

SECTION 10.05.02: REVIEW CONSIDERATIONS

- A. The Zoning Board of Appeals shall have the authority and duty to authorize, upon appeal in specified cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulties.
- B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered ground for the issuance of a variance.
- C. The Zoning Board of Appeals shall make finding that the requirements of this Section have been met by the applicant.
- D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of a variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.
- E. The Zoning Board of Appeals shall further find that the granting of a variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- H. In exercising the above-mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.
- I. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or buildings, or the construction authorized by such variance has commenced within one hundred eighty (180) days after the granting of such variance.

SECTION 10.06: VARIANCE STANDARDS

Prior to the authorization and granted of any Variance, the Zoning Board of Appeals shall determine that the following standards have been satisfied:

- A. Practical Difficulties/Dimensional Variance Standards:

The applicant must show practical difficulty by demonstrating all of the following:

1. Whether strict compliance with area, setbacks, frontage, height, bulk, density or other dimensional requirements would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
2. Whether the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the District.
3. Whether the appeal of the owner is due to unique circumstances or physical dimensions of the property and is not due to the applicants personal or economic difficulty.
4. Whether the problem is self-created (the result of the current or previous property owner).
5. Whether the variance will cause an adverse impact on surrounding property, or the use and enjoyment of property in the vicinity or zoning district.

NOTE: In the granting of any variance, the Zoning Board of Appeals shall insure that the spirit of the Ordinance is observed, public safety secured and substantial justice done.

SECTION 10.07: APPEALS

- A. Appeals concerning interpretation or the administration of this Ordinance shall be made in accordance with Section 6.13 regarding “Site Plan Approval” or for other contested actions by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within thirty (30) days from the date of the contested decision. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all the information constituting the record upon which the action appealed was based upon.
- B. The appeal fee, established by the Township Board, shall be paid to the Township at the time of filing the notice of appeal.
- C. Any party or parties may appear at the hearing in person or may be represented by and agent or any attorney.
- D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
- E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Zoning Board of Appeals, that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

SECTION 10.08: DUTIES ON MATTERS OF APPEALS

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse decisions of the Zoning Board of Appeals shall be to the Circuit Court of Marquette County, as provided by law.

ARTICLE 11: TOWNSHIP PLANNING COMMISSION:
PLANNING AND ZONING AUTHORITY

SECTION 11.01: DESIGNATION

The Ely Township Planning Commission, created as provided by Act 168 of Public Acts of 1959, as amended, shall advise the Township Board on all matters relating to planning. Furthermore, the Planning Commission shall also assume all powers and duties of the Zoning Board defined through Act 110 of the Public Acts of 2006, as amended in MCL 125.3102, Section 102 (u). The Ely Township Board, however, reserves the right as final authority on all planning and zoning matters within the Township except as specifically delegated by this Ordinance and/or specific resolution.

SECTION 11.02: CHANGES AND AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by an individual.

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which shall be held in accordance with Section 9.02 of this Ordinance.
- B. Following the public hearing, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.
- C. The Township Board may hold additional public hearings if it considers it necessary. Notice of the public hearing held by the Township Board shall be published in a newspaper which is circulated in the Township. The notice shall be given not less than fifteen (15) days before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for that purpose, shall consider the recommendations and vote upon the change or amendment for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board may refer any changes or amendments to the Planning Commission for consideration and comment within a time frame specified by the Township Board.
- D. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except

as may be permitted by the Township Board after learning of new a significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.

- E. The petitioner shall transmit a detailed description of the petition to Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
1. A legal description of the property;
 2. A scaled map of the property correlated with the legal description clearly showing the property's location;
 3. The name and address of the petitioner;
 4. The petitioner's interest in the property;
 5. Date of filing with the Zoning Administrator;
 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information;
 7. The desired change and the detailed reasons for such change.
- F. In reviewing any petition for a zoning change or amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within thirty (30) days after the date of the public hearing on the petition. Questions to be considered by the Planning Commission shall include, but are not limited to the following:
1. If a rezoning request, is the area proposed to be rezoned an appropriate location for the proposed zone, and is the requested zoning change in conditions since the original Ordinance was adopted or was there any error in judgement, procedure or administration which justifies the petitioned change;
 2. Is the requested zoning change or amendment consistent with the goals and policies, and other elements of the Ely Township Community Master Plan;
 3. What may be the long-term effects of precedent which may result from approval or denial of the petition;
 4. Does the Township or other affected government agencies have the capabilities to provide the necessary services, facilities and/or programs that might be required if the petition is approved;
 5. Are there any significant and/or negative environmental impacts which could potentially occur if the petitioned zoning change were approved and the resulting permitted structures built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of a locally valuable natural resource;
 6. The potential effect of either approval or denial of the petition upon adopted development policies of the Township or other governmental units;

NOTE: All findings of fact, regarding any petition for change or amendment, shall be recorded in the official minutes and made a part of the public record for all meetings of the Planning Commission, the Township Board, and the Zoning Board of Appeals.

ARTICLE 12: INTERPRETATION, SEVERABILITY, VESTED RIGHT,
PENALTIES AND EFFECTIVE DATE

SECTION 12.01: INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by this Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or structures or land or upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or Ordinance or by such rules, regulation or permits, the provisions of this Ordinance shall control.

SECTION 12.02: SEVERABILITY

This Ordinance and the various parts, sections, subsection, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property, building, or structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

SECTION 12.03: VESTED RIGHT

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, there are hereby declared to be

subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

SECTION 12.04: PENALTIES AND REMEDIES

- A. Civil Law: Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.
- B. Civil Infraction: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses, and violations of approved site plans, shall constitute a civil infraction. Any person or entity who admits responsibility or is adjudged to be responsible for a violation of this Ordinance, or fails to comply with any of its requirements, shall, upon admission or judgment thereof, pay a civil fine of not less than Fifty dollars (\$50.00), plus costs and other sanctions, for each infraction.
 - 1. Each day such violation continues shall be considered a separate offense. As used in this section, “repeat offense” means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of this Zoning Ordinance committed by a violator within any twelve (12) month period, for which the violator admits responsibility or is determined to be responsible.
 - 2. The increased fine for a repeat offense under this Ordinance shall be as follows:
 - (a) The fine for any offense which is a first repeat offense shall be not less than One Hundred Fifty Dollars (\$150), plus costs and other sanctions for each infraction; and
 - (b) The fine for any offense which is a second repeat offense of any subsequent repeat offense shall be not less than Three Hundred Dollars (\$300), plus costs and other sanctions for each infraction.
- C. Remedies: In addition to any other civil remedies provided for in this Ordinance, the Township Board may also institute proceedings for injunction, mandamus, abatement, or other appropriate remedies to prevent, enjoin, abate, or remove any violations of this Ordinance. The imposition and payment of any civil penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

SECTION 12.05: EFFECTIVE DATE

In accordance with the provisions and procedures as outlined in Section 401 of the Zoning Enabling Act (MCL 125.3401), a Notice of Ordinance Adoption shall be published within fifteen (15) days of the date this Ordinance is adopted by the majority vote of the Township Board membership. By order of the Township Board, the Zoning Ordinance for Ely Township shall take immediate effect.

OFFICIALLY ADOPTED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF
ELY, MARQUETTE COUNTY, MICHIGAN ON THIS 9TH DAY OF MAY, 2007.
EFFECTIVE DATE MAY 22, 2007
PUBLICATION DATE OF NOTICE OF ORDINANCE ADOPTION MAY 15, 2007.

SECTION 12.06: TOWNSHIP SUPERVISOR AND CLERK SIGNATURES

Ted A. Pepin, Supervisor

Kim D. Wing, Clerk