

Charter Township of Ironwood

Zoning Ordinance

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ARTICLE I INTRODUCTION-PURPOSE

This Zoning Ordinance is enacted under Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, for the purposes of establishing zoning districts and regulating land development in all portions of the Charter Township of Ironwood, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, size of dwellings, buildings and structures which may hereafter be erected or altered; for the regulation of the area of yards, courts, and other open spaces and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures; to establish a zoning board of appeals, to grant authority to said board in addition to that expressly provided in said Public Act 184; to provide standards to guide actions and decisions of said board; to provide for the enforcement of the provisions of said ordinance and penalties and other relief for the violation of said ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

PURPOSE

This Zoning Ordinance is enacted under Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, desires to provide for the orderly development of the township which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources or energy conservation. The Township further desires to assure adequate sites for industry, commerce, food production, recreation and residences; to provide for the free movement of vehicles upon the streets and highways of the township; to protect industry, commerce, food producers, natural resources, energy consumption and residences 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 buildings within the Township are so related as to provide for economy in government and mutual support; and to promote and protect public health, safety, comfort, convenience and general welfare of all persons and property within the Township. The Township further desires, to the greatest extent possible, to preserve the character of neighborhoods, provide for the comfort and tranquility of the Township residents and, at the same time, allow for appropriate economic development that is consistent with the purposes stated herein.

ARTICLE II TITLE ENACTING CLAUSE

The Charter Township of Ironwood, County of Gogebic, State of Michigan ordains:

SHORT TITLE

This ordinance shall be known as the Charter Township of Ironwood Zoning Ordinance.

LIMITATIONS IN ORDINANCE

At the discretion of the property owner, the lawful use of any dwelling, building or structure, and of any land or premises as existing and lawful on the date of enactment of this Ordinance may be continued, even though such use may not be in conformity with the provisions of this ordinance. Any nonconforming use which is abandoned for a period of two years or more, shall be deemed to have been discontinued. Thereafter, the nonconforming use shall no longer be considered in conformity with this section or in conformity with the provisions of this ordinance. Also, to the extent that a nonconforming use is decreased in size and scope, it may not later be resumed on its original scale. Further, any

nonconforming use may not be expanded in any way.

CLASSIFICATION OF ZONING DISTRICTS

To achieve the purposes set forth in Article I, the unincorporated area of the Charter Township of Ironwood, Gogebic County, State of Michigan, is hereby divided into the following zoning districts:

R - 1 Single Family

Residential TR- 1

Residential Transition

R - 2 Multi-Family

Residential

C Commercial

I Industrial

R.A.F. Recreation, Agriculture and Forestry

ZONING DISTRICT MAP

The boundaries of these districts are hereby established as shown on the map entitled "The Zoning Map of the Charter Township of Ironwood, Michigan, April 1, 2009", as amended, which is available for public inspection in the Township Supervisor's Office.

AIRPORT ZONING

The Charter Township of Ironwood Zoning Ordinance will be cognizant of, and shall conform to the applicable rules and regulations of the Gogebic County Airport Zoning Ordinance, which was adopted pursuant to P.A. 23 of 1950, as amended, providing for the safety and protection to users of the Airport and to the people who live in its vicinity.

Mobile Home Parks

For a new mobile home park or seasonal mobile home park refer to the Mobile Home Park Ordinance.

ARTICLE III DEFINITIONS

PURPOSE

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

RULES OF CONSTRUCTION

The following rules of construction apply to the text, tables, and illustrations of this *Ordinance*:

- A The particular shall control the general. The use of a general or similar term shall not be taken to be the same as the use of any other specific term.
- B In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E A "building" or "structure" includes any part thereof.
- F The phrase "used for" or "occupied" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- G The word "person" includes an individual, a corporation, a limited liability corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
- H Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
 - 1 "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - 2 "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - 3 "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- I Words and phrases not otherwise defined in this Ordinance shall have the meaning customarily assigned to them.
- J The word "lot" includes the word "plot", "tract", or "parcel".
- K The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended.
- L The "Township" is the Charter Township of Ironwood, State of Michigan; the "Township Board" is the Township Board of the Charter Township of Ironwood; the "Planning Commission" is the Planning Commission of the Charter Township of Ironwood.
- M All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

DEFINITIONS

Abutting

(same as Adjacent, Contiguous)

Next to, touching, having property or district lines in common.

Accessory Building

A subordinate building or structure on the same lot with the main building, or a portion of the main building, occupied or devoted exclusively to an accessory use. When an accessory building is attached to the main building in a substantial manner by a wall or roof, it shall be considered part of the main building.

Accessory Use

A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main building; but not including their use for dwelling, residential, lodging or sleeping quarters for human beings.

Adjacent

(same as Abutting, Contiguous)

Next to, touching, having property or district lines in common.

Agriculture

Means the production, harvesting, and storage of plants and animals useful to humans, including but not limited to biomass crops, forages and sod crops, grains, feed crops, field crops, dairy and dairy products, poultry and poultry products, livestock including breeding and grazing of cattle, swine, captive deer, sheep, goats, camelids, horses, rabbits and similar animals, berries, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Alley

Any dedicated public way, other than a street, providing a secondary means of access to property.

Basement

A story having part, but no more than seventy-five percent (75%) its height below the average level of the adjoining ground.

Bed and Breakfast

A commercial use which is subordinate to the principal use of a building as a single-family dwelling unit, and in which transient guests (transient here defined as lodging for less than thirty consecutive days) are provided a sleeping room in return for compensation.
Meals also may be provided.

Billboard

Any permanent sign larger than 4' by 8' or 32 square feet in area.

Boarding House

A dwelling having one kitchen and used for the purposes of providing meals, lodging, or both for pay or compensation of any kind, computed by the day, week, month or year to persons other than family members occupying such dwellings.

Building

Any structure having a roof supported by columns or walls, used or intended to be used for shelter or

enclosure of persons, animals and/or property.

Building (Height of)

The vertical measurement from the average elevation of the finished lot grade at the front of the building, to the highest point of the ceiling of the top story, in the case of a flat roof, to the deck line of a mansard roof; and to the average height between the plate and the ridge of a gable, hip or gambrel roof.

Building Permit

A written authority issued by the Building Inspector in conformity with the provisions of the Michigan Building Code

Commercial

A business operated primarily for profit or non-profit, including those of retail trade and professional, personal, technical and mechanical services.

Cellar

A story having greater than seventy-five percent (75%) of its height below the average level of the adjoining ground and not having any part thereof used for dwelling purposes.

Church

A building wherein persons regularly assemble for religious worship, meetings and other activities, and which is maintained and controlled by a religious body with tax-exempt status organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

Cluster Development

An approach to designing a site that maximizes the conservation of open space by placing dwelling units and other structures in closer proximity than usual while retaining the remaining land for recreation, open space, or preservation of sensitive land features.

Communication Tower

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

Conservation Easement

The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in *Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994, as amended*, when applied to a cluster development or open space development as follows: an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

Dangerous Building

An unlawful condition of a building defined as having one or more defects as defined in the *Michigan Housing Law, P.A. 167 of 1917, as amended, MCL 125.53* and as summarized by the following. Conditions relate to non-conformance of ingress and access ways to approved fire codes, compromised structural strength or stability, failure to meet the minimum requirements of the building code, probability of injury due to collapse, settling that compromises wind stability, unsafe or unsanitary conditions,

dilapidation or deterioration that is an attractive nuisance, interior that is exposed to the elements or to trespassers, and unoccupied condition for 180 consecutive days without proper notice per the *Michigan Housing Law*.

Dwelling

Any building, or portion thereof, which is designated or used exclusively as living quarters for families, but not including recreational vehicles, tents, portable buildings or basements:

- a) **One-Family:** A detached building designed for occupancy by one (1) family.
- b) **Two-Family:** A building or portion thereof used or designated as a residence for two (2) families living independently of each other, but not including hotels or motels.
- c) **Multiple-Family:** A building or portion thereof used or designated as a residence for more than two (2) families living independently of each other, but not including hotels or motels.

Erected

Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for construction. Excavation, fill, drainage, installation of utilities and the like, shall be considered a part of erection.

Essential Services

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal system, including poles, wires, call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith.

Family

One or two persons, or parents, with their direct descendants and adopted children (and including the domestic employees thereof) together with not more than two (2) persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of two or more persons living in such housekeeping unit shall be considered a separate family for the purposes of this Ordinance.

Farm

The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the commercial production of farm products, per the *Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended*.

Farm Operation

The operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the commercial production, harvesting, and storage of farm products as outlined in the *Michigan Right to Farm Act, P.A. 93 of 1981, MCL 286.472, as amended*.

Farms

The keeping of horses, swine, cattle, sheep, goats, chickens, geese, ducks, turkeys, rabbits and other domestic animals other than house pets, shall be permitted in connection with the farm use as an accessory use of one-family residence established and existing on the premises where such animals, poultry or birds are to be kept.

Fence

Any partition, structure, hedge or gate used as a dividing marker, barrier or enclosure.

Garage (Private)

A detached accessory building or portion of the main building for the parking or temporary storage of vehicles.

Garage (Public)

A space or structure other than a private garage for the storage, care, repair, refinishing or servicing of

motor vehicles. However, a structure or room used solely for the display and sale of such vehicles, in which they are not operated under their own power, and in connection with which there is no storage, repair, care, refinishing or servicing of vehicles other than those displayed for sale, shall not be considered a public garage.

Gross Floor Area

The area included within the exterior walls of a building.

Home Occupation

Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

Industrial

A business operated primarily for profit or non-profit, including those of product manufacturing or conversion through the assembly of new or used products, or through the disposal or reclamation of salvaged materials, and including those businesses and service activities that are normal integral part(s) of an industrial enterprise.

Junk

Any motor vehicle, machinery, appliance, product, merchandise or scrap metals or other scrap which cannot be used, in its current state, for the purpose for which it was manufactured.

Junk Yard

Any lot or parcel, building, or structure used in whole or in part for the storage, collection, processing, dismantling, disassembly, dumping, display, resale, exchange, bailing, cleaning, handling or disposal of junk or other salvaged materials but excluding such uses when conducted entirely within a completely enclosed building or when used as part of manufacturing operations.

Kennel

Any premises where domestic animals, such as dogs and cats, are confined, boarded, trained, treated, or groomed for compensation or bred or raised for sale purposes.

Living Space

That area within a structure intended, designed, erected or used for human occupancy, but excluding any cellar area or accessory use areas.

Lot

Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this *Ordinance*, and having its principal frontage upon a public street or on an approved private road or approved access easement.

Lot Line:

- a) **Front:** In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest street frontage of a lot from the street.
- b) **Rear:** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular shaped lot, a line at least ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.
- c) **Side:** Any boundary line not a front or rear lot line.
- d) **Width:** The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.
- e) **Depth:** The distance between the front and rear lot lines, measured in the average direction of the

side lot lines.

- f) **Area:** The total area within the lot lines of a lot.
- g) **Corner Lot:** A lot situated at the intersection of two (2) or more streets having an angle of intersection of not more than one hundred thirty-five (135) degrees.
- h) **Interior Lot:** A lot other than a corner lot.

Mobile home

A structure that is transportable in 1 or more sections, built on a chassis, and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Mobile home park

A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

Nonconforming Structure

A structure lawfully existing at time of adoption of this Ordinance, or any amendments thereto, which does not conform to the regulations of the district in which it has been located, and for which a certificate of occupancy has been issued and is in force.

Nonconforming Use

A use which lawfully occupies a structure or land at the time of the adoption of this Ordinance, or any amendments thereto, which does not conform with the regulations of the district in which it is located, and for which a certificate of occupancy has been issued and is in force.

Nuisance

An offensive, annoying, unpleasant or obnoxious thing or practice, a course or source of annoyance, especially a continuing or repeated invasion of any physical characteristics of a use of activity across a property line, which can be perceived by or affects a human being or his/her property adversely. Nuisances include, but are not limited to: noise, odor, erosion, etc.

Open Space

Any unoccupied, at-grade area open to the sky and not covered by structures or devoted to vehicular use on the same lot with a building, as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Open Space Preservation

A condition where land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a smaller portion of the land than specified in the *Zoning Ordinance*, and as long as a percentage of the land area will remain perpetually in an undeveloped state, and meeting certain conditions as defined in this *Ordinance*.

Outdoor Sales

The outdoor display and sales of goods or services in parking areas, sidewalks, and other locations outside of an enclosed building (does not apply to farmer's markets, produce stands, or yard sales as defined in this *Ordinance*).

Outdoor Storage

Keeping of personal or business property in an area outside of a building (does not apply to junk/salvage operations and yards or auto recycling centers as defined in this *Ordinance*).

Parcel (*same as Lot*)

Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this *Ordinance*, and having its principal frontage upon a public street or on an approved private road or approved access easement.

Performance Standards

Requirements set by the Planning Commission as conditions to be met for the issuance of a conditional use permit and that are consistent with the spirit and purpose of this Ordinance, with public safety and with substantial justice.

Practical Difficulty

The circumstances that may prevent a property owner from conforming with the strict letter of the *Ordinance* and from which a dimensional variance may be granted; provided that doing so will not be contrary with the intent and purpose of the *Ordinance*, will not cause a substantially adverse effect upon adjacent properties, will not essentially alter the character of the surrounding area, will not increase hazards or traffic congestion, and provided, however, that the plight of the owner is due to unique circumstances of the property and is not self-created.

Principal Building

A building in which is conducted the primary or predominant use of the lot on which it is located.

Principal Use

The primary or predominant use of any lot, building, or structure.

Recreation Vehicle (RVs)

A vehicular type structure, primarily used as temporary living quarters for recreation, camping or travel use, which has either its own motive power or is mounted on or drawn by another vehicle which is self-propelled. An RV is not a trailer coach or a manufactured (mobile) home.

Resort

A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts, or some combination, as regulated by appropriate sections of this *Ordinance*.

Retail Establishments

An establishment whose principal activity is the purchase and resale, leasing, or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering of services incidental to the sale of such goods.

Right-of-Way

A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries, and is dedicated or deeded to the public for public use and under the control of a public agency.

Road

All property dedicated or intended for public or private vehicular travel, including parking lanes and utility easements that are located in the area between the regularly established curb lines.

Road, Private

A private way or means of vehicular access to two or more abutting lots which is constructed and maintained by the owner or owners and is not dedicated for general public use.

Road, Public

A road dedicated to the public, such dedication having been accepted by the appropriate road authority, which meets the minimum construction standards of said road authority.

Salvage Yard

Any lot or parcel, or part thereof, including automobile graveyards, auto recycling centers, automobile wrecking yards, where any salvage materials, including a salvage vehicle or parts thereof, are located or stored for the purposes of resale, exchange, handling, or processing as parts or parts as salvage only.

Sand and Gravel Pit

Any tract or parcel of land used for the purpose of searching for or the extraction of and/or removal of sand, gravel, stone, marl, peat, topsoil or similar material, including stripping and pit-style operations.

Sauna

An accessory structure or room utilizing a steam bath or dry heat used for the purpose of bathing, relaxation, or reducing.

Sawmill

A facility where logs or partially processed trees are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

Self-Service Storage Facility

A building or groups of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses and used for the storing of household and personal property with no commercial transactions permitted other than the rental of the storage units.

Service Establishment

Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

Setback

The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Setback Line

A line parallel to and equidistant from the relevant lot line (front, back, and side) between which no buildings or structures may be erected as prescribed in this *Ordinance*.

Setback, Shore land

The minimum horizontal distance between a structure and the ordinary high water mark

Sign – Permanent

Any construction, structure, device or portion thereof, which is larger than 2 square feet, whether attached to a structure, post, pole, or natural feature, upon which words, numerals, terms, figures, trademarks, or similar representations are used for the purpose of conveying information to the public.

Sign – Temporary

Any construction, structure, device or portion thereof, which is larger than 2 square feet, whether attached to a structure, post, pole, or natural feature, upon which words, numerals, terms, figures, trademarks, or similar representations are used for the purpose of conveying information to the public, that is displayed to the public on a temporary basis.

Sign Exception

The regulations and provisions in this Ordinance pertaining to signs shall not apply to signs in adjacent areas, as regulated by the Highway Advertising Act of 1972, Public Act 106 of 1972 (MCL 252.301, et seq).

Special Care Facility

Any dwelling unit intended to be occupied (partially or entirely) for purposes of providing residential care for persons physically or mentally handicapped, mentally ill, drug or alcohol addicts and including any dwelling units used for similar occupants that are state licensed or state supported, but not including penal or correctional institutions, nor shall the conditions apply to any family related persons living within a single family unit.

Special Land Use

A use that is not essentially incompatible with the uses permitted by right or with conditions in a zoning district, but possesses characteristics which require individual review and discretion in order to assure conformance with other agency standards or licensing requirements, avoid incompatibility with the surrounding area, and provide protection against nuisances or negative traffic, visual, environmental, privacy, and safety impacts. A special use is permitted in a particular district only after review by the Planning Commission and issuance of a permit, in accordance with the standards set forth in this *Ordinance*.

Special Use Permit

A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special land use pursuant to standards and procedures established in this *Ordinance*.

Story

The portion of a building between one floor level and the floor level next above it, or between the uppermost floor and the roof.

Street

A dedicated and accepted public right-of-way for vehicular traffic, which is the primary means of access to abutting property.

Structure

Anything constructed or erected which requires location on the ground or attached to something having location on the ground, including fences, signs, billboards, and towers of any kind.

Temporary Enclosure

Any moveable, tent-like shelter intended to provide protection from the elements for storage, but for which a building permit is not required. Considered a structure as defined under this *Ordinance*, and governed by the setback requirements of this *Ordinance* unless the enclosure is set up for special occasions or events and is not used for storage. Includes temporary garages of tent-like construction.

Tower

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

Trailer Coach/Manufactured (Mobile) Homes

A structure transportable in one (1) or more sections, which is built on a chassis and designated to be used as a dwelling, with or without permanent foundation, when connected to the required utilities and includes plumbing, heating, and electrical systems contained in the structure. Manufactured (Mobile) homes do not include recreational vehicles (RVs).

Unbuildable Area

An area that cannot be used practicably for a habitable structure because of natural conditions such as severe topographic relief, water bodies, or soil conditions; because the structure could not be built as a permitted use under existing development regulations in this *Ordinance*; or because physical or legal conditions prohibit access.

Use, Conforming

Any use of a structure or land that is permitted by right or permitted by special land use permit in the zoning district in which the lot, structure, building, sign, development, or land is located and which conforms to all regulations of this *Ordinance*.

Use, Non-Conforming

A condition that occurs when a use of an existing structure or land fails to conform to one or more of the regulations currently applicable to the zoning district in which the lot, structure, building, sign, development, or land is located, but which was conforming (“of record”) prior to the enactment of this *Ordinance* and became non-conforming on the effective date of adoption of this *Ordinance*, or an *Ordinance* text amendment or rezoning.

Use

The purpose for which land or buildings are arranged, designated or intended, or for which either land or buildings are, or may be, occupied or maintained.

Variance

A modification of the literal provisions of the *Zoning Ordinance*, granted by the Zoning Board of Appeals, when certain findings have been made as outlined in the *Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended*. These findings seek to ensure that no variance is granted unless strict enforcement of the *Zoning Ordinance* would cause practical difficulty, as outlined in the aforementioned Act, that doing so would not be contrary to the public interest or the intent and purpose of the *Zoning Ordinance*, there are circumstances unique to the individual property on which the variance is granted, the variance request is not due to actions of the applicant, doing so will not cause a substantially adverse effect upon adjacent properties, or essentially alter the character of the surrounding area, or increase hazards, or increase traffic congestion.

Yard

An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this *Ordinance*:

- a) **Front:** A yard extending across the full width of a lot; the depth of which is the distance between the front lot line (street right-of-way) and the main wall of the building.
- b) **Rear:** A yard extending across the full width of a lot between the most rear of the main

building and the rear lot line. The depth of the required rear yard shall be measured from the nearest part of the main building at a ninety (90) degree angle from said building to the nearest point of the rear lot line.

c) **Side:** A yard, between the main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest point of the main building to the nearest part of the side lot line. The first two (2) feet of roof overhang shall be excluded in determining the nearest part of the main building.

The following are the original ordinance definitions, which are, for the most part, included in the expanded definitions above.

ARTICLE IV ZONING DISTRICTS

R - 1: SINGLE FAMILY RESIDENTIAL

DISTRICT PURPOSE

The purpose of creating Single Family Residential District, R-1, is to provide areas in the Township dedicated primarily to residential uses in which each dwelling is located on an individual lot or premises adequate in size and shape to provide for safe water supply and sewage disposal facilities, to minimize hazards of spreading fires, and to require setback from the public thoroughfare to facilitate safe exit from and entrance to the premises. The requirements are intended to protect and stabilize the basic qualities of the District, and to provide suitable and safe conditions for residential living.

The essential difference between this and any other Residential District is that a moderate density of urban type residential development will be permitted through the construction and occupancy of one-family structures on moderately sized lot areas. There is no intent to promote by these regulations for R- 1 Districts any lower quality of livability than that possible in any other Residential District.

PERMITTED USES

- A. One family dwellings.
- B. Schools, libraries and other municipal structures and there uses.
- C. Churches.
- D. Publicly owned and operated parks, playfields, museums, and/or other recreation facilities.
- E. Home occupation.
- F. Accessory buildings, structures and use customarily incidental to the above principle uses, including gardens.
- G. State licensed or approved family day care facilities in which one to six children are cared for in a private home on less than a 24-hour basis. At least 400 square feet of outdoor play area must be provided on the premises.
- H. Essential public utility services, excluding buildings and regulator stations.
- I. Pets may be kept as long as the pet(s) are not a health hazard, nuisance, or danger to residents.
- J. Fences pursuant to Article XIV of this ordinance.

Permanent signs and billboards are prohibited in any R - 1 District. Temporary signs are allowed.

SPECIAL LAND USES

The following uses are allowed as Special Land Uses pursuant to the requirements of Article VIII of this Ordinance:

- A. Community colleges, including dormitory facilities and Community Center Buildings
- B. Essential public utility service buildings and regulator stations.
- C. State licensed or approved family daycare facilities for seven (7) to twelve (12) children.
- D. Two Family Dwellings
- E. Small Wind Energy Conversion Systems (WECS)
- F. Accessory buildings proposed to be constructed prior to the erection of the principal building.
- G. Communication Towers

ACCESSORY BUILDINGS

- A. Accessory buildings are permitted, but not prior to erection of the principal buildings, unless by prior written approval of the Planning Commission.
- B. Accessory buildings shall not occupy more than fifteen (15) percent of total lot size, nor shall it be closer to any front or rear lot line than twenty-five (25) feet, or seven (7) feet, in the case of a side yard.
- C. One accessory building, in addition to the principal garage, is permitted, but may not exceed 200 square feet.

D. No part of any front yard shall be used for an accessory building.

REQUIREMENTS

The following minimum dimensions for lot area, width and floor area, together with maximum dimensions for lot coverage and structure heights, shall be required for every structure and land use in this District, except as noted:

A. **Minimum Lot Area:** No lots, except as otherwise established for specifically permitted uses, shall hereafter be subdivided to provide less than 15,000 square feet of lot area. For lots without public sewage service (with wells and septic system) the minimum lot area shall be: 1) based on the approval of a septic system by the Western U.P. Health Department and 2) not smaller than the minimum lot area for lots with public water and sewage service.

B. **Minimum Lot Width:** One hundred (100) feet along a street upon which a lot fronts.

C. **Minimum Yard Setbacks:**

1) **Front Yard:** Twenty-five (25) feet.

2) **Side Yard:** Seven (7) feet minimum for both interior and corner lots.

3) **Rear Yard:** Seven (7) feet.

D. **Maximum Structure Height:** Not to exceed thirty-five (35) feet. Accessory buildings shall not exceed a height of twenty-five (25) feet.

E. **Minimum Finished Living Space:** Minimum finished living space area per family shall not be less than 900 square feet of floor area for the total of all floors.

F. **Maximum Lot Coverage:** All buildings, including accessory buildings, shall not cover more than thirty-five (35) percent of the total lot area.

G. **Parking Restrictions:** Parking of motor or recreational vehicles with greater than one(1)ton carrying capacity, boats or trailers shall be permitted to park in side and rear yards only

H. **Site Plan Review:** In addition to all previous requirements of this Section, all construction projects must prepare a scaled site plan, showing all existing and proposed buildings, utilities, parking, open spaces and roads, which must be submitted for approval to the Zoning Administrator. At the discretion of the Zoning Administrator, the plan may also be submitted for approval by the Planning Commission.

TR - 1: RESIDENTIAL TRANSITION

PURPOSE

The purpose of creating the Residential Transition District, TR-1, is to provide controls regulations within the township for those areas that are becoming a mix of residential, commercial and services. This zone provides that individual lots or premises are adequate in size and shape to provide for safe water supply and sewage disposal facilities, to minimize hazards of spreading fires, and to require setback from the public thoroughfare to facilitate safe exit from and entrance to the premises, and to protect the Single Family Residences from the problems associated with a mixed use zone. The requirements are intended to protect and stabilize the basic qualities of the District, and to provide suitable and safe conditions for all.

PERMITTED USES

- A. Any permitted uses in the R-1 Residential District.
- B. Bed & Breakfast (B&B)
- C. Hotels and Motels
- D. Stores and shops for the conducting of retail business.
- E. Office, offices and showroom e.g. plumber, electrician, architect, excavating similar trade.
- F. Personal services, e.g. dentist, doctor, lawyer, accountant or similar trade.
- G. Banks.
- H. Restaurants with the exception of drive-thru establishments
- I. Bars, taverns, cocktail lounges.
- J. Public and government buildings and offices.
- K. Theaters, assembly halls, concert halls, or similar places of assembly when conducted completely with enclosed buildings.
- L. Veterinarian Hospitals

ACCESSORY BUILDINGS

- A. Must meet the same requirements as in the R - 1 District.

SPECIAL USES

- A. Wind Energy Conversion Systems (WECS)**
- B. Accessory buildings proposed for construction prior to erection of the principal buildings
- C. Communication Towers.
- D. State licensed or approved family daycare facilities for seven (7) to twelve (12) children.
- E. Multiple Family Dwellings
- F. Mobile Home Parks

REQUIREMENTS

The following minimum dimensions for lot area, width and floor area, together with maximum dimensions for lot coverage and structure heights, shall be required for every structure and land use in this District, except as noted:

- A. **Residential** Permitted uses must meet all the requirements as in the R - 1 District.
- B. **Service/Commercial Businesses Uses:**
 - 1). **Minimum Lot Size:** No lots shall hereafter be subdivided to provide less than 30,000 square feet of lot area.
 - 2). **Minimum Lot Width:** One hundred (100) feet along a street upon which a lot fronts.
 - 3). **Minimum Yard Setbacks:**
 - a) **Front Yard:** Fifty (50) feet.
 - b) **Side Yard:** One hundred (100) feet minimum when a service or commercial land use is adjoining a lot with a dwelling unit, otherwise Twenty-five (25) feet for both interior and corner lots.
 - c) **Rear Yard:** Fifty (50) feet when a service or commercial land use is adjoining a lot with a dwelling unit, otherwise Twenty-five (25) feet.
 - 4). **Maximum Structure Height:** Not to exceed thirty-five (35) feet. Accessory

buildings shall not exceed a height of twenty-five feet.

- 5) **Maximum Lot Coverage:** All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the total lot area.
- 6) **Parking Restrictions:** must meet the Commercial District (C-1) parking requirements.
- 7.) **Service and Commercial Businesses using existing Structure:** Businesses meeting the following criteria are permitted to use R-1 requirements over those of TR-1.
- 8) **Signage** will be limited to two signs, one unlighted and one illuminated, with an area of less than eight (8) square feet each.
- 9) **Fencing** All commercial/service businesses adjoining property containing a dwelling shall have a fence erected to a height of six (6) feet. The Planning Commission can approve the use of hedges or berms to replace fencing when they feel it meets the character of the project and the neighborhood.
- 10) **Snow Removal and/or Storage** All snow storage and removal must be accomplished in such a manner as to not infringe on adjoining property. Removal must be done in accordance with all Township, County, and State rules and laws and must be accomplished during normal use hours. In addition, snow removal shall be performed in such a manner as to not interfere with the public health, safety and welfare, including, but not limited to, infringement upon the rights of adjoining property and the right to unobstructed visibility near roadways.

C. **Site Plan Review:** In addition to all previous requirements of this Section, all construction projects must prepare a scaled site plan, showing all existing and proposed buildings, utilities, parking, open spaces and roads, which must be submitted for approval to the Zoning Administrator. At the discretion of the Zoning Administrator, the plan may also be submitted for approval by the Planning Commission.

R - 2: MULTI-FAMILY RESIDENTIAL

DISTRICT PURPOSE

The purpose of the regulations covering this District are to provide a stable and sound family residential environment with the highest type of neighborhood related urban utilities, facilities and services. The essential difference between this and other Residential Districts, is that a relatively high density of urban type residential developments will be permitted in a variety of multi-family dwelling structures on smaller area per dwelling unit ratios.

PERMITTED USES

- A. Any uses permitted in the **R-1 District**.
- B. Two Family and Multiple family dwellings.
- C. Schools, libraries and other municipal structures.
- D. Churches.
- E. Community colleges, including dormitory facilities and Community Center Buildings.
- F. Lodging and boarding facilities.
- G. Condominiums.
- H. Essential public utility services, excluding buildings and regulator stations.

Billboards and permanent signs are prohibited in any R - 2 District, except by the issuance of a Conditional Use Permit by the Planning Commission. Temporary signs are allowed.

SPECIAL USES

- A. Professional offices (such as doctors, dentists and lawyers).
- B. Transient tourist parks and campgrounds.
- C. Essential public utility service buildings, regulator stations, transformer stations and substations, but not including service or storage yards.
- D. State licensed or approved family daycare facilities for seven (7) to twelve (12) children.
- E. Kennels.
- F. Billboards and Permanent signs
- G. Small Wind Energy Conversion Systems (WECS)
- H. Resorts and Commercial Recreation Areas
- I. Accessory buildings proposed to be constructed prior to erection of the principal buildings,
- J. Communication Towers
- K. Equine and Stables, are permissible with five (5) acres for the first two adult animals and an additional one (1) acre required for each additional adult animal. Stables shall be located so as to not create a nuisance because of smell or pests to the surrounding dwellings. Equine in the above shall also include llamas and similar types of animals.
- L. Mobile Home Parks

ACCESSORY BUILDINGS

- A. Accessory buildings are permitted, but not prior to erection of the principal buildings, unless by prior written approval of the Planning Commission.
- B. Accessory buildings shall not occupy more than fifteen (15) percent of total lot size nor shall it be closer to any front or rear lot line than twenty-five (25) feet, or ten (10) feet, in the case of a side yard.
- C. One accessory building to be used per structure is permitted, but may not exceed 400 square feet each.
- D. No part of any front yard shall be used for an accessory building,

REQUIREMENTS

The following minimum dimensions for lot area and width, the floor area, together with maximum dimensions for lot coverage and building heights shall be required for every structure and land use in this District, except as noted:

A. Minimum Lot Area:

- 1) For single and two-family dwellings, the minimum lot size requirements shall be the same as those provided in an R-1 District (Article IV, Requirements (A)).

- 2) For multiple family dwellings, minimum lot areas are as follows:
 - a) **Lot Size Requirements for:**
 - 2 family dwellings 10,000 sq. ft. per family
 - 3 - 4 family dwellings 9,000 sq. ft. per family
 - 5 - 6 family dwellings 8,000 sq. ft. per family
 - 7 + family dwellings 7,000 sq. ft. per family
 - b) Additional lot size requirements: any dwelling shall have a minimum building footprint to lot size ratio of 1 to 4.
 - c) The term dwelling units as used herein shall be interpreted to include all of the dwelling units on a parcel, which may, in order to accomplish a more desirable development, actually be contained in a number of physically separate, though functionally related buildings.
 - d) For lots without public sewage service (with wells and septic system) the minimum lot area shall be:
 - 1) based on the approval of a septic system by the Western U.P. Health Department and
 - 2) not smaller than the minimum lot area for lots with public water and sewage service.

B. Minimum Lot Width: One hundred (100) feet for the first two (2) dwelling units, and an additional forty (40) feet for each additional dwelling unit, that runs parallel with the front lot line. All other structures require a lot width not less than one hundred (100) feet.

C. Minimum Yard Setbacks:

- 1) **Front Yard:** Twenty-five (25) feet.
- 2) **Side Yards:** Ten (10) feet for interior and corner lots.
- 3) **Rear Yards:** Twenty (20) feet.

D. Maximum Structure Height: No structure shall exceed thirty-five (35) feet.

E. Minimum Living Space: Minimum gross floor living space area per family shall not be less than six hundred (600) square feet.

F. Maximum Lot Coverage: All buildings, including accessory buildings, shall not cover more than forty (40) percent of the total lot area.

G. Minimum Specifications for group housing developments (For purposes of this section, “group housing developments” shall mean a lot or parcel that contains more than one dwelling, apartment, or condominium building.):

- 1) **Between Dwellings** on the same lot or parcel: Front-to-front, rear-to-rear or front-to-rear, the minimum horizontal distance shall be fifty (50) feet for buildings one (1) story in height. This distance shall be increased by not less than ten (10) feet for every story added. The minimum distance between buildings may be decreased on one side by not more than ten (10) feet, if the distance on the other side is proportionately increased. If the buildings are staggered so as to permit free movement of air and allow ample sunlight to reach the ground, modifications may be permitted by the Planning Commission, if the planned development compensates by other space provisions.
- 2) **Between Ends of Buildings:** The distance shall not be less than twenty (20) feet when neither building exceeds two (2) stories and thirty (30) feet if one or both buildings exceeds two (2) stories. When the end of one building is opposite the long dimensions of an adjacent building, the minimum distance shall be thirty (30) feet if both buildings are one (1) story and forty (40) feet if at least one building is two (2) or more stories.
- 3) **Play Areas:** Play areas suitable for preschool children must be provided in all group housing developments. They shall preferably be located within sight of the dwelling units they serve. A minimum area of forty (40) square feet per dwelling unit shall be provided.

H. Parking Restrictions: Parking of motor or recreational vehicles with greater than one (1) ton carrying capacity, boats or trailers shall be permitted to park in designated parking spaces only, as

determined by the Planning Commission.

I. **Off-Street Parking and Loading and Unloading Requirements:** Must meet the requirements of the Sections entitled "Off-Street Parking" and "(Un)loading Space Requirements."

J. **Snow Storage:** On-site snow storage shall be provided for in the amount of ten (10) percent of the total required parking space. This storage amount shall be in addition to the required parking space. All snow storage and removal must be accomplished in such a manner as to not infringe on adjoining property.

Removal must be done in accordance with all Township, County, and State rules and laws and must be accomplished during normal use hours. In addition, snow removal shall be performed in such a manner as to not interfere with the public health, safety and welfare, including, but not limited to, infringement upon the rights of adjoining property and the right to unobstructed visibility near roadways.

K. **Equine and Stables** are permissible with five (5) acres for the first two adult animals and an additional one (1) acre required for each additional adult animal. Stables shall be located so as to not create a nuisance because of smell or pests to the surrounding dwellings. Equine in the above shall also include llamas and similar types of animals.

L. **Site Plan Review:** In addition to all previous requirements of this Section, all group housing developments must prepare a scaled site plan, showing all existing and proposed buildings, utilities, parking, open spaces and roads, which must be submitted for approval to the Zoning Administrator. At the discretion of the Zoning Administrator, the plan may also be submitted for approval by the Planning Commission.

C: COMMERCIAL

DISTRICT PURPOSE

This district is established for the purpose of accommodating retail and service establishments to be located along the major commercial corridor of the Township, and further, to permit those uses which can be appropriately located in such a central area. This District provides major retail and service facilities to the People of the Township, and extending to the immediately surrounding regions.

PERMITTED USES

- A. Retail establishments.
- B. Personal and business services.
- C. Hotels, motels and other lodging units.
- D. Passenger terminals and information centers.
- E. Offices, banks, public buildings and public utility installations.
- F. Restaurants and drive-in businesses.
- G. Business, trade or public schools.
- H. Dancing and music studios.
- I. Sales and showrooms, including automobiles and recreation vehicles.
- J. Funeral homes and mortuaries.
- K. Commercial recreational facilities.
- L. Commercial or public parking lots.
- M. Automobile service and repair stations.
- N. Bars, taverns, nightclubs or inns.
- O. Household and family service businesses, including laundromats, dry cleaning establishments and similar establishments.
- P. Dwellings when occupied by the owner or operator of an adjoining commercial business.
- Q. Manufacturing and processing establishments, selling at least fifty (50) percent of the entire output at retail on the premises.
- R. Building supply and equipment stores.
- S. Storage yards are permitted when they are used for storage of retail sale products. Yards are not permitted when they are used for storage of inventory for wholesale sales or construction industry bulk sales.
- T. Multiple Family Dwellings

SPECIAL USES

- A. All temporary structures used for display and/or sale of goods or equipment.
- B. Small Wind Energy Conversion Systems (WECS)
- C. Crematory
- D. Accessory buildings proposed to be constructed prior to erection of a principal building.

ACCESSORY BUILDINGS

- A. Accessory buildings are permitted, but not prior to erection of the principal buildings, unless by prior written approval of the Planning Commission.
- B. Accessory buildings shall not occupy more than fifteen (15) percent of total lot size, nor shall it be closer to any front or rear lot line than twenty-five (25) feet, or ten (10) feet, in the case of a side yard.
- C. One accessory building per structure is permitted, but may not exceed 400 square feet each.
- D. No part of any front yard shall be used for an accessory building.

REQUIREMENTS

- A. **Minimum Lot Area:** Thirteen thousand two-hundred (13,200) square feet. For lots without public sewage service (with wells and septic system) the minimum lot area shall be: 1) based on the approval of a septic system by the Western U.P. Health Department and 2) not smaller than the minimum lot area for lots with public water and sewerage service.
- B. **Minimum Lot Width:** One hundred (100) feet.
- C. **Minimum Yard Setbacks:**
 - 1) **Front Yard:** Twenty-five (25) feet.
 - 2) **Side Yard:** Fifteen (15) feet for interior and corner lots.
 - 3) **Rear Yard:** Thirty (30) feet.

- D. **Maximum Structure Height:** Not to exceed thirty-five (35) feet.
- E. **Maximum Lot Coverage:** All buildings, including accessory buildings, shall not cover more than seventy-five (75) percent of the total lot area.
- F. **Lighting:** Shall be installed and operated in a manner such that no illumination source shall be directed to adjoining property of more than one (1) foot candle.
- G. **Vehicular Access:** Shall be so designed and located as to create a minimum interference with traffic on the surrounding public streets. No more than two (2) driveways, each a minimum of eighteen feet, but not to exceed thirty (30) feet, in width at the property line, shall be permitted on each street frontage of the property.
- H. **Off-Street Parking and Loading and Unloading Requirements:** Must meet the requirements of the Sections entitled "Off-Street Parking" and "(Un)loading Space Requirements."
- I. **Snow Storage:** On-site snow storage shall be provided for in the amount of ten (10) percent of the total required parking space. This storage amount shall be in addition to the required parking space. All snow storage and removal must be accomplished in such a manner as to not infringe on adjoining property. Removal must be done in accordance with all Township, County, and State rules and laws and must be accomplished during normal use hours. In addition, snow removal shall be performed in such a manner as to not interfere with the public health, safety and welfare, including, but not limited to, infringement upon the rights of adjoining property and the right to unobstructed visibility near roadways.
- J. **Storage:** No vehicles, trailers or any other non-permanent structure may be used for storage of goods or equipment within this District, without permission of the Planning Commission. All temporary structures used for display and/or sale of goods or equipment shall first receive a permit from the Township Supervisor, prior to the erection of said structure.
- K. **Signs:** All signs to be located outside any building in a Commercial District shall conform to the following requirements:
- 1) They shall be placed flat against the main building, or parallel to the building on a canopy and may face only public streets or parking areas which are a part of the development. No signs or billboards shall be placed on or over a lot or public right-of-way in a Commercial District, not occupied by the principal structure for which the sign is for, without detailed plans and specifications regarding height, size, construction materials, location and appearance, and the subsequent approval of the Planning Commission. Each individual sign shall be determined on an individual basis, with regard to the aforementioned criteria.
 - 2) They may not exceed in height, twenty (20) percent of the building height, and a total area of all signs shall not exceed thirty (30) percent of the area of the nearest building face with which the signs are parallel.
 - 3) Signs may be illuminated, but not flashing.
 - 4) One additional sign may be placed free-standing or attached to the building, but not extending over a public right-of-way, near one entrance on each street upon which the lot or parcel fronts. Such a sign shall convey only the identification of the permitted use, shall be located so that view of traffic is not obstructed for pedestrians and motorists and may not exceed twenty-five (25) square feet in area.
 - 5) Signs purely for traffic regulation and direction within a development may be utilized as required, but may not exceed four (4) square feet.
- L. **Site Plan Review:** In addition to all previous requirements of this Section, all commercial projects must prepare a scaled site plan, showing all existing and proposed buildings, utilities, parking, open spaces and roads, which must be submitted for approval to the Zoning Administrator. At the discretion of the Zoning Administrator, the plan may also be submitted for approval by the Planning Commission.
- M. **Grass:** All developed or undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.

I: INDUSTRIAL DISTRICT

PURPOSE

This District is established for the purpose of encouraging the development of manufacturing, processing, storage and office establishments as one in which the principal use of the land is for industrial activities wholly compatible with all other uses permitted in this District.

PERMITTED USES

In this District, no building, structure or land shall be used and no building or structure shall hereafter be erected, structurally altered or enlarged, except for the following uses:

- A. Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs and products not involving a normal retail or service activity on the lot.
- B. Veterinary hospitals and kennels.
- C. Wholesale businesses or warehouses.
- D. Building supply and equipment stores and yards.
- E. Contractor's establishments not engaging in any retail activities on the lot.
- F. Accessory uses clearly related with the main use.

SPECIAL USES

- A. Manufacturing
- B. Waste Storage Facilities
- C. Junk yards and salvage yards.
- D. Stone cutting and monuments.
- E. Lumber mills.
- F. The incineration, reduction or dumping of feces or garbage
- G. Small Wind Energy Conversion Systems (WECS)
- H. Accessory buildings proposed to be constructed prior to erection of the principal building
- I. Communication Towers

ACCESSORY BUILDINGS

- A. Accessory buildings are permitted, but not prior to erection of the principal buildings, unless by prior written approval of the Planning Commission.
- B. Accessory buildings shall not occupy more than fifteen (15) percent of total lot size, nor shall it be closer to any front or rear lot line than twenty-five (25) feet, or ten (10) feet, in the case of a side yard.
- C. One accessory building per structure is permitted, but may not exceed 400 square feet each.
- D. No part of any front yard shall be used for an accessory building,

REQUIREMENTS

- A. **Minimum Lot Area:** Twenty thousand (20,000) square feet. For lots without public sewage service (with wells and septic system) the minimum lot area shall be: 1) based on the approval of a septic system by the Western U.P. Health Department and 2) not smaller than the minimum lot area for lots with public water and sewage service.
- B. **Minimum Lot Width:** One hundred fifty (150) feet.
- C. **Minimum Yard Setbacks:**
 - 1) **Front Yards:** Thirty (30) feet.
 - 2) **Side and Rear Yards:** Twenty-five (25) feet, except that no structure shall be less than fifty (50) feet from any Residential District. If side and rear yards are used for parking or loading/unloading, a strip twenty-five (25) feet in width along roadways and adjacent to Residential Districts shall be excepted and reserved as an open space or planting strip.
- D. **Maximum Structure Height:** Not to exceed thirty-five (35) feet. However, this may be exceeded upon written approval by the State Fire Marshall of an approved on site fire protection system, and/or the Planning Commission. In no event shall height exceed a maximum of seventy-five (75) feet.

E. **Maximum Lot Coverage:** All buildings, including accessory buildings, shall not cover more than seventy-five (75) percent of the total lot area.

F. **Building Permit Application Requirements:** Any application for a building permit for a use located in this District shall be accompanied by:

- 1) A plot or site plan of the gross property, showing the location of all present and proposed building drives, parking lots, utilities, waste disposal fields, screening fences or walls and other construction features on the lot as well as streets, alleys, highways, streams and other topographical features inside the lot and within 200 feet of the lot lines.
- 2) Building, structural and site plans and specifications prepared by a registered architect, engineer or landscape architect.
- 3) A description of the operations proposed in sufficient detail to indicate the effects of those operations on producing traffic congestion, noise, glare, air or water pollution, fire or safety hazards or the emission of any potentially harmful or obnoxious matter or radiation.
- 4) Engineering and architectural plans for the pre-treatment and disposal of sewage or industrial waste or any unusable by-product.
- 5) Engineering and architectural plans for the handling of any traffic congestion, noise, glare, air or water pollution, fire or safety hazards or the emission of any potentially harmful or obnoxious matter or radiation.

G. Use Requirements:

- 1) Activities in this District shall be carried on in completely enclosed buildings, except by written approval of the Planning Commission. Storage or activities may be permitted outdoors, provided that when within one hundred (100) feet of any other District, all storage or activities shall be in a completely enclosed building or shall be effectively screened by a wall, fence or earth berm that shall be at least two (2) feet above the highest point of stored material or activity.
- 2) Noise emanating from a use in this District shall not exceed eighty (80) decibels at the boundaries of the lot. Short intermittent noise peaks (not to exceed 10 seconds in length) may be expected, but not to exceed more than one noise peak per hour.
- 3) Uses in this District shall be such that they:
 - a) Emit no obnoxious, toxic or corrosive smoke, fumes or gases; except for those produced by internal combustion engines under design and operating conditions.
 - b) Emit no odorous gases or other odorous matter in such quantities as to be offensive at or beyond any point on the boundary of the parcel, provided that any process which may involve the creation or emission of any odors, shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system should fail.
 - c) Discharge into the air no dust or other particulate matter created by any industrial operation or emanating from any products stored prior to or subsequent to processing.
 - d) Produce no heat, glare, noise or physical vibrations humanly perceptible at or beyond the boundary lines.
 - e) Utilize all lighting in a manner which produces no glare on public streets or any other parcel.
 - f) Produce no electromagnetic radiation or radioactive emissions injurious to human beings, animals or vegetation, or of any intensity that interferes with the lawful use of any other property.
 - g) Do not engage in the production or storage of any material designed for use as an explosive, nor in the use of such material in production.

H. **Lighting:** Shall be installed and operated in a manner such that no illumination source shall create glare on any public street or exceed one (1) foot candle on adjoining property.

I. **Vehicular Access:** Shall be designed and located as to create a minimum interference with traffic

on the surrounding public streets. No more than two (2) driveways, each a minimum of eighteen feet, but not to exceed thirty (30) feet in width at the property line, shall be permitted on each street frontage. No motor vehicle driveway access to this District shall be through any other Zoning District.

J. Off-Street Parking and Loading/Unloading Requirements: Must meet the requirements of the Sections entitled "Off-Street Parking" and "(Un)loading Space Requirements."

K Snow Storage: On-site snow storage shall be provided for in the amount of ten (10) percent of the total required parking space. This storage amount shall be in addition to the required parking space. All snow storage and removal must be accomplished in such a manner as to not infringe on adjoining property. Removal must be done in accordance with all Township, County, and State rules and laws and must be accomplished during normal use hours. In addition, snow removal shall be performed in such a manner as to not interfere with the public health, safety and welfare, including, but not limited to, infringement upon the rights of adjoining property and the right to unobstructed visibility near roadways.

L. Signs: All signs to be located outside any building in an Industrial District shall conform to the following requirements:

1) They may be placed flat against the main building, or parallel to the building on a canopy. No signs or billboards shall be placed over a public right-of-way. Signs shall not be installed in an Industrial District, without detailed plans and specifications regarding height, size, construction materials, location and appearance, and the subsequent approval of the Planning Commission. Each individual sign shall be determined on an individual basis, with regard to the aforementioned criteria.

2) They may not exceed in height, thirty (30) percent of the building height, and a total area of all signs shall not exceed thirty (30) percent of the area of the nearest building face with which the signs are parallel. A sign shall not exceed eighty (80) square feet in area on each face.

3) Signs may be illuminated, but not flashing.

4) One additional sign may be placed free-standing or attached to the building, but not extending over a public right-of-way, near one entrance on each street upon which the lot or parcel fronts. Such a sign shall convey only

the identification of the permitted use, shall be located so that view of traffic is not obstructed for pedestrians and motorists and may not exceed twenty-five (25) square feet in area.

5) Signs purely for traffic regulation and direction within a development may be utilized as required, but may not exceed four (4) square feet.

M. Site Plan Review: In addition to all previous requirements of this Section, all industrial projects must prepare a scaled site plan, showing all existing and proposed buildings, utilities, parking, open spaces and roads, which must be submitted for approval to the Zoning Administrator. At the discretion of the Zoning Administrator, the plan may also be submitted for approval by the Planning Commission.

N. Grass. All developed or undeveloped lots shall be seeded with grass, except by permission of the Planning Commission.

R.A.F. RECREATIONAL, AGRICULTURE AND FORESTRY

DISTRICT PURPOSE

The primary intended use of this District is to promote the proper use, enjoyment and conservation of the natural and other resources of the Township, peculiarly adapted to recreational and agricultural uses and/or forest industries. To facilitate such uses, certain commercial and other services may be permitted by Special Approval.

PERMITTED USES

- A. All permitted uses under the R-1: Single Family Residential District
- B. Plant nurseries and greenhouses.
- C. All farm buildings and structures customarily utilized in farming operations.
- D. Roadside stands for the sale of farm products provided that the location of the stand, parking, entry and exit from a public road be approved by the County Road Commission as safe and adequate.
- E. Parks and playgrounds, including customary buildings and structures.
- F. Professional offices.
- G. Hunting, fishing and trapping, including cabins thereof.
- H. Forest industries.
- I. Production of forest products.
- J. Harvesting of any native or wild crops permitted by law, such as marsh hay, berries and seeds.
- K. Hydroelectric plants, dam and flowage areas.
- L. Trailer coaches.
- M. Farms, including production of field, fruit, hay crops, livestock, pasture, wood lots and farm forestry.
- N. Seasonal recreation facilities, including camps, cottages and other recreation oriented structures not intended for long- term occupation. A structure shall be deemed a seasonal facility if occupancy is less than ninety (90) days per calendar year. Seasonal recreation facilities shall also be located a minimum of two hundred (200) feet from any County right-of-way
- O. Non-Ferrous Metallic Mining authorized by the Michigan Department of Environmental Quality under Part 632 of the Natural Resources and Environmental Protection Act, Act 451 of the Public Acts of 1994, as amended.
- P. Kennels.
- Q. Agriculture.

SPECIAL USES

- A. Archery and shooting ranges.
- B. Small Wind Energy Conversion Systems (WECS)
- C. Large Wind Energy Conversion systems (LWECS)
- D. Accessory buildings proposed to be constructed prior to erection of the principal building.
- E. Sand and gravel Pits
- F. Any seasonal recreation facilities located less than two hundred (200) feet from any County right-of-way.

REQUIREMENTS

The following minimum dimensions for lot area, width and floor area, together with maximum dimensions for lot coverage and structure heights, shall be required for every land use in this District, except as noted:

- A. **Minimum Lot Area:** Fifteen thousand (15,000) square feet. For lots without public sewage service (with wells and septic system) the minimum lot area shall be 1) based on the approval of a septic system by the Western U.P. Health Department and 2) not smaller than the minimum lot size for lots with public water and sewage service.
- B. **Minimum Lot Width:** Sixty (60) feet along a street upon which a lot fronts.
- C. **Minimum Yard Setbacks.**
 - 1) Front Yard- Twenty-five (25) feet
 - 2) Side Yard: Seven (7) feet minimum for both interior and corner lots.
 - 3) Rear Yard: Ten (10) feet.

4) Seasonal recreation facilities shall be located a minimum of two hundred (200) feet from any County right-of- way.

D. **Maximum Structure Height:** Not to exceed thirty-five (35) feet. Accessory buildings shall not exceed a height of twenty-five (25) feet.

E. **Minimum Finished Living Space:** Six hundred (600) square feet for the total of all floors. In the case of seasonal recreational facilities, the minimum finished living space is two hundred (200) square feet.

F. **Maximum Lot Coverage:** All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the total lot area.

G. Archery and shooting ranges. Any special use permit shall require that noise emanating from any permitted use shall not exceed sixty-five (65) decibels at the boundaries of the lot and shall provide for hours of operation which shall not include operation between the hours of 8:00 p.m. to 8:00 a.m.

H. **Site Plan Review:** In addition to all previous requirements of this Section, all construction projects must prepare a scaled site plan, showing all existing and proposed buildings, utilities, parking, open spaces and roads, which must be submitted for approval to the Zoning Administrator. At the discretion of the Zoning Administrator, the plan may also be submitted for approval by the Planning Commission.

I. The dimensional requirements for lot area, width and floor area, lot coverage, structure height, and site plan review specified herein are not applicable to metallic mining operations authorized by the Michigan Department of Environmental Quality.

SIGNS

No signs or billboards shall be placed on or over a lot or public right-of-way in an R.A.F. District, without detailed plans and specifications regarding height, size, construction materials, location and appearance, and the subsequent approval of the Planning Commission. Each individual sign shall be determined on an individual basis, with regard to the aforementioned criteria.

ARTICLE V LANDS FRONTING ON LAKE SUPERIOR

On all lands fronting on Lake Superior, the harvesting of timber or the construction of roads within one hundred and fifty (150) feet of the high water mark of Lake Superior, shall be prohibited unless formal approval is granted by the Planning Commission. Said approval by the Planning Commission shall be based on good forest harvesting techniques recommended by the U.S. Forest Service to insure against further soil erosion.

Construction of structures shall be setback a minimum of fifty (50) feet from the top bluff line of Lake Superior unless formal approval is granted by the Planning Commission. Properties are also to comply with the minimum requirements set forth in the Shoreline Protection & Management Act (Act 245 of 1970), as amended, if requirements are more restrictive than this Ordinance. In areas designated by the Michigan Department of Natural Resources as a high erosion area, the minimum setbacks shall, at a minimum, conform to the Michigan Department of Natural Resources minimum setbacks. A map showing these areas and minimum setback requirements is filed with the Township Zoning Administrator. Location of structures, after meeting required setbacks, is the responsibility of the property owner and shall use all applicable engineering practices to take into account and minimize erosion, flooding, subsidence, etc.

ARTICLE VI PROPERTY USES ON LAKES AND STREAMS

No cabins or buildings of any kind shall be constructed on any streams or inland lakes less than one hundred (100) feet from the water's edge. No wholesale cutting of timber shall be allowed less than one hundred (100) feet from the water's edge on any stream or inland lake.

ARTICLE VII HOME OCCUPATIONS

PURPOSE

A home occupation is an accessory use of the main dwelling that shall constitute either entirely or partially the livelihood of a person living in the dwelling, provided it comply with all applicable performance standards. A home occupation is also a use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

PROHIBITED HOME OCCUPATIONS

The following are prohibited as home occupations:

1. Amusement or dance parlor.
2. Funeral home or chapel.
3. Health salons or gyms.
4. Kennel or other boarding of animals.
5. Medical or dental clinic or hospital.
6. Motor vehicle repair, parts sales, upholstery, sales, or fleet storage.
7. Nursing homes.
8. Private clubs.
9. Repair or testing of internal combustion engines.
10. Restaurants.
11. Taverns, bars, nightclubs.
12. Veterinary clinic or animal hospital.
13. Similar types of businesses as the above, as determined by the Planning Commission. The above list is not all inclusive.

PERMITTED HOME OCCUPATIONS.

The use of a single family residence by an occupant of same for a home occupation to give instruction in a craft or fine arts is permitted, but the Planning Commission may impose such regulations concerning noise, traffic, hours of operation, and other conditions as are consistent with this Ordinance and the public health, safety, and welfare.

PERFORMANCE STANDARDS

A home occupation must be conducted in compliance with the following standards and limitations.

- A. The occupation should not be the primary use of the dwelling. It should occupy no more than twenty-five (25) percent of the gross floor area, except by issuance of a conditional use permit.
- B. The business does not change the residential character of the dwelling, is not visible from the street, and does not result in outside storage unrelated to the use of the dwelling as a residence.
- C. It shall have no signs visible from the street, except signs allowed under this ordinance for that particular District.
- D. It shall not include the use of electrical or mechanical equipment that would change the fire rating of the structure, create visible or audible interference in radio and/or television receivers or cause fluctuations in line voltage outside the dwelling.
- E. It shall have no more than one (1) full-time employee on the premises which is not a resident of the premises, except by conditional use permit.
- F. It shall not create objectionable noises ten (10) decibels above ambient at the property lines, noticeable vibrations or objectionable odor at the property lines.
- G. It shall not generate sewage or water use in excess of what is normal in the District in which it is located.
- H. It shall not create vehicular nor pedestrian traffic, nor parking in excess of what is normal for the District in which it is located.
- I. Signs shall be limited to one (1) non-illuminating name plate, measuring one (1) foot by two (2) feet in size, and shall be attached flush to the front of the building.
- J. Home occupation shall be registered with the Township Supervisor by an annual date each

year and pay the annual fee for same as established by the Township Board.

APPLICATION REQUIRED

An applicant shall apply with the Township Zoning Administrator, pay the necessary fee and be approved by the Planning Commission prior to commencement of a home occupation. If a special Planning Commission meeting is desired by the applicant, prior to the regularly scheduled Planning Commission meeting, the applicant shall be assessed all Township incurred costs for holding the special meeting.

Any proposed home occupation that is not listed in the "Prohibited Home Occupations" section shall be considered for approval or denial by the Planning Commission, upon consideration of the applicable "Performance Standards". In many cases, determination whether a proposed use may be conducted in a dwelling will rest on the nature and extent of the particular, operation, rather than its classification. The Planning Commission's approval of a home occupation shall be evidenced by a home occupation permit.

Any violation of any of the above conditions or failure to obtain a home occupation permit, will result in revocation of approval to conduct said operation, subject to enforcement action if operations do not cease within seven (7) calendar days of notification.

ARTICLE VIII SPECIAL USES

PURPOSE

In order to make this Ordinance flexible to meet the changing trends in development and new technology, the authorization of special uses to be conducted upon approval of the Planning Commission is made. In this way, the Ordinance does not become a rigid document that cannot be altered, but serves as a guideline upon which the Planning Commission, with the approval of the Township Board, may make enlightened judgments keeping developments within the general philosophy of this Ordinance. Land and structure uses not specifically mentioned in the foregoing text or possessing unique characteristics, are designated as special uses and, as such, may be authorized by the issuance of conditional special use permits, with such conditions and safeguards attached in writing as may be deemed necessary for the protection of the public welfare.

A Special Use Permit is a permit issued by the Planning Commission to an applicant for a use not in accordance with the provisions of this Ordinance, but which use will not be detrimental to the surrounding area, along with being required to meet and maintain certain criteria called performance standards. The standards shall be consistent with and promote the intent and purpose of the zoning ordinance and shall insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. Special Use Permits are: (1) granted on a case by-case basis, (2) granted for a term of up to five years, where after renewals shall be given at the discretion of the Planning Commission and (3) may be revoked at any time, at the discretion of the Planning Commission, if said performance standards are not complied with. The Township Clerk shall keep records concerning the issuance of special use permits.

PROCEDURES FOR MAKING APPLICATION

The following procedures shall be followed for application of conditional use permits:

- A. **Application submitted to the Planning Commission:** Applications with the applicable fee shall be submitted through the Township Supervisor or Zoning Administrator to the Planning Commission.

- B. **Data Required in Application:** Application shall be made listing the following information:
 - 1) Name of applicant and the name of the owner of the premises.
 - 2) Legally recorded description of the property.
 - 3) Scale drawings of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, parking facilities, water and sewer systems, the types of buildings and their uses. In addition, the site plan should show the use of all property within five hundred (500) feet of the property requesting the issuance of a conditional use permit.
 - 4) Preliminary plans, specifications and uses of the proposed development.

- C. **Review by the Planning Commission:** The Planning Commission shall review the application and decide each application on the basis of whether or not the proposal will be harmonious with, and in accordance with, the general and specific objectives of this Ordinance and whether or not the proposal satisfies the performance standards.

- D. **Notification of the Public:** Upon receipt of an application for a special use permit, the following steps will be taken by the Zoning Administrator and the Planning Commission:
 - 1) Once notice that a request for a special use permit has been received, one (1) notice of same shall be published in a newspaper of general circulation in the local unit of government not less than 15 days before the date of the hearing.
 - 2) Notice shall be given to all persons whom real property is assessed within 300 feet of

the property that is subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property of structure is located in the zoning jurisdiction. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different persons, 1 occupant for each unit of spatial area shall be given notice. If a single structure contains more than 4 dwelling units or other distinct spatial areas owned or leased by different persons, 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) The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery within the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is no known, the term “occupant” shall be used for the intended recipient of the notice.

4) The notice shall:

a) Describe the nature of the request.

b) Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

c) State when and where the application will be considered.

d) Indicate when and where written comments to the request can be made.

E. **Public Hearing:** A public hearing on an application for issuance of a special use permit may be requested by the Zoning Administrator or the Planning Commission, or upon the request of the applicant, property owner or occupant of a structure located within three hundred (300) feet of the property under consideration. Notice of the public hearing shall be provided as specified in section D, above. The Planning Commission shall consider all public input into its consideration for the issuance of the special use permit.

F. **Issuance of Special Use Permit:** The Planning Commission may deny, approve or approve with conditions all requests for a special use permit. If approved, the Planning Commission and applicant shall enter into a written agreement concerning exact plans, specifications and conditions to be met by the applicant in accordance with the approval. If the Planning Commission denies a request for a special use permit, it will submit, in writing to the applicant, notice of such denial and the factual basis for same. The decision on the special use permit shall be incorporated in a statement of findings and conclusions relative to the special land use which specifies the basis for the decision and any conditions imposed.

G. **Appeal:** Any resident of the township shall have the right to appeal any special use permit decision of the Planning Commission to the Zoning Board of Appeals. Such appeal must be made in writing and submitted to the Township Clerk within 60 days of the decision of the Planning Commission.

CANCELLATION SPECIAL USE PERMIT

The Planning Commission may, at its discretion, choose not to renew the annual extension or may choose to revoke, at any time, the Special Use Permit if any Performance standards are not complied with.

ARTICLE IX AMENDMENT PROCEDURE

PURPOSE, INITIATING AMENDMENTS AND FEES

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provision and regulations herein established, whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner requesting an amendment shall at the time of application pay the fees established by the Township Board. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation to the Township Board. *As pursuant to Michigan Zoning Enabling Act 110 section 125.3202*

INFORMATION REQUIRED

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

- A. A legal description of the property.
- B. A scaled map of the property or site, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner(s) of the site.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of the petitioner(s) and owner(s) certifying the accuracy of the required information.

PUBLIC HEARING

The Planning Commission shall hold a public hearing upon any application for a map or text amendment, notice of which shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days preceding the date of said hearing.

Notice of hearing shall be sent by U.S. Mail to all persons to whom real property is assessed within 300 feet of the boundary of the property in question

Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction.

The notice shall do all of the following:

- A. Describe the nature of the request.
- B. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
- C. State when and where the request will be considered.
- D. Indicate when and where written comments will be received concerning the request.

If an individual property of 10 or fewer adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required under this section.

If 11 or more adjacent properties are proposed for rezoning, the planning commission shall give a notice of the proposed rezoning in the same manner as required, except for the individual mailing of notices within 300 feet requirements and no individual addresses of properties are required to be listed.

FINDINGS OF FACT REQUIRED

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

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

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

ARTICLE X CONTINUANCE OF EXISTING
NONCONFORMING USES,STRUCTURES AND LOT DIMENSIONS

A nonconforming use may continue in existence provided that it is neither enlarged or extended so as to occupy additional land area on the same or any other lot or parcel.

- A. A nonconforming structure may continue in existence, provided that it does not subsequent to the effective date of this *Ordinance*, become more nonconforming.
- B. The provisions of this *Ordinance* shall not apply to prevent the use of any lot, building, or structure for any purpose prohibited by this *Ordinance* if such lot, building or structure was lawfully used for such purpose on the date of passing of this *Ordinance*, so long as it continued to be used for that purpose.
- C. Nonconforming lot dimension may continue in existence, provided that they do not, subsequent to the effective date of this *Ordinance*, become more nonconforming.
- D. Nothing in this *Ordinance* shall prevent the use of any lot, building or structure for any purpose prohibited by this *Ordinance* provided such lot, building or structure was lawfully used for such purpose on the date of passing of this *Ordinance*.
- E. Where a lawful structure exists at the effective date of adoption or amendment of this *Ordinance* that could not be built under the terms of this *Ordinance* because restriction on area, lot coverage, height, yards or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
 - 1) No such structure may be enlarged or altered provided that such enlargement or alteration does not increase the structures nonconformity.
 - 2) Should such structure be moved for any reason; it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Abandonment of Nonconforming Use or Structure: If a property owner abandons a nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this *Ordinance*. When determining the intent of the property owner to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

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

ARTICLE XI VARIANCES
ZONING BOARD OF APPEALS

PURPOSE

The Zoning Board of Appeals shall have the power to authorize, upon an application, specific variances from such dimensional requirements as lot width and area regulations, structure height and bulk regulations, yard width and depth regulations, setbacks and such provision requirements as, off-street parking and loading space, as specified in this Ordinance, when ALL of the conditions in the following are satisfied.

CONDITIONS

The following conditions and findings of fact shall be considered for a request for Variance from the requirements of this ordinance.

- A. Dimensional zoning requirements cannot be physically met by an existing lot due to narrowness, shallowness, irregular shape, or topography or natural characteristics of the site that inhibit the lawful location of a structure or its accessory.
- B. The physical hardship is unique and not shared by neighboring properties in the same zone. If the Zoning Board of Appeals finds that the hardship is not unique, amending the Ordinance or rezoning can be pursued.
- C. The practical difficulty was not created by an action of the applicant and either existed at the time of adoption of the requirement from which the variance is requested, or is necessary as a result of a government action.
- D. The variance would not alter the essential character of the area or neighborhood.
- E. The conditions upon which the petition for variance is based would not be applicable to other property within the same zoned district.
- F. The purpose of the variance request is not based merely upon a desire to generate greater revenue out of the property.
- G. The variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood, in which the property is located.
- H. The variance will not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in public streets, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood.
- I. The variance is the minimum variation necessary to permit reasonable use of the land and building.

RULES

In addition to the foregoing conditions, the following rules shall be applied in the granting of variances:

- A. In granting a variance, the ZBA shall specify, in writing, to the applicant, such conditions in connection with the granting that will, in its judgment, secure substantially the objectives of the regulation or provision to which such variance applies. The breach of any such condition automatically invalidates the permit granted.
- B. Each variance granted under the provisions of this Ordinance shall become null and void, unless:
 - 1) The construction authorized by such variance or permit has been commenced within ninety (90) days after the granting of the variance and is being carried progressively to completion.
 - 2) The occupancy of land, premises or buildings authorized by the variance has taken place within one (1) year after the variance was granted.

c. No application for variance which has been denied wholly or in part by the ZBA, shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions, found upon inspection by the ZBA to be valid.

Under all these circumstances, the only reduction or modification that shall be authorized, is that necessary to overcome the evidenced difficulty; or as specifically authorized in other Sections of this Ordinance, but in no case, shall the requirements be reduced by more than fifty (50) percent, except that the Zoning Board of Appeals may permit construction beyond the front yard setback when sixty (60) percent of the buildings on the same block frontage do not meet the current standards, up to the average setback of ALL buildings, excluding accessory structures, on said block front

Appointment of Zoning Board of Appeals.

The Township Zoning Board of Appeals (ZBA) shall be appointed by the Township Board as prescribed by statute with all the powers and authority prescribed by law or delegated to it under specific provisions of this Ordinance. The ZBA shall consist of five members; one member shall be a member of the Township Planning Commission. An elected officer of the Township shall not serve as chairman of the ZBA and an employee or contractor of the Township Board may not serve as a member or an employee of the ZBA. However, one member of the ZBA shall be a member of the Township Board.

Term of Office.

The term of each member of the ZBA shall be for three years, or until a successor has been appointed and qualified. Staggered terms shall be affected. Members on the ZBA from the Township Board and from the Planning Commission shall have terms limited to their respective other official terms, or to such lesser period determined by resolution of the Township Board.

Conflict of Interest.

A ZBA member shall disqualify himself/herself from a vote in which he/she has a conflict of interest.

ARTICLE XII OFF-STREET PARKING

PURPOSE

Parking spaces shall be provided and adequately maintained by each property owner in every zoning district for the storage of motor vehicles for use by occupants, employees and patrons of each building or structure constructed, altered or enlarged after the effective date of this Ordinance.

FLOOR AREA, DEFINITION

As used in this Section, the term "Floor Area," as applied to offices, merchandise or service types of uses, shall mean the gross floor area used or intended to be used for services, but excluding floor area so restricted that customers, patients, clients and the general public are denied access.

PARKING SPACE REQUIREMENTS

Parking space for motor vehicles in all districts, in connection with every residential, institutional, recreational, instructional, cultural, commercial and industrial land use shall be provided in accordance with the following:

- A. **Dwelling:** Two (2) spaces for each dwelling unit or family in each dwelling.
- B. **Auto Courts, Hotels, Motels:** One (1) space for each sleeping room, plus two (2) spaces for operating personnel.
- C. **Hospitals, Sanitariums, Nursing Homes, Homes for the Aged:** One (1) space for every four (4) beds, plus one (1) space for every two (2) employees.
- D. **Libraries, Museums, Post Offices:** One (1) space for every 800 square feet of floor area, plus one (1) space for every three (3) employees.
- E. **Schools:** One (1) space for every two (2) employees, including administrators, teachers, and support personnel.
- F. **Banks, Businesses and Professional Offices:** One (1) space for every 200 square feet of floor area.
- G. **Retail Stores:**
 - 1) **Clothing, Furniture, Appliance, Automobiles, Machinery Sales, Wholesale Sales:** One (1) space for every 800 square feet of floor area, plus one (1) space for every two (2) employees.
 - 2) **Supermarkets:** One (1) space for every 200 square feet of floor area.
 - 3) **Barber and Beauty Shops:** Two (2) spaces for each chair, plus one (1) space for every two (2) employees.
 - 4) **All other retail stores:** One (1) space for every 200 square feet of floor area, plus one (1) space for every two (2) employees.
- H. **Restaurants, Cafeterias:** One (1) space for every five (5) patron seats, plus one (1) space for every four (4) employees.
- I. **Places of Public Assembly (Churches, Stadiums, Theaters, etc.):** One (1) space for every three (3) seats, plus one (1) space for every two employees.
- J. **Industrial Establishments:** One (1) space for every two (2) employees or one (1) space for every 200 square feet of gross floor area, whichever provides the greatest parking accommodation.
- K. **Laundromats:** One (1) space for every two (2) washing machines.
- L. **Bowling Alleys:** Five (5) spaces for each lane.
- M. **Community Clubs, Dance Halls, Fraternal Organizations and Private Clubs:** One (1) space for every one hundred (100) square feet of usable floor area.

LOCATION OF PARKING AREAS

Off-street parking areas shall be located near the use they are intended to serve:

- A. **All Residential Districts:** Parking requirements shall be on the same or adjacent lot for any use in a Residential District.

- B. **Commercial Uses:** On the same lot or on immediate premises of the developed site, must be within 500 feet, measured from the nearest point of the parking lot to the nearest pedestrian entrance and exit to the building.
- C. **Public and Quasi-Public Buildings:** On premises or within 500 feet measured from the nearest point of the parking lot to the nearest pedestrian entrance and exit to the building.
- D. **Driveways and Entrance/Exit Approaches:** Shall be paved if the grade exceeds eight (8) percent.

DESIGN AND CONSTRUCTION REQUIREMENTS

The following design and construction standards shall be followed in all off-street parking areas.

- A. In all zoning districts except those listed in (C.) below, a minimum of 280 square feet of surface shall be provided for vehicular parking, with each space being clearly designated and accessible separately from public street or highway. Except by permission of the Planning Commission, the parking lot must be gravel and graded to specifications established by the Planning Commission or paved.
- B. Except for a parking space provided on Residential lots, an access drive shall be provided, of not less than twenty (20) feet wide.
- C. In the industrial, commercial, residential transition, and manufacturing districts, no parking lot shall be less than 1,000 square feet in area, except by written permission of the Planning Commission. Except by permission of the Planning Commission, the parking lot must be gravel and graded to specifications established by the Planning Commission or paved.
- D. Parking areas shall be surfaced with a material that will provide a durable and smooth surface and shall be graded and provided with adequate drainage facilities, all as approved by the Township Building Inspector.
- E. When a parking area for four (4) or more vehicles adjoins a Residential area, a buffer strip at least twenty (20) feet wide shall be provided between the parking area and the adjoining property. The buffer strip shall be attractively landscaped or provided with vertical screening, not less than eight (8) feet in height.
- F. Parking areas located on a Commercial zoned parcel shall be at least twenty (20) feet from any Residential zoned parcel.
- G. If any parking area on a Commercially zoned parcel is to be located in the yard adjacent to a Residential zoned parcel, the parking area shall be screened either by an eight (8) foot fence or wall, or by evergreen shrubbery at least four (4) feet in height at planting time, which is located in and for the full length of the area separating the parking area from the adjacent Residential zoned parcel lot line. Spacing of shrubbery, as well as variety of shrubbery used, will be determined by the Planning Commission.
- H. Paved parking may be required if drainage or dust problems arise that constitute a public nuisance or a hazard to public health or safety.

INCREASES IN PARKING AREAS

Any increase in effective capacity of any premise(s) use for which off-street parking is required, shall be accompanied by the provision and maintenance of parking spaces in proper ratio to the increased.

JOINT USE OF PARKING AREAS

In situations where joint use or parking facilities by two (2) or more uses is practicable and satisfactory to each of the uses intended to be served, joint use of parking facilities shall be approved by the Planning Commission.

PARKING REQUIREMENT DEFERMENT

- A. Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area, provided that an area of sufficient size to meet the parking space requirements of this article is retained as open space, and the owner agrees in writing to construct the additional parking based on observed usage

- within six (6) months of receipt of a written response to the request by the Zoning Administrator.
- B. The site plan shall note the area where parking is being deferred, including dimensions and parking lot layout.
 - C. Proof of an approved storm water management plan for the complete parking area, including any deferred spaces, must be submitted.

ARTICLE XIII (UN)LOADING SPACE REQUIREMENTS

PURPOSE

In order to prevent undue interference with public use of streets and alleys, every manufacturing storage, warehouse, department store, wholesale store, retail store, market, motel, hotel, hospital, laundry, dry cleaning, dairy, mortuary and other uses similarly and customarily receiving and distributing goods by motor vehicle, shall provide space on the premises for that number of vehicles that will be on the premises at the same time on an average day of full use. Every structure, housing such a use, and having over 5,000 square feet of gross floor area, shall provide at least one (1) truck standing, loading and unloading space on the premises, not less than twelve (12) feet in width, sixty (60) feet in length, and fourteen (14) feet in height.

STORAGE OF REFUSE

All space required for the accumulation and out-loading of garbage, trash, scrap, waste products and empty containers within Residential or Commercial Districts, shall be provided entirely within a building or screened area.

ACCESS TO A TRUCK STANDING, LOADING AND UNLOADING SPACE

Access shall be provided directly from a public street or alley, or from any right-of-way that will not interfere with public convenience and that will permit orderly and safe movement of truck vehicles.

ADDITIONAL TO PARKING SPACE

Loading space as required under this Section shall be provided as area additional to off-street parking space.

ARTICLE XIV FENCES AND OBSCURING WALLS

PERMITS

No fence or obscuring wall shall hereafter be erected or altered within any District, without first obtaining a permit from the Township Zoning Administrator. No new permanent barbed wire fences will be permitted in the Township without the approval of the Planning Commission.

PLACEMENT AND HEIGHT

- A. **Front Yard:** No permanent fence shall be erected on the front lot line which exceeds four (4) feet in height.
- B. **Side Yard:** No fence shall be erected on the side yard lot line which exceeds six (6) feet in height; provided, however, that no fence exceeding four (4) feet in height above the established grade shall be erected or maintained nearer the front property line than the front line of the main dwelling thereon.
- C. **Rear Yard:** No fence shall be erected on the rear lot line which exceeds -six (6) feet in height.
- D. **Corner Lots:** No fence over thirty-six (36) inches in height above the established sidewalk grade shall be permitted within twenty (20) feet of any street intersection, so as to interfere with traffic visibility.
- E. **Commercial and Industrial Districts:** When a commercial or industrial district parcel is located adjacent to any R- 1, TR-1, R-2 or R.A.F. district or parcel, a fence or obscuring wall of at least six (6) feet in height for commercial properties and twelve (12) feet in height for industrial properties shall be installed prior to commencement of activities on the commercial or industrial property.
- F. **Recreational, Agriculture, Forestry District:** Fences for agricultural purposes shall conform with Generally Accepted Agricultural and Management Practices established by "Michigan Right to Farm Act" Act 93 as amended.

OPENINGS AND CONSTRUCTION REQUIREMENTS

- A. All walls required in this title shall be constructed of materials, approved by the Building Inspector, to be durable, weather resistant, rustproof and fully maintained.
- B. Masonry walls shall be erected on a concrete foundation which shall have a minimum depth of forty-eight (48) inches below a grade approved by the Building Inspector and shall be no less than four (4) inches wider than the width of the wall to be erected.
- C. Masonry walls may be constructed with openings which do not, in any square section (height and width), exceed twenty (20) percent of the surface. Where walls are so pierced, the openings shall be placed as to maintain the obscuring character required, and shall not reduce the minimum height requirement. The arrangement of the openings shall be reviewed by the Building Inspector.

POSITION OF FINISHED SIDE

- A. The finished side of any fence shall face away from the structure to be fenced in (the finished side shall face the neighbors).
- B. All cyclone fences shall have the finished edge on the top side.

MAINTENANCE

Fences must be maintained so as to not endanger life or property. Any fence which through lack of repair, type of construction or otherwise imperils life or property shall be deemed a nuisance. The Zoning Administrator shall notify the owner of the property upon which the fence is located, of the existence of such a nuisance and that the nuisance must be abated. Notice shall be sent by certified mail, specifying the work to be done and the deadline for the conditions of this Section to be met. All expenses thereof, shall be assessed to the owner(s) for work conducted by the Township if compliance

of the notice is not met by the deadline. In addition, action may be taken pursuant to the Nuisance Article of this Ordinance or pursuant to any other applicable law, Zoning Ordinance section or ordinance.

ARTICLE XV COMMUNICATION TOWERS

Communication towers and structures

The maximum height of any communication structure (tower) shall not exceed four hundred fifty feet (450 feet), provided that no communication tower shall be placed at a such a distance to a property line as to result in any portion of the proposed tower at any time, whether erect or in the event the proposed tower should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.

The structure may support multiple use devices such as approved antennas and satellite dishes not exceeding sixty feet (60') height in all areas, except airport zoning areas, or other residential/commercial restricted zones. The Gogebic Airport Zoning Ordinance is hereby referenced and incorporated herein.

A permit application must be filed with the Township Supervisor, accompanied by detailed drawings and site location sixty (60) days prior to proposed erection date to allow for public input before approval action. Documentation from the F.A.A. (Federal Aeronautics Agency), or other concerned regulatory agencies shall accompany this data. Application for a variance, or conditional use permit may be submitted, should site conditions warrant such action.

Proper notification of intent shall be made to all property owners adjoining the proposed site. Written documentation shall be required and received by the Township Supervisor thirty (30) days prior to permit action. All entities must state their views regarding the proposed structure within this timeframe. This Article does not apply to public safety communications as provided under the Radio Broadcasting Stations Act, MCL 28.281, et seq.

ARTICLE XVI WIND ENERGY CONVERSION SYSTEMS

Definition

Wind Energy Conversion System (WECS)

A machine that converts the kinetic energy in the wind into a useable form, commonly known as a “*wind turbine*”, “*wind generator*” or “*windmill*”; the WECS includes all parts of the system, including, but not limited to, the tower, pylon or other structure upon which any, all or some combination of components are mounted.

The following associated definitions are also pertinent.

- A. **WECS:** A combination of:
 - o A surface area, either variable or fixed, for utilizing the wind for generation of electrical power; and
 - 1) A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
 - 2) The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
 - 3) The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.
- B. **Tower Height:**
 - 1) **Horizontal Axis Wind Turbine Rotors:** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally-mounted WECS exceeds the structure which supports the rotor and blades;
 - 2) **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the WECS.
- C. **Survival Wind Speed:** The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.

D. **Interconnected WECS:** A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.

SECTION 1

SMALL OR INDIVIDUAL WIND ENERGY CONVERSION SYSTEMS (WECS) CONDITIONS FOR APPROVAL IN SPECIFIED DISTRICTS WITHIN IRONWOOD TOWNSHIP

- A. The proposed Small WECS will not block, interfere or otherwise impair a scenic vista, corridor or the view of a neighboring residential structure.
- B. The primary purpose Small WECS will be to provide power for the principal use of the property whereon said WECS is to be located and shall not be the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a WECS designed to meet the energy needs of the principal use.
- C. The WECS and its location on said properties shall limit any noise from where said WECS is located. The additional side and rear yard setbacks from the required structure zoning ordinance setbacks shall be determined by the Planning Commission and shall be based upon the height of the proposed WECS.
- D. No variance shall be granted in connection with a proposed WECS to permit a height greater than 175 feet of the placement of a WECS so close to a property line as to result in any portion of the WECS at any time, whether erect or in the event the WECS should fall or be toppled, to overhang, cross or otherwise extend beyond the property line.
- E. No WECS shall be located within the front yard area.
- F. The Planning Commission may add additional reasonable conditions.
- G. A grant of zoning compliance permit constitutes an agreement between the land owner and The Ironwood Township that the Zoning Administrator at any reasonable time may enter the property, for the purpose of inspection to determine compliance with above conditions.
- H. No WECS shall be erected until final site plan approval has been granted by the Planning Commission and permits issued by all government agencies involved.
The site plan, in addition to the above, shall also show:
 - 1. Location of tower on-site and tower height, including blades,
 - 2. Underground utility lines within a radius equal to the proposed tower height, including blades,
 - 3. Dimensional drawings, installation and operation instructions,
 - 4. Design date indicating the basis of design, including manufacturer's dimensional drawings, installation and operation instructions,
 - 5. Certification by a registered professional engineer or manufacturer's certification that the tower design is sufficient to withstand wind load requirements for structures as established by the State of Michigan building codes,
 - 6. Any other information that the Zoning Administrator or the Planning Commission deemed necessary.

SECTION 2

LARGE WIND ENERGY CONVERSION SYSTEMS (LWECS)

STATEMENT OF FINDINGS:

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

PURPOSE:

To protect public health and safety, Ironwood Township has included Large Wind Energy Conversion System Regulations into its Zoning Ordinance to regulate and provide guidance, approval, and denial processes for requests for installation of Large Wind Energy Conversion Systems (LWECS).

APPLICABILITY:

The Ironwood Township Large Wind Energy Conversion System regulations applies to all unincorporated lands within the boundaries of Ironwood Township.

DEFINITIONS:

“Applicant” means the person or persons, or entity applying for installation of a Large Wind Energy Conversion System. **“Decommissioning”** means removal of a Large Wind Energy Conversion System or Met or SCADA Tower due to in-operation for a continuous period of 12 months, or the Large Wind Energy System is deemed to be unsafe or out of compliance with federal, state and/or local regulations or codes.

“Flicker” or “Shadow Flicker” means the effect that results when the shadow cast by the rotating blade of a Large Wind Energy System moves across a fixed point

“Met or SCADA (Supervisory Control and Data Acquisition) Tower” means a tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, wiring, or any other device, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near an existing or proposed Large Wind Energy Conversion System.

“Owner” means the person or persons, or entity that owns or proposes to own a Large Wind Energy System or Met or SCADA Tower and the property on which the Large Wind Energy System or Met or SCADA Tower is or proposes to be located. **“Large Wind Energy Conversion System” (LWECS)** means a Wind Energy System that has a capacity of more than 100 kilowatts, or a total height of 170 feet or more, or both.

“Nonparticipating Property” means real property on which either there is no Large Wind Energy System, or there is a Large Wind Energy System that is in a different Wind Farm System than another Large Wind Energy System.

“Participating Property” means real property on which a Large Wind System is located and that is in the same Wind Farm System as another Large Wind Energy System.

“Special Land Use Permit” means a permit for the installation of a Large Wind Energy System, as described in Article VIII, Special Use Permits, of the Ironwood Township Zoning Ordinance.

“Total Height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point. **“Tower”** means either the freestanding, guyed, or monopole structure that supports 58 a wind generator or the freestanding, guyed, or monopole structure that is used as a Met or SCADA Tower.

“Township” means Charter Township of Ironwood.

“Wind Energy Conversion System” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

“Wind Generator” means the mechanical and electrical conversion components mounted on or near the Tower. **“Wind Farm System”** means a Large Wind Energy System that includes more than one Tower.

STANDARDS

The following standards shall be met before consideration by the Township of an application for a Large Wind Energy System, or a Met or SCADA Tower.

Zoning and Setbacks

- A. A Large Wind Energy Conversion System may only be located in areas in the Ironwood Township that are zoned R.A.F.
- B. A Tower must be set back:
 - 1). At least 1.5 times its total height from the property line of a participating property;
 - 2). At least 1.5 times its total height from any public road or power line right-of-way; and
 - 3). At least 1,000 feet from the property line of a Nonparticipating Property, unless the owner of the Nonparticipating Property grants an easement for a lesser setback. The easement must be recorded with the Registrar of Deeds and may not provide a setback

that is less than 1.5 times the total height of the Large Energy Wind System.

4). Exceptions to the above zoning and setback requirements may be requested by the Owner during the Application Process. Approval or denial of exceptions shall be at the sole discretion of the Township Planning Commission and Township Board.

Spacing and Density

A Large Wind Energy System must be separated from every other Tower by a sufficient distance so it does not interfere with any other Tower.

Structure

A Large Wind Energy Conversion System must be a monopole construction to the extent practical. If monopole construction is not practical, a Large Wind Energy System must be of free-standing construction to the extent practical. If monopole or free-standing construction is not practical, a Large Wind Energy System must be guyed.

Height

The total height of a Large Wind Energy System must be 500 feet or less.

Noise

The noise generated by the operation of a Large Wind Energy System shall not exceed 55dB(A) at the property line closest to the Large Wind Energy Conversion System. Exceptions for neighboring property are allowed with the written consent of those property owners.

Blade Clearance

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

Access

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

Electrical Wires and Equipment

All electrical wires associated with a Large Wind Energy Conversion System, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground. Any electrical equipment associated with a Large Wind Energy Conversion System must be located under the sweep area of a blade assembly.

Lighting

A Large Wind Energy System may not be artificially lighted unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

Appearance, Color, and Finish

The exterior surface of any visible components of a Large Wind Energy Conversion System must be a non-reflective, neutral color. Towers and turbines in a Wind Farm System that are located within one mile of each other must be of uniform design, including Tower type, color, number of blades, and direction of blade rotation.

Signs

No wind turbine, Tower, building or other structure associated with a Large Wind Energy Conversion System may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, Tower, building, or other structure associated with a Large Wind Energy Conversion System.

Code Compliance

A Large Wind Energy System must comply with all applicable federal, state, and local construction and electrical codes. A Large Wind Energy Conversion System must comply with Federal Aviation Administration requirements, as well as State of Michigan Airport Zoning and Tall Structures Acts. The owner must provide written certification from a state licensed inspector showing that the Large Wind Energy System complies with all applicable codes before placing the Large Wind Energy Conversion System into operation.

Signal Interference

The owner of a Large Wind Energy Conversion System must filter, ground, and shield the Tower, and take any other reasonable steps necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

Utility Interconnection

A Large Wind Energy System that connects to the electric utility grid must comply with the State of Michigan Public Service Commission and the Federal Energy Regulatory Commission standards.

Environmental Impacts

A Large Wind Energy System shall comply with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shore land Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.

Flicker or Shadow Flicker

The owner of a Large Wind Energy Conversion System must take such reasonable steps as are necessary to prevent, mitigate, and eliminate Shadow Flicker on any occupied structure on a Nonparticipating Property.

APPLICATION PROCESS:

Requests for Large Wind Energy Conversion Systems shall be submitted for review, approval, or denial in accordance with _____ (Special Land Uses), and in conformance with Article _____ (Site Plan Review), and Article _____ (Zoning Board of Appeals) of the Township's Zoning Ordinance, as appropriate and applicable. Requests shall be accompanied by payment of a fee as designated in the Township's Schedule of Fees and updated from time to time. In addition, the Township's application fee, the applicant may be required to cover legal, professional, or expert assistance costs incurred by the Township in the review, approval or denial of a request for a Large Wind Energy Conversion System.

If a Special Land Use Permit (Permit) is granted, it will expire if the Large Wind Energy System is not installed and functioning within two (2) years from the date the Permit is issued.

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

A. The applicant and landowner's name and contact information. If the applicant is a business entity, the applicant shall provide the name of the business, certificate of incorporation (if applicable), certificate of good standing, and business tax ID number.

B. Current property description (address, tax parcel numbers, legal description, and existing use and

acreage of the site).

- C. A survey map which clearly delineates the proposed location of the Large Energy Wind Conversion System, existing or planned access roads, boundaries of the parcel, adjacent property ownerships and existing residences, schools, churches, hospitals, libraries or other structures to a distance one-half mile.
- D. A survey map which clearly delineates any federal, state, county or local parks, recognized historic or heritage sites, state- identified wetlands, inland lakes or streams, or shore land.
- E. Number, description, design, and manufacturer's specifications of each Large Wind Energy System and Met or SCADA Tower, including the manufacturer, model, capacity, blade length, lighting, and total height of any Large Wind Energy Conversion System.
- F. Standard drawings or blueprints that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any Tower and Tower foundation, including a certification showing compliance with all applicable electrical and building codes.
- G. Data pertaining to the Tower's safety and stability, including safety results from test facilities.
- H. Proposal for landscaping and screening.
- I. A completed environmental assessment, demonstrating compliance with applicable parts of the State of Michigan Natural Resources and Environmental Protection Act, including but not limited to Water Resources Protection, Soil Erosion and Sedimentation Control, Inland Lakes and Streams, Shore land Protection and Management, Great Lakes Submerged Lands and Sand Dunes Protection and Management.
- J. A project visibility map based on an elevation model, showing the impact of topography upon visibility of the project from other locations, to a radius of three (3) miles from the center of the project.
- K. Statement describing any hazardous materials that will be used on the property, and how those materials will be stored.
- L. Location of any overhead utility lines adjacent to the property.
- M. Written documentation demonstrating compliance with all requirements set forth in Section 3.17 of the Township's Large Wind Energy Conversion Regulations.
- N. Written statement that the owner will construct and operate the Large Wind Energy Conversion System, Met or SCADA Tower, or Wind Farm System in compliance with all applicable local, state and federal codes, laws, orders, regulations, and rules.
- O. Written statement that the owner will install and operate the Large Wind Energy System, Met or SCADA Tower, in compliance with manufacturer's specifications.
- P. Proof of financial assurance in form satisfactory to the Township that the applicant has the financial capacity to satisfactorily construct, install and meet all requirements set forth in this Ordinance for Large Wind Energy Conversion Systems.
- Q. Written statement signed by the landowner acknowledging that the landowner is financially responsible if the owner fails to reclaim the site as required by Section G of this Article, and that any removal and reclamation costs incurred by the Township will become a lien on the property and may be collected from the landowner in the same manner as property taxes. In this regard, the owner must provide a performance bond, completion bond, or other financial assurance satisfactory to the Township of at least \$20,000 for each Large Wind Energy Conversion System to guarantee the performance of the removal and reclamation requirements stated in Section G of this Article.

DECOMMISSIONING

A Large Wind Energy Conversion System or Met or SCADA Tower that is out-of-service for a continuous period of 12 months, or is deemed unsafe or out-of-compliance with applicable federal, state or local codes or regulations, the Zoning Administrator may issue a Decommissioning Notice (Notice) to the owner. If, within thirty (30) days of receipt of a Notice the owner provides the Zoning Administrator with information satisfactory to the Zoning Administrator that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance with

applicable federal, state or local codes or regulations, the Zoning Administrator will withdraw the Notice. If the owner does not provide sufficient evidence that the Large Wind Energy Conversion System or Met or SCADA Tower has not been abandoned, or is not unsafe or out-of-compliance, within 120 days of receipt of the Notice, the owner must cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower and reclamation of the site. All foundations, pads, and underground electrical wires must be reclaimed to a depth of four (4) feet below the surface of the ground. All hazardous materials must be removed and disposed of in accordance with federal and state law. If the owner fails to cause the removal of the Large Wind Energy Conversion System or Met or SCADA Tower within 120 days of the Notice, the cost of removal and reclamation will become a lien upon the property and may be collected in the same manner as property taxes.

ENFORCEMENT

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

PRECEDENCE

Any conflicts that may exist between this Section (Section 3.17 - Large Wind Energy Conversion Systems) and any other sections of the Ironwood Township Zoning Ordinance, this Section shall take precedence.

**ARTICLE XVII OUTDOOR WOOD BURNING BOILERS AND
APPLIANCES**

Boilers/Units, outside wood burning, are a Permitted Use in the R.A.F. District and a Special Use in all other Districts, provided the wood burning boilers and appliances comply with the following conditions.

Conditions of Approval

- A. A setback of 75 feet from any and all lot/property lines, easements and right-of-ways;
- B. Minimum chimney height of 8 feet, measured from grade to chimney top or 2 feet higher than the nearest neighboring principle dwelling, within 200 feet, whichever is higher. The minimum chimney height shall be required for unenclosed and enclosed outdoor wood burning boilers.
- C. No fuel other than natural wood without additives, wood pellets, without additives and agricultural seeds in their natural state may be burned;
- D. A grant of Zoning Compliance Permit constitutes an agreement between the land owner and Ironwood Township, that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with above conditions.

ARTICLE XVIII CONSTRUCTION DEBRIS DISPOSAL

Michigan Solid Waste Management Act, MCL 324.11501, et seq., specifically states that all construction materials shall be taken to a type 3 landfill for disposal. Hazardous or toxic waste materials must be placed in a type 1, or certified type 2 landfill. Compliance with N.E.S.H.A.P. (National Emission Standards for Hazardous Air Pollutants) disposal statutes is also required.

It is a violation of the Solid Waste Management Act to bury, burn, or utilize any other method to dispose of these materials. Privately owned lands are not exempt from this statute.

The Charter Township of Ironwood does indeed support and comply with the provisions of the Solid Waste Management Act. Violation of the articles of this Act could result in fines and other severe penalties.

Refer to Charter Township of Ironwood Sand/Gravel Pit Ordinance 50.

Contact the Township Supervisor's Office for the data specified on all types of waste.

ARTICLE XIX SITE PLAN REVIEW

PURPOSE

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

BUILDINGS, STRUCTURES AND USES REQUIRING SITE PLAN REVIEW

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

- A. An apartment building containing three (3) or more dwelling units.
- B. More than one multiple-family building on a lot, parcel or tract of land, or a combination of lots under single ownership.
- C. Mobile Home Park
- D. Subdivision consisting of four or more dwellings.
- E. Any new principle commercial, office, industrial, business, recreational or institutional structure/use.
- F. All other uses requiring site plan review and approval as required by this Ordinance.

APPLICATION PROCEDURE

An application for site plan review shall be made to the Township Clerk along with a fee as required. The application shall, at a minimum, contain the following information:

- A. The applicants name, address, phone number and signature.
- B. The property owner's address, phone number and signature.
- C. The project address and parcel number.
- D. Project description.

The Township Clerk, upon receipt of the application and related materials, drawings, other necessary data, and payment of required fee, shall forthwith transmit the copies to the Planning Commission.

Within sixty (60) days of receipt of all required information, a meeting of the Planning Commission shall take place in which the site plan is approved, denied or approved with conditions. Written notice shall be sent to the applicant stating the time and place of the review of the site plan by the Township Planning Commission. All meetings of the Planning Commission shall conform to the provisions of the Open Meeting Act, Act 267 of the Michigan Public Acts of 1976 as amended.

SITE PLAN CONTENT

Site Plans submitted for review shall be drawn at a scale of 1 inch = 200 feet or greater and shall contain the following information:

- A. Vicinity map illustrating the location of the site within the Township.
- B. Date site plan was prepared.
- C. Name, address or preparer and professional seal of preparer.
- D. North arrow.
- E. Legal description based upon most current survey.
- F. Existing and proposed topographic elevations at two (2) foot intervals on the site and to a distance of ten (10) feet outside the boundary lines of the site.
- G. Direction of storm water drainage and how storm water runoff will be handled.
- H. Location of existing and proposed buildings, their intended use, the length, width and height of each building and the square footage of each building.
- I. Location of abutting streets, rights-of-way, service drives, curb cuts, and access easements serving the site, as well as driveways opposite the site and driveways within

100 feet of the site.

J. Location and size of all water and sanitary sewer lines and storm drainage lines as well as fire hydrants and catch basins, and location of septic tanks and drain fields and utility easements.

K. Location of all sidewalks, bike paths, and other walkways.

L. Location and size of any walls, fences or other screening provisions.

M. Location of all proposed landscape materials, including size and type of planting. Location of significant trees and other important landscape features on the site.

N. Location of all proposed accessory structures, including light poles or fixtures, flagpoles, storage sheds, transformers, dumpsters and recycle areas, signs, and existing and proposed utility poles.

O. Proposed parking areas and access drives showing number and size of spaces and aisles, and loading areas.

P. Location and type of significant existing vegetation, water courses and water bodies including county drains and manmade surface drainage ways, and wetlands.

Q. Statement of FEMA floodplain map of flood hazard to include FEMA flood insurance rate map number.

R. Zoning of the site.

S. Zoning of adjacent sites.

T. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, hazardous materials as well as any containment structures or clear zones required by this Ordinance or any other state or federal agencies.

STANDARDS

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

The Planning Commission shall review the site plan for compliance with the requirements of this ordinance and conformance with the following general standards:

A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of the lot, the character of adjoining property, and the type and size of buildings. The site shall be developed to not impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.

B. Electric, telephone and cable television lines on site shall be underground where practicable. Any utility installations remaining aboveground shall be located so as to have a harmonious relationship to neighboring properties and the site.

C. The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications that result in greatest harmony with adjacent areas.

D. Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.

E. The site plan shall provide reasonable, visual, and sound privacy for all dwelling units located herein. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

F. All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access.

G. Every structure or dwelling unit shall have access to a public street, walkway, or other area dedicated to common use.

H. There shall be provided a pedestrian circulation system that is insulated as completely as reasonably possible from vehicular circulation system.

- I. All loading and unloading areas and outside storage areas including areas for the storage of trash shall be screened by a vertical buffer consisting of structural and/or plant materials no less than six (6) feet in height.
- J. Exterior lighting shall be designed and constructed in such a manner to insure that all glare and lighting is confined to the development site; that any point light sources are not directly visible from beyond the boundary of the site.
- K. All streets shall be constructed in accordance with the requirements and specifications of the Gogebic County Road Commission.
- L. Site plans shall conform to all applicable requirements of state and federal statutes and approval may be conditioned on the applicant receiving necessary State and Federal permits before final approval is granted.
- M. Site plans shall conform to the Township Master Plan.

EXPIRATION OF SITE PLAN

The site plan approval shall expire and be invalid one hundred eighty (180) days after the date of approval, unless a building permit has been issued. The site plan approval shall expire, and be invalid 2 years after the date of approval, if construction has not begun on the site.

REVOCAION OF SITE PLAN APPROVAL

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

AMENDMENT OF AN APPROVED SITE PLAN

Amendments to an approved site plan shall be permitted only under the following circumstances:

- A. The owner of property for which a site plan has been approved shall notify the zoning administrator of any desired change to the approved site plan. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
 - 1. Reduction of the size of any building and/or sign.
 - 2. Movement of buildings and/or signs by no more than ten (10) feet.
 - 3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
 - 4. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of any required parking.
 - 5. Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

- B. All amendments to a site plan approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.

ARTICLE XX ADMINISTRATION

ENFORCEMENT

This Ordinance shall be enforced by the Zoning Administrator, Township Supervisor, or any other official, as may from time to time, be designated by the Township Board. Refer to Municipal Civil Infraction Ordinance.

VIOLATIONS

Any person, corporation, firm or other entity who violates, disobeys, omits, neglects, or refuses to comply with any provision of this Ordinance or permit, license, or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning Commission, or the Township Board, issued in pursuance of this Ordinance shall be guilty of a municipal civil infraction and shall be punished in accordance with the Township's Municipal Civil Infraction Ordinance. Each day that a violation occurs shall be deemed a separate offense. In addition to the penalties that can be imposed under the Township's Municipal Civil Infraction Ordinance, any violator shall be responsible for all costs of cleanup, plus costs incurred to rectify the problem, including administrative expenses and legal fees. Imposition of the penalties provided under the Township's Municipal Civil Infraction Ordinance shall not exempt an offender from compliance with this Ordinance, or any permit, license, or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning Commission, or the Township Board issued in pursuance of this Ordinance. The foregoing shall be in addition to the other rights of the Township to proceed at law or equity for other proper remedies.

Persons filing a complaint concerning any infraction of the zoning ordinance shall do so in writing, submitting the document to the Township Supervisor for action. The Supervisor shall consult with the Township Board and/or Planning Commission prior to issuing the notice of ordinance infraction to the alleged violator.

PROCEEDINGS

The Zoning Administrator, the Township Board, or any owner of real estate may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove any unlawful erection, alteration, maintenance, violation, or nuisance. The rights and remedies provided herein are cumulative in addition to all other remedies provided by law.

APPEAL

Any final decision of the Planning Commission, Township Supervisor, and/or Zoning Administrator dealing with the provisions of this Ordinance may be appealed in writing within 30 days of the decision to the Township Clerk and will be appealed to the Zoning Board of Appeals.

OTHER PROHIBITIONS

The Township Supervisor or Zoning Administrator shall have the power to designate as public nuisances other situations that would create hazards to health and public safety, and prohibit them with concurrence of the Planning Commission in all non-emergency situations. These nuisances shall be subject to the penalties provided in this Section.

ARTICLE XXI

ARTICLE XXII FEES

ZONING ORDINANCE FEES

For each application for rezoning, variance request, conditional use or home occupation permit, the following fees shall be paid to the Township Treasurer, which includes administrative and mailing costs. All publication costs shall be the responsibility of the applicant:

- Rezoning Request (district rezoning applied for),
 - R-1 Residential \$200.00
 - TR-1 Residential \$200.00
 - R-2 Residential \$200.00
 - R.A.F. \$200.00
 - Commercial \$250.00
 - Industrial \$300.00
- Conditional Use Permit (district in which permit applied for)
 - R-1 Residential \$200.00
 - R-2 Residential \$200.00
 - R.A.F. \$200.00
 - Commercial \$250.00
 - Industrial \$300.00
 - Towers \$300.00
- Variance Request \$200.00
- Home Occupation Permit \$ 10.00

The above fees and any fees not above specified may be established, from time to time, by the Township Board.

ARTICLE XXII FEES CONTINUED

FEES Added by Township Board November 13, 2018

- Outdoor Wood Burning Compliance Permit -----\$15.00
(Permitted Use in RAF District)
- Fence Permit-----\$15.00
(Permitted RAF District)
- Zoning Land Use-Site Plan Review Per Zoning District----\$15.00
- Zoning Site Plans Article XIX Required-----\$50.00
- Private Roads, Parking Lots-----\$30.00
- ZBA Appeal From any Administrative Order,
Requirement, Decision or Determination by Administrative
Official or Planning Commission-----\$200.00
- Variance Request- Dimensional, Setbacks, parking
- See Purpose --- ZBA-----\$200.00

WHEN FEES DUE

The required fee shall be paid in full at the time of application. No application shall be considered, or permit granted, by the Planning Commission or Zoning Board of Appeals until such fee is paid in full. No fees are refundable for any processing or partial processing of an application.

ARTICLE XXIII ORDINANCE PROVISION VALIDITY

Should any section, subsection, clause or provision of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance in its entirety or of any part thereof, other than the portion so declared to be invalid. Such section, subsection, clause or provision shall be severed from this Ordinance and shall become unenforceable as of the date of the Court decision.

ARTICLE XXIV NUISANCES

DEFINED AND PROHIBITED

A. Whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream or in any way renders the public insecure, but not be limited to, whatever is forbidden by any provision of this CHAPTER

B. No person shall commit, create or maintain any nuisance.

ENUMERATED

The following acts, services, apparatus and structures are hereby declared to be public nuisances:

1. The throwing, placing, depositing or leaving in any street, highway, land, alley, public place, square or sidewalk or in any private place or premises where such throwing, placing, depositing or leaving is in the opinion of the Township Supervisor and/or Zoning Supervisor dangerous or detrimental to public health or likely to cause sickness or attract flies, insects, rodents or vermin;
2. The pollution of any stream, lake or body of water by any refuse, any foul or nauseous liquid or water or any industrial waste; the depositing into or upon any highway, street, lane, alley, public street or square or into any adjacent lot or grounds of any refuse, any foul or nauseous liquid or water or any industrial waste; or the depositing or permitting to be deposited any refuse, foul or nauseous liquid or water of any industrial waste; or forcing or discharging any stream, vapor or gas into any public or private sewer or drain;

DANGEROUS STRUCTURES

As used in this article, the term “dangerous structures” or “deteriorated structures” means any structure, residential or otherwise, which has any of the following defects or is in any of the following conditions:

1. Whenever any door, aisle, passageway, stairway or other means of ingress or egress does not conform to the approved fire code of the Township;
2. Whenever any portion has been damaged by fire, wind, flood or by any other cause in such a manner that the strength or stability is appreciably less than it was before such catastrophe or is less than the minimum requirements of the building code of the Township for a new building or similar structure, purpose or location.
3. Whenever any portion or member of appurtenance is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property;
4. Whenever there is evidence of damage or deterioration of the supports or damage or deterioration of the nonsupporting enclosing or outside walls or covering;
5. Whenever any portion, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting any portion thereof or for some other reason, is likely to partially or completely collapse or some portion of the foundation or underpinning is likely to fall or give way;
6. Whenever any portion has been so damaged by fire, wind or flood or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger or as to afford a harbor for vagrants, criminals or as to enable persons to resort thereto for the purpose of committing a nuisance or unlawful acts;
7. Whenever any portion, because of dilapidation, decay, damage of faulty construction, arrangement or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the Township Supervisor and/or Zoning Supervisor or is likely to cause injury to the health, safety or general welfare of those living or working within;
8. Whenever any structure becomes vacant, dilapidated open at door or window, leaving the interior exposed to the elements or accessible to entrance by trespassers.

UNLAWFUL TO MAINTAIN

It shall be unlawful for any owner or agent thereof to keep or maintain any structure or part thereof that is dangerous or defective.

BLIGHT PREVENTION

PURPOSE

Consistent with the letter and spirit of Public Act 344 of 1945, as amended, it is the purpose of this section to prevent, reduce or eliminate potential blight in the Township by the prevention or elimination of certain environmental causes of blight or blighting factors which exist or may in the future exist in the Township.

CAUSES OF BLIGHT

It is hereby determined that the uses, structures and activities described in this section are causes of blight or blighting factors which, if allowed to exist, will tend to result in blighted and undesirable neighborhoods. No person shall maintain or permit to be maintained any of the following causes of blight or blighting factors upon any property in the Township owned, leased, rented or occupied by such person:

- A. In any area, except where specifically permitted, the storage upon any property of junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractors' equipment in disrepair or boat hulls in disrepair, except in a completely enclosed building is prohibited. For the purpose of this subsection, the term "junk automobiles, junk motor-driven vehicles, trailers in disrepair, contractors' equipment in disrepair or boat hulls in disrepair," shall include any such article which is not licensed for use upon the highways of the state or lakes and waterways for a period in excess of forty-five (45) days and shall also include whether so licensed or not, any of the articles enumerated in this subsection which are inoperative for any reason for a period in excess of forty-five (45) days.
- B. In any area zoned R-1 or R-2, except where specifically permitted, the storage upon any property of building materials is prohibited unless there is in force a valid building permit issued by the Building Inspector for construction upon the property and the materials are intended for use in connection with such construction, except the temporary storage of building materials which, in the Building Inspector's opinion, are not of a nature to be unsightly or a cause of blight. Building materials shall include, but shall not be limited to, lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws or any other material used in the construction of any structure.
- C. In any area, except where specifically permitted, the storage or accumulation of junk, trash, rubbish, or refuse of any kind is prohibited, except domestic refuse stored in a rodent-proof receptacle in such a manner as not to create a nuisance for a period of not to exceed thirty (30) days. The term "junk" shall include parts of machinery or motor vehicles, unused stoves or other unused appliances stored in the open, remnants of wood, metal or other material or other cast-off material of any kind, whether or not the material could be put to any reasonable use.
- D. In any area, the existence of any structure or part of any structure which, because of fire, wind or other natural disaster or physical deterioration, is no longer habitable, if a dwelling, or useful for any other purpose for which it may have been intended is prohibited.
- E. In any area zoned for residential purposes, the existence of any vacant dwelling, garage or other outbuilding is prohibited unless such building is kept securely locked and the windows are kept glazed or boarded up and otherwise protected to prevent entrance thereto.
- F. In any area, the existence of any partially completed structure is prohibited, unless such

structure is in the course of completion in accordance with a valid and current building permit issued by the Building Inspector and unless such construction is completed within a reasonable time.

G. In any area, the owner or occupant of any premises on which is located any tree or other growth, if infected by disease or by injurious insects or if in dangerous condition shall destroy the tree or other growth when such destruction is necessary for the protection of other trees and growth and for the public health, safety and welfare.

H. Whenever any portion or member of appurtenance is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property;

I. Whenever any structure shows damage or deterioration of the supports or damage or deterioration of the non-supporting enclosing or outside walls or covering;

J. Whenever any structure or any part, because of dilapidation, deterioration, decay, faulty construction or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof or for some other reason, is likely to partially or completely collapse of some portion of the foundation or underpinning is likely to fall or give way;

K. Whenever, for any reason whatsoever, any structure or portion is manifestly unsafe for the purpose for which it is used;

L. Whenever any structure becomes vacant, dilapidated and open at door or window, leaving the interior of the structure exposed to the elements or accessible to entrance by others;

M. Whenever any structure is maintained in such a manner that due to peeling or chipping paint or other exterior finish defect creates a nuisance or blighting influence on the neighborhood.

N. In any area zoned R-1, TR-1 or R-2, wood piles shall not be permitted in any front yard, shall be setback at least two (2) feet from all side and rear property lines and shall be stacked no higher than six (6) feet in height. Woodpiles shall be maintained in a safe and orderly manner so that they do not become a danger to the public or a nuisance in any way.

ENFORCEMENT

This article shall be enforced by any law enforcement agency designated by the Township Supervisor and/or Zoning Supervisor upon written and signed complaint.

NOTICE TO REMOVE OR ELIMINATE CAUSES

A. The owner and the occupant of any property upon which the causes of blight or blighting factors set forth in this article are found to exist shall be notified in writing to remove or eliminate the cause of blight or blighting factors from the property within ten (10) days after service of the notice upon the owner and occupant. Such notice shall be served in person or by first-class mail. Additional time may be granted by the Township Supervisor and/or Zoning Supervisor where bona fide efforts to remove or eliminate such causes of blight or blighting factors are in progress.

B. Failure to comply with the notice within the time allowed by the owner or occupant shall constitute a violation of this Ordinance.

PENALTIES

A. Any violation of any provision of this Ordinance is hereby declared a nuisance and proceedings may be instituted in any court of competent jurisdiction for injunctive or other relief to abate such nuisance.

B. Any person who shall violate the provisions of this Ordinance or who shall fail to do what is required by the terms of this Ordinance, is responsible for a municipal civil infraction as set forth in Charter Township of Ironwood Ordinance 48. If a person admits responsibility at the Township Municipal Civil Infraction Bureau, or is found responsible for a municipal civil infraction citation under this Ordinance, a civil fine shall be assessed as follows:

1st offense -\$100 plus all costs including attorney fees and court cost incurred by the Township

2nd offense-\$300 plus all costs including attorney fees and court cost incurred by the Township

3rd or subsequent offense- \$500 plus all costs including attorney fees and court cost incurred by the Township

For the purpose of this Ordinance, 2nd, 3rd or subsequent offense means subsequent violations of the same requirement or provision of this Ordinance. Nothing in this Ordinance shall be interpreted as abrogating the Township's right to proceed with an appropriate equitable action in Gogebic County Circuit Court to enjoin and/or abate any violation of the terms of this Ordinance. Each day that a violation is permitted to continue shall constitute a separate offense. The imposition of a sanction for violation of this Ordinance shall not exempt the offender from compliance with the requirements of the Ordinance so violated.

ARTICLE XXV OPEN SPACE R-1 AND TR-1 ZONING AREAS

To the extent this Ordinance is subject to the Open Space Preservation Act, PA 177 of 2001, this section, as to the districts specified herein, allows the use of open space preservation options in land zoned for residential development at 2 or less units per acre, or 3 or less units per acre where public sewer is available provided at least 50% of the land is open space. This use is defined as “cluster zoning”.

The permitted areas are those designated R-1 and TR-1 within the Township. All proposed developments shall be allowable only through Planning Commission approval. The developer shall submit two plans for such development-one plan, which is based on the present zoning and another plan, which is based on use of the Opening Space Preservation Act.

Development does not depend upon the extension of sewer or water, unless these utilities would be necessary to serve the development under this Ordinance.

At least 50% of the area to be developed must be permanently provided and protected open space. Wetlands and other unbuildable areas may be included in the measurement of the 50% open space requirement.

A one-acre parcel of land shall be the minimum size governed by this section of the zoning ordinance. Parcels of land that are of this size are deemed to be conducive to cluster zoning.

Low density zoning is defined as one to four dwelling units on a 20 to 40-acre parcel. Alternative plans shall be submitted to the Planning Commission for consideration prior to approval.

Plans that are submitted to the Planning Commission shall include site and plat drawings, topographical maps, developmental layout of infrastructure, legal description, and a definite explanation of the development under consideration.

ARTICLE XXVI ADOPTION AND EFFECTIVE DATE

We, the undersigned, as members of the Charter Township of Ironwood Planning Commission, thereby certify that the foregoing zoning ordinance and land use maps were introduced and adopted at a duly convened session of the Ironwood Township Planning Commission at the Ironwood Township Hall, N10892 Lake Rd., Ironwood, MI 49938 on *Mo/Day/Year*

This action is taken following the proper procedures and guidelines that relate to public dialogue and hearing processes. Motion: _____ Support: _____

Aye: _____

Nay: _____

Chairperson: _____

Recording Secretary: _____

Member: _____

Supervisor

Clerk