

# **Sims Township Zoning Ordinance**

**Rev 2020**

## **ADMINISTRATION & ENFORCEMENT**

provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

#### **SECTION 9.4 MAP AND TEXT ORDINANCE AMENDMENTS**

Amendments or supplements to this Ordinance may be made from time to time, in the same manner as provided by Public Act 110 of 2006, as amended, for the enactment of the original Ordinance. It shall be necessary to publish only a summary of the section or sections to be amended to the Ordinance.

- a. **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment.
- b. **AMENDMENT PROCEDURE:**
  - 1) **PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE.** Each petition by one (1) or more owners or their agents for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.
  - 2) **RECOMMENDATION.** The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal and may recommend any additions or modifications to the original amendment petition. The Planning Commission shall at a minimum, consider the following questions before taking action on a proposed amendment:
    - a) Does the amendment promote the intent and purpose of the Zoning Ordinance?
    - b) Is the amendment consistent with the Master Plan?
    - c) Has there been a change in conditions since the Zoning Ordinance was adopted or was there a mistake in the ordinance?
    - d) Will the amendment correct an inequity in the Ordinance or grant a special privilege?
    - e) Is the amendment consistent with the surrounding uses of land?
    - f) Will the amendment set an inappropriate precedent?
  - 3) **PUBLIC HEARING** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing.
  - 4) **COUNTY REVIEW.** The Township Planning Commission shall submit all zoning amendments to Arenac County for their review and comment. Arenac County has 30 days to provide a comment.

**TABLE 12. INITIAL REVIEW PROCESS**

QUESTION	REFER TO	IF ALL STANDARDS ARE MET, NEXT STEP	---IF STANDARDS ARE NOT MET---		
			SITUATION	APPLICANT'S OPTIONS	NEXT STEP
#1 Is proposed activity permitted in this Zoning District?	Chapter 3 - District Regulations: USES Table.	Activity is a Use by Right: Go to Question #2. OR Activity is a Special Use: Go to ACTIONS Table: SPECIAL USE Permit. Continue to Question #2.	Activity is permitted in a different Zoning District.	Request a Re-zoning.	ACTIONS Table: Rezoning
			Activity is not listed for any Zoning District.	Request an Interpretation Appeal.	ACTIONS Table: INTERPRETATION
			Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL
			Any situation	Withdraw	DENIAL LETTER
#2 Does the parcel meet standards for this Zoning District?	Chapter 3 - District Regulations: DIMENSIONS Table - "Lot Size".	Go to Question #3.	Any situation	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
			Applicant does not agree with Administrator's finding.	Withdraw	DENIAL LETTER
				Request an Administrative Appeal.	ACTIONS Table: ADMINISTRATIVE APPEAL
#3 Does existing or proposed structure or building meet yard and area standards?	Chapter 3- District Regulations: DIMENSIONS Table	Go to Question #4	Existing facility violates standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
				Continue with process as is.	NONCONFORMITIES
			Proposed facility will violate standards.	Request a Dimensions Variance.	ACTIONS Table: VARIANCE
				Amend Application to meet all standards.	Go To Question #4.
				Applicant does not agree with Administrator's finding.	Request an Administrative Appeal.
		Any situation	Withdraw	DENIAL LETTER	



## Chapter 10 ■ Zoning Board of Appeals

### SECTION 10.1 ESTABLISHMENT

**AUTHORITY.** The Township Board, exercising the authority of Act 110 of the Public Acts of 2006, as amended, hereby provides that a Township Zoning Board of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members.

### SECTION 10.2 MEMBERSHIP

- a. **MEMBERS.** The Sims Township Zoning Board of Appeals shall consist of five (5) members. The first member of the Zoning Board of Appeals shall be a member of the Sims Township Planning Commission, one member shall be a member of the Township Board, and the remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- b. **ALTERNATES.** The Township Board shall appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one or more consecutive meetings of the Zoning Board of Appeals or is absent from or will be unable to attend meetings for a period of more than 30 consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.
- c. **PER DIEM.** A per diem and reimbursement for expenses actually occurred shall be allowed to the Zoning Board of Appeals and shall not exceed a reasonable sum.

### SECTION 10.3 TERMS OF OFFICE

**LENGTH OF TERM.** Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Zoning Board, Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired shall be filled for the remainder of the term. A Township Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Board is present.

### SECTION 10.4 ZONING BOARD OF APPEALS PROCEDURES

- a. **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Zoning Board of Appeals may determine. A simple majority of the membership of the

that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

## SECTION 10.7 DUTIES

- a. The Sims Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Zoning Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.
- 1) REVIEW. The Zoning Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination, made by the Zoning Administrator, or by any other official in administering or enforcing any provisions of this Ordinance.
  - 2) INTERPRETATION. The Zoning Board of Appeals, upon proper appeal, shall have the power to hear and decide upon appeals for the interpretation of the provisions of this ordinance as follows:
    - a) So as to carry out the intent and purposes of this ordinance.
    - b) To determine the precise location of the boundary lines between zoning districts; or,
    - c) To classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
  - 3) VARIANCES. The Zoning Board of Appeals may have the power to authorize, upon proper application, specific variances from such dimensional requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations as specified in this Ordinance PROVIDED all the basic conditions listed and any ONE of the SPECIAL conditions listed thereafter can be satisfied.
    - a) Basic Conditions –
      - (1) Will not be contrary to the public interest and will not be contrary to the spirit and intent of this Ordinance.
      - (2) Shall not permit the establishment within a district of any use which is not permitted by right within that district.
      - (3) Will not cause a substantial adverse effect upon property values in the immediate vicinity or in the district in which the property of the applicant is located.
      - (4) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to undermine the stated intent of an existing ordinance.
      - (5) Will relate only to property which is under the stated ownership and control of the applicant and is an exceptional or extraordinary circumstance or condition that does not generally apply to other property or uses in the vicinity.

ordinance, change permitted uses in a district, nor may it determine the validity of this ordinance.

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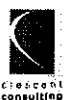
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