

**WAKEFIELD TOWNSHIP ZONING ORDINANCE**  
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## **PREAMBLE**

In accordance with the authority and intent of the Michigan Zoning Enabling Act of 2006, P.A. 110 of 2006, as amended, the Township desires to provide for its orderly development 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 the economy in government and mutual support, and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township.

## **ARTICLE I**

The following ordinance herein is hereby enacted to establish zoning districts and land use regulations in the unincorporated portions of Wakefield Township, Gogebic County, Michigan. The ordinance has been enacted and developed in accordance with the provisions of the Michigan Zoning Enabling Act of 2006, P.A. 110 of 2006, as amended, and is designed to provide for nonconforming uses of lands, regulation of future buildings, structures and land uses, to provide for its administration, including penalties for the violation thereof, and to provide for a Planning Commission, a Zoning Board of Appeals, and for amendments in the future as deemed necessary by the residents and Township Board of Wakefield Township.

### **1.1 NAME**

This ordinance shall be known and cited as the WAKEFIELD TOWNSHIP ZONING ORDINANCE.

### **1.2 PURPOSE**

The fundamental purpose of this Ordinance is to protect the public health, safety, and general welfare of the inhabitants of the Township of Wakefield and the lands and resources of the Township, authorized under the Michigan Zoning Enabling Act of 2006, P.A. 110 of 2006, as amended. In addition, the Township further 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 and to promote the wise use of land and natural resources of the Township.

## ARTICLE II

### 2.1 ENACTING CLAUSE

The Township Board of Wakefield Township, Gogebic County, Michigan, hereby ordains the following:

### 2.2 NONCONFORMING USES AND STRUCTURES.

This Ordinance intends to permit legal nonconforming lots, structures or uses to continue until they are removed, but not to encourage their survival. The Township recognizes that existing lots, structures and uses of land and structures, which were lawful before this Ordinance was passed or amended, would be prohibited, regulated or restricted under the terms of this Ordinance, or an amendment. Such uses are declared to be incompatible with permitted uses in the districts involved. This Ordinance further intends that nonconformities shall not be enlarged upon, expanded or extended, or used as grounds for adding other structures or uses prohibited elsewhere in the same district. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged by attachment of a building or premises, of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which will be generally prohibited in the district involved. Alleged nonconformities, which cannot be conclusively proven to have existed prior to this Ordinance or an amendment, shall be declared illegal and shall be discontinued.

- A. Nonconforming Lots.** Where a lawful lot of record exists in any district where single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of this Ordinance or an amendment. Said single family property may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the districts; provided that yard dimensions and other requirements not involving area, width, or both of the lots shall conform to the regulations for the district in which such lot is located.
  2. If two or more lots including portions of lots with continuous frontage and single ownership are of record at the time of this Ordinance or an amendment, the lands involved shall be considered to be an undivided parcel. No portion of same parcel shall be used or occupied in any manner which does not meet lot width and area requirements as established by this Ordinance, no division of the parcel shall be made which creates any remaining lot width or area below the requirements stated in this chapter.
- B. Nonconforming Uses of Land.** Where a lawful use of land exists at the effective date of this Ordinance, or an amendment, that is made no longer permissible under the terms of this Ordinance, or an amendment, such use

may be continued so long as it remains otherwise lawful. Such land use shall be subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of this Ordinance, or an amendment;
2. No such nonconforming use shall be made in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of this Ordinance, or amendment; and
3. If such nonconforming use of land ceases for a continuous period of one year, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

**C. Nonconforming Structures.** Where a lawful structure exists at the effective date of this Ordinance, or an amendment, that could not be built under the terms of this Ordinance by reason of restrictions herein, such structure may be continued so long as it remains otherwise lawful. Such structure shall be subject to the following provisions:

1. No such structure may be enlarged or altered in a way that increases its nonconformities;
2. Should such structure be destroyed by any means to an extent of more than 50% of its replacement costs, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance; and
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it gets moved.

**D. Nonconforming Uses of Structures.** Where a lawful use of a structure or of structure and land in combination exists at the effective date of this Ordinance, or an amendment, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Ordinance and the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it was located;
2. Any nonconforming use may be extended throughout any parts of a building which are manifestly arranged or designed for such use and which existed at the time of adoption of this Ordinance, or an

amendment, but no such use shall be extended to occupy any land outside such buildings;

3. Any structure or structure or any structure and land combination, in or on which a nonconforming use is superceded by a permitted use, shall thereafter no longer be considered a nonconforming use. Such structure or structure and land in combination shall henceforth conform to the regulations for the district in which that structure is located. A nonconforming use shall not thereafter be resumed;
4. If such nonconforming use of a structure, or structure and land in combination, ceases for any reason for a continuous period of more than one year, any subsequent use of such structure or land in combination shall conform to regulations specified by this Ordinance for the district in which such land is located; and
5. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

**E. Repairs and Maintenance.** On any building devoted in whole or in part to any nonconforming use, work may done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50%) percent of the assessed value of the building provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

**F. Change of Ownership.** There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

## **2.3 CLASSIFICATION OF ZONING DISTRICTS**

To achieve the purposes set forth above, the unincorporated area of Wakefield Township, Gogebic County, State of Michigan, is hereby divided into the following zoning districts:

**2.31 Residential and Restricted Commercial District (RRC)**- This district is designed to permit the greatest density of residential uses allowed within the Township, together with other residentially related facilities designed to service the inhabitants of the area.

**2.32 Natural Resource District (NRD)**- This district classification is designed to preserve and protect the unique and valuable agricultural land, provide for outdoor recreational activities and allow for environmentally sound forest management and mineral extraction

activities. This Zoning District is designed to protect the environment and permit environmentally responsible natural resource extraction developments.

**2.33 Industrial, Commercial District (IC)**- This district is designed for manufacturing, servicing, compounding, assembling and commercial business which requires greater outdoor storage or activities and which, accordingly, requires larger sites and may have a greater adverse effect on adjacent properties.

**2.34 Renaissance Zone Districts & Highway Commercial Districts (CRZ-1) and Light Industrial District (LIRZ-1)** – These districts are established for the accommodation of those specified retail and business service activities that serve persons in automobiles traveling on streets and highways, and such service activities typically may be located and grouped along a major street or highway and include light industrial activities.

## **2.4 ZONING DISTRICT MAP**

The location of the areas included in each said zoning district are depicted upon the Zoning Map of Wakefield Township and are available for public inspection in the Township Office and are further shown in detail on reduced copies of the Zoning Map at the end of this Ordinance.

## **ARTICLE III**

### **3.1 DEFINITIONS**

**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 use for dwelling, residential, lodging or sleeping quarters for human beings.

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

**Basement:** A story having some part of its height below the average level of the adjoining ground, but 25% must be above average level of the adjoining ground. A basement is counted as a story for the purposes of height regulations, if subdivided and used for business or dwelling purposes (see Cellar).

**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; or to the average height between the plate and the ridge of a gable, hip or gambrel roof.

**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. A cellar shall not be counted as a story for purposes of height measurement.

**Conditional Use Permit:** A permit issued by the Planning Commission to an applicant 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. Conditional Use Permits are: (1) granted on a case-by-case basis and (2) may be revoked at any time, at the discretion of the Planning Commission, if said performance standards are not complied with.

**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 building containing not more than one dwelling unit designed for residential use, complying with the following standards:
1. It complies with the minimum square footage requirements of this Ordinance for the zone in which it is located.
  2. It has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and those are different than those imposed by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, then and in that event, such federal or state standards or regulations shall apply.
  3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan

Mobile Home Commission and shall have a perimeter wall as required above. Each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

4. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
5. The building contains a storage capacity area in a basement located under the dwelling, in an attic area, in the closet areas, or in a separate structure of standard construction similar to or better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
6. The dwelling is aesthetically compatible in design and appearance with the other residences in the vicinity, with either a roof overhang of not less than six inches on all sides, or alternatively, with window sills and roof drainage systems concentrating roof drainage at collection points along the sides of the dwelling; has not less than two exterior doors with the second one being in either the rear or side of the dwelling; and contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the zoning administrator upon review of the plans submitted for a particular dwelling, subject to appeal by the aggrieved party to the Zoning Board of Appeals within a period of 15 days from the receipt of said zoning administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling", as well as the character, design and appearance of one or more residential dwellings located throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the standard designed home.
7. The building contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
8. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban

Development, being 24 CFR 3280, and as from time to time such standards may be amended.

9. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
10. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended.

**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.

**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. A family is distinguished from a group occupying a rooming house, boarding house, lodging house, club, fraternity house, hotel, motel or tourist home.

**Farm:** All land in which bona fide farming or raising of domesticated livestock is carried on directly by the owner, operator, manager or tenant farmer by his own labor or with the assistance of members of his household or hired employees, provided that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms and other similar specialized agricultural enterprises may be considered as farms, but establishments keeping or operating game, fish hatcheries, dog kennels, furbearing animals, stockyards, slaughterhouses, stone quarries or commercial sand and gravel pits shall not be considered as farms hereunder, nor shall premises operated as fertilizer works or for the disposal of garbage, sewage, rubbish, offal or junk constitute a farm hereunder.

**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 of vehicles or temporary storage.

**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.

**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 personal property which is or may be salvaged for re-use, resale, reduction or similar use or disposition, or which is possessed, transported, owned, accumulated, dismantled or assorted for any such reasons. Without limiting the definition of junk, the term shall include used or salvaged metals and their compounds or combinations, used or salvaged rope, bags, paper, glass, rubber and similar articles, and motor vehicles which are parked, deposited, employed, or possessed for the purpose of dismantling or salvaging any part thereof.

**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:** A parcel of land shown on a subdivision map, a record of survey map or a parcel described by metes and bounds, having an area for each main building as hereinafter required in each zone.

**Lot Line(s):**

1. **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.
2. **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.
3. **Side:** Any boundary line not a front or rear lot line.
4. **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.
5. **Depth:** The distance between the front and rear lot lines, measured in the average direction of the side lot lines.
6. **Area:** The total area within the lot lines of a lot.

**Manufactured (Mobile) Home:** 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 are further defined as structures that are not self-propelled and are certified by the Federal government as a manufactured (mobile) home. Manufactured (Mobile) homes do not include recreational vehicles (RVs).

**Nonconforming Structure:** A structure lawfully existing at time of adoption of this Ordinance, or any amendments, which does not conform to the regulations of the district in which it is located.

**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.

**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 or activity across a property line, which can be perceived by or effects {affects} a human being or his/her property adversely. Nuisances include, but are not limited to: noise, odor, and erosion.

**Performance Standards:** Requirements set by the Planning Commission as conditions to be met for the issuance of a conditional use permit.

**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.

**Sign:** Any construction, device or portion thereof upon which words, numerals, terms, figures, trade-marks or similar representations are employed for the purpose of conveying information to the public. Signs shall include outdoor advertising media, bulletin boards, sale and rental signs and the like.

**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. The bottom-most story shall be determined as the living space which has greater than fifty (50) percent of its height above grade, measured at the front of the structure.

**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 and billboards.

**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.

**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. The types of yards are as follows:

1. **Front:** A yard extending across the full width of a lot, up to a maximum width of 200 feet; the depth of which is the distance between the right-of-way and the nearest part of the main building. In the case of front yards extending beyond 200 feet in width, the front yard shall be 100 feet in each direction, as measured from the center point of the main structure. The remaining portions of property extending beyond the front yard limits shall be considered side yards.
2. **Rear:** A yard extending across the full width of a lot between the most rear wall 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.
3. **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.

## **ARTICLE IV**

### **RESIDENTIAL AND RESTRICTED COMMERCIAL DISTRICT (RRC)**

#### **4.1 PURPOSE**

The purpose of creating the Residential and Restricted Commercial District (RCC) is to provide accommodations and services essential to fill the needs of a higher density residential district and the basic commercial needs normally associated with commercial areas. 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 along with limited commercial activities on moderately sized lots. There is no intent to promote by these regulations for RRC Districts any lower quality livability than that possible in any other Residential District.

#### **4.2 PERMITTED USES**

One, two and three-unit dwellings, including permitted accessory uses and structures.  
Daycare facilities for up to (six) 6 children.  
Lodging, boarding and tourist facilities.

Churches and other buildings of religious nature.  
Recreational facilities and structures incidental to, and are of primary importance to recreational activities.  
Retail stores and shops catering primarily to the recreational and tourist industry.  
Personal service shops such as barbers, tailors, and beauty shops.  
Professional offices such as doctors, engineers, architects, and locksmiths.  
Privately owned and operated transient tourist parks and campgrounds.  
Publicly owned and operated parks and campgrounds.  
Roadside stands for sale of farm products produced on the premises.  
Harvesting of any native or wild crop permitted by law.  
Essential public utility services, excluding buildings and regulator stations.  
Farms, including production of all field, fruit, truck and hay crops, domestic livestock, pasture, wood lots and farm forestry.  
Home occupation to give instruction in a craft or fine art within the residence.  
State licensed residential facility, but not an adult foster care facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

#### **4.3 USES WITH A CONDITIONAL USE PERMIT**

A conditional use is a use that is expressly permitted by the Planning Commission through the issuance of a Conditional Use Permit. Applicants that are requesting a Conditional Use Permit must include a detailed site plan of the planned development or usage by submitting the information required under the Conditional Uses section of this Ordinance.

A group childcare home (having at least 7 but no more than 12 children) shall be issued a Conditional Use Permit if it meets all of the following:

- A. Is located not closer than 1,500 feet to any of the following:
  - Another licensed group childcare home.
  - An adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 2A 218, MCL 400.701 to 400.737.
  - A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 323.6101 to 333.6523.
  - A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
- B. Has appropriate function for the safety of the children in the group childcare home as determined by the Township.
- C. Maintains the property consistent with the visible characteristics of the neighborhood.

- D. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group childcare home between the hours of 10:00 p.m. and 6:00 a.m.
- E. Meets regulations governing signs to identify itself.
- F. Meets regulations requiring the provision of off-street parking accommodations.
- G. The distances required under (A) shall be measured along the road, street, or place maintained by the State or a local unit of government and generally open to the public as a matter of right for the purpose of vehicular traffic, not including an alley.

#### 4.4 ACCESSORY BUILDINGS

Accessory buildings are permitted, but not prior to erection of the principal building, unless prior written approval of the Planning Commission has been given. Accessory buildings shall not occupy more than fifteen (15%) percent of the total lot size, nor shall they be closer to any front or rear lot line than twenty five (25) feet, or be closer to any side lot line than ten (10) feet. One accessory building, in addition to the principal garage, is permitted. No part of any front yard shall be used for an accessory building, unless by issuance of a Conditional Use Permit.

#### 4.5 REQUIREMENTS

The following minimum dimensions for lot area, width and 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:** 15,000 square feet, provided the lot is approved by the local health department for construction of a septic system.
- B. **Minimum Lot Width:** One hundred (100) feet.
- C. **Minimum Setbacks:**
  - **Front Yard:** Twenty-five (25) feet from the Front Lot Line.
  - **Side Yard:** Ten (10) feet minimum for interior lots and Twenty-five (25) minimum for corner lots.
  - **Rear Yard:** Twenty-five (25) feet from the Rear Lot Line.
  - **Water's Edge:** All structures shall be located a minimum of Seventy-five 75 feet from a body of water, river, stream or creek, as identified on a United States Geological Survey (U.S.G.S.) Topographic Map, measured from the ordinary high water mark..

- D. **Maximum Building Height:** Two (2) stories, but not to exceed thirty-five (35) feet. Accessory buildings shall not exceed a height of fifty (50) feet and shall not be used for human occupancy.
- 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 fifty (50) 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 only in side and rear yards.
- H. **Signs:** The only signs specifically permitted within this District shall include residential or agricultural identifying markers (i.e. "the Jones's", "Fairfield Estates" or "Triple R Ranch"), address markers, traffic directional markers, items for sale/rent signs, garage/rummage sale signs and political signs. No other signs or billboards shall be placed on or over a lot or public right-of-way in this District, without detailed plans and specifications regarding height, size, construction materials, location and appearance, and the subsequent approval as a conditional use by the Planning Commission. Each individual sign request shall be determined on an individual basis.
- I. **Noise:** Excessive noise will be determined by noise levels measured at 90 decibels or greater from the property owner's property line.

#### **4.6 ROAD RIGHT OF WAYS AND THEIR ASSOCIATED MAINTENANCE ACTIVITIES**

Road right of ways in the Township are determined by the Gogebic County Road Commission. Maintenance and logging of these right of ways are at the discretion of the Road Commission. The right of way distances are usually measured from the centerline of the road and will vary from road to road throughout the Township. It is the landowner's responsibility to contact the Road Commission in the event distances are required for right of way or setback requirements.

#### **4.7 PROHIBITED USES**

The following uses are prohibited in the RRC District:

- A. Sexually Oriented Businesses described and defined in Section 7.4 of the CRZ-1 provisions.

## **ARTICLE V**

### **NATURAL RESOURCE DISTRICT (NRD)**

#### **5.1 PURPOSE**

This district is designed to promote the proper use, enjoyment, and conservation of the forest, water, land, topographic, geologic, historic and other natural resources of the Township, peculiarly adapted to recreational, agricultural and/or resource extraction industries. To facilitate such uses, certain commercial, industrial and other uses may be permitted by issuance of a Conditional Use Permit by the Planning Commission.

#### **5.2 PERMITTED USES**

Any Permitted Uses in an RRC District (Section 4.2).

Plant nurseries and greenhouses.

All farm buildings and structures customarily utilized in farming operations.

Seasonal recreation facilities.

Production of geologic resources.

Production of forest products.

#### **5.3 PERMITTED USES BY CONDITIONAL USE PERMIT**

Any other use that is expressly permitted by the Planning Commission through the issuance of a Conditional Use Permit. Applicants that are requesting a Conditional Use Permit must include a detailed site plan of the planned development or usage by submitting the information required under the Conditional Uses section of this Ordinance.

#### **5.4 ACCESSORY BUILDINGS**

Accessory buildings are permitted, but not prior to erection of the principal building, unless prior written approval of the Planning Commission has been given. Accessory buildings shall not occupy more than fifteen (15%) percent of the total lot size, nor shall they be closer to any front or rear lot line than twenty five (25) feet, or be closer to any side lot line than ten (10) feet. No part of any front yard shall be used for greater than one accessory building, unless by issuance of a Conditional Use Permit.

#### **5.5 REQUIREMENTS**

The following minimum dimensions for lot area, width and 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:** Two (2) acres, provided the lot is approved by the local health department for construction of a septic system.

- B. Minimum Lot Width:** Two hundred (200) feet.
- C. Minimum Setbacks:**
- **Front Yard:** Fifty (50) feet from the Front Lot Line.
  - **Side Yard:** Twenty (20) feet minimum for both interior and corner lots.
  - **Rear Yard:** Twenty-five (25) feet from the Rear Lot Line.
  - **Water's Edge:** All structures shall be located a minimum of one-hundred (100) feet from a body of water, river, stream or creek, as identified on a United States Geological Survey (U.S.G.S.) Topographic Map, measured from the ordinary high water mark..
- D. Maximum Building Height:** Two (2) stories, but not to exceed thirty-five (35) feet. Accessory buildings shall not exceed a height of fifty (50) feet and shall not be used for human occupancy.
- E. Minimum Finished Living Space:** Residential home shall have a minimum (900) square feet for the total of all floors. A hunting camp is a structure used solely for recreational purposes and which is occupied fewer than 90 days per year. A hunting camp shall have a minimum of (400) 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. Parking Restrictions:** Parking of motor or recreational vehicles with greater than one (1) ton carrying capacity, boats or trailers shall be permitted only in side and rear yards.
- H. Signs:** The only signs specifically permitted within this District shall include residential or agricultural identifying markers (i.e. "the Jones's", "Fairfield Estates" or "Triple R Ranch"), address markers, traffic directional markers, items for sale/rent signs, garage/rummage sale signs and political signs. No other signs or billboards shall be placed on or over a lot or public right-of-way in the 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 request shall be determined on an individual basis.

## 5.6 SEASONAL RECREATION FACILITIES

Seasonal recreation facilities include camps, cottages and other recreation oriented structures not intended for long-term occupation. A structure shall be deemed a seasonal recreation facility if occupancy is less than ninety (90) days per calendar year. In the case of seasonal recreational facilities, the minimum finished living space shall be four hundred (400) square feet. Seasonal recreation facilities shall also be located a

minimum of two hundred (200) feet from any County right-of-way and shall comply with all other requirements of this District.

## **5.7 PARKING OF RECREATIONAL VEHICLES**

Recreational vehicles shall not be permitted to remain at a Lot within this District for a length of time greater than 180 days. Greater lengths of time may be granted by the issuance of a Conditional Use Permit by the Planning Commission.

## **5.8 RIVERS AND STREAMS RESTRICTIONS**

The following restrictions shall apply to all lands fronting on a body of water, river, stream or creek, as identified on a United States Geological Survey (U.S.G.S.) Topographic Map.

**Cutting of undergrowth:** Shall not exceed 75 feet in width along a shoreline when allowed for the purpose of clear vision.

**Cutting of trees and undergrowth:** Shall not occur within fifty (50) feet of a water's edge, except for the harvesting of damaged and diseased trees.

**Access roads or driveways:** Shall not be located within one-hundred (100) feet of a water's edge (ordinary high water mark), except for crossings. However, a Conditional Use Permit can be sought from the Planning Commission.

## **5.9 ROAD RIGHT OF WAYS AND THEIR ASSOCIATED MAINTENANCE ACTIVITIES**

Road right of ways in the Township are determined by the Gogebic County Road Commission. Maintenance and logging of these right of ways are at the discretion of the Road Commission. The right of way distances are usually measured from the centerline of the road and will vary from road to road throughout the Township. It is the landowner's responsibility to contact the Road Commission in the event distances are required for right of way or setback requirements.

## **ARTICLE VI**

### **INDUSTRIAL AND COMMERCIAL (IC) DISTRICT**

#### **6.1 PURPOSE**

This district is designed to permit industry and commercial business to develop. This District will provide greater land areas for each use and catering to business and industrial customers as well as the general public. This district is also designed for manufacturing, servicing, compounding, assembling and commercial businesses which require greater outdoor storage or activities and which, accordingly, require larger sites and may have a greater adverse effect on adjacent properties and the uses permitted in the preceding Articles (i.e. Article IV & V).

#### **6.2 PERMITTED USES**

Veterinary hospitals.

Outdoor commercial recreation facilities.  
Wholesale sales.  
Enclosed warehouses.  
Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised or grown upon the premises.  
Nursery and greenhouses.  
Motor freight warehousing businesses.  
Gasoline and petroleum storage.  
Ready-mix concrete and asphalt plants.  
Lumber yards.  
Auto body and auto paint shops.  
Manufacturing and assembling facilities.  
Any kind of industrial manufacturing operations and operations for the servicing, compounding, assembling, or treatment of articles of merchandise which does not emanate noise, vibration, odor, smoke, dust, dirt, noxious gases, glare, heat or psychological ill effects to such extent as would be a nuisance or annoyance to owners or occupants of surrounding premises.

### **6.3 PERMITTED USES BY CONDITIONAL USE PERMIT**

Any other use may be expressly permitted by the Planning Commission through the issuance of a Conditional Use Permit. Applicants that are requesting a Conditional Use Permit must include a detailed site plan of the planned development or usage by submitting the information required under the Conditional Uses section of this Ordinance.

### **6.4 INDUSTRIAL AND COMMERCIAL SETBACKS**

For this District, the minimum setback line for commercial and industrial buildings shall be 75 feet from all street right-of-way lines abutting the property and there shall be a minimum setback line for the parking or storage of automobiles and vehicles outside buildings (other than private residences or buildings originally constructed as private residences) already existing on the effective date of this Ordinance, on the side of the street between such existing commercial or industrial building which is closest to the street line. In no event however, shall vehicle parking be allowed closer than 25 feet from the street right-of-way line abutting such premises, except where such parking is presently being conducted on the effective date of this Ordinance, and no other parking area on the premises is available which would permit parking beyond said 25 foot setback requirement. There shall be no side or rear line restriction from interior lot lines for commercial and industrial buildings within this District unless otherwise specified in this Ordinance. Any residential buildings, constructed within this District shall be set back not less than five (5) feet from such interior side and rear lot lines.

### **6.5 ROAD RIGHT OF WAYS AND THEIR ASSOCIATED MAINTENANCE ACTIVITIES**

Road right of ways in the Township are determined by the Gogebic County Road Commission. Maintenance and logging of these right of ways are at the discretion of

the Road Commission. The right of way distances are usually measured from the centerline of the road and will vary from road to road throughout the Township. It is the landowner's responsibility to contact the Road Commission in the event distances are required for right of way or setback requirements.

## **6.6 PROHIBITED USES**

The following uses are prohibited in the IC District:

- A.** Sexually Oriented Businesses described and defined in Section 7.4 of the CRZ-1 provisions.

## **ARTICLE VII**

### **HIGHWAY COMMERCIAL DISTRICT**

#### **7.1 PURPOSE.**

The US-2 highway commercial district is established for the accommodation of those specified retail and business service activities that serve persons in automobiles traveling on streets and highways. Such service activities typically may be located and grouped along a major street or about a major street intersection and generate a considerable volume of vehicular traffic originating from within the community or traveling into, out of, or through the community. It is the purpose of this District to provide flexibility for adaptation to new merchandising and service techniques as same may develop, particularly where the provision of retail purchases and services are directly available to occupants of motor vehicles without leaving them. For purposes of identification in this Ordinance, this District shall be referred to as CRZ-1.

#### **7.2 PERMITTED USES.**

All of the following permitted uses in the CRZ-1 must be conducted wholly in a permanent, fully enclosed building, and except as otherwise stated, except public utility structures not usually so enclosed and all permitted uses shall have plans and specifications submitted for site plan review in accordance with the prescribed provisions in this Ordinance:

- (1) Single and multiple retail establishments;
- (2) Personal and business services, excluding processing of physical materials;
- (3) Passenger terminals and information centers;
- (4) Restaurants and drive-through businesses where service may be in automobiles or outdoors, but where all other activities shall be carried on within a building;

- (5) Offices, banks, public buildings;
- (6) Motels and hotels (with a minimum lot area of one (1) acre);
- (7) Public utility installations located on lots or parcels;
- (8) Theaters;
- (9) Sales and showrooms, including automobiles and recreation vehicles with outside paved lots, including driveways;
- (10) Outdoor advertising sign (Outdoor advertising which does not exclusively advertise the retail or service business on the premises will not be permitted);
- (11) Mini-warehouse facilities;
- (12) Commercial call centers; and
- (13) Commercial day care centers.

### **7.3 PERMITTED USES BY CONDITIONAL USE PERMIT.**

The following uses may be permitted in the CRZ-1:

- (1) Automobile service stations provided the following requirements for site development, together with any other applicable requirements in this chapter shall be complied with:
  - (a) The steam cleaning or physical modification of motor vehicles is specifically prohibited.
  - (b) All activities, except those required to be performed at the fuel pumps, car washing and changing tires, shall be carried on inside a building. If work is performed on a vehicle, such vehicle shall be entirely within a building.
  - (c) Other than as stated in this chapter, no structures, except walls or fencing and permitted signs, and lighting, either above the ground or below, may be constructed closer than twenty (20) feet to the line of any public street right-of-way line.
  - (d) No more than two (2) driveway approaches shall be permitted directly from any major street nor more than one (1) approach from any minor street, each of which shall be less than eighteen (18) feet nor exceed forty (40) feet in width at the property line. If the property fronts on two (2) or more streets, the driveways shall be

located as far from the street intersections as practicable, but not less than fifty (50) feet.

#### **7.4 PROHIBITED USES.**

The following uses are prohibited in the CRZ-1:

- (1) Sexually Oriented Businesses described and defined as follows:
  - (a) Adult book or video store-an establishment having a substantial or significant portion of its business devoted to books, magazines, periodicals, films or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specific anatomical areas”.
  - (b) Adult cabaret – a cabaret which regularly features go-go dancers, strippers, or similar entertainers; or waiters, waitresses or other employees showing specified anatomical areas or specified sexual activities.
  - (c) Adult motion picture theatre – an establishment regularly used for presenting motion pictures distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specific anatomical areas”, for observation of patrons;
  - (d) Adult novelty store – an establishment that has a substantial or significant portion of its business devoted to the sale of devices which stimulate human genitals or devices designed for sexual stimulation.
  - (e) Adult panorama – an establishment having a substantial or significant portion of its business devoted to an entertainment use where patrons view in individual viewing booths films, tapes, or live entertainment showing “specified sexual activities” or “specified anatomical areas”.
  - (f) Burlesque hall – an establishment which regularly features entertainers showing “specified anatomical areas” or “specified sexual activities”.
  - (g) Cabaret - a café, restaurant or bar where patrons are entertained by performers who dance, sing or play musical instruments while showing “specified sexual activities” or “specified anatomical areas”.

Definitions:

Specified anatomical areas:

Less than completely and opaque covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola and human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified sexual activities:

Human genitals in state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling, or other erotic touching of human genitals, the pubic region, buttock or female breast.

## **7.5 SITE DEVELOPMENT REQUIREMENTS.**

The following site development criteria are required in the CRZ-1:

- (1) Minimum lot area. The minimum lot area shall be eighteen thousand (18,000) sq. ft.
- (2) Minimum lot width. The minimum lot width shall be one-hundred fifty (150) feet.
- (3) Yards:
  - (a) Front yards. The minimum front yard setback shall be twenty five (25) feet, with the first fifteen (15) feet from the right-of-way being used as a grass green space area.
  - (b) Side and rear yards. Side and rear yards must be at least ten (10) feet, except that no building shall be constructed less than twenty feet from any residential district and then only if the side or rear yard is used for a landscaped open area and all required parking and any loading/unloading docks are located outside, of the side or rear yard area and provided further that the twenty-foot minimum requirement shall be increased one (1) foot for each foot of height or twenty (20) feet for any commercial building.
- (4) Maximum building height. The maximum building height shall be two and one-half (2 ½) stories, and shall not exceed thirty-five (35) feet.
- (5) General use requirements. No use in this District shall produce any unreasonable noise, odor, dust, smoke, fumes, heat, glare, or vibration beyond its lot lines.

- (6) Lighting. All lighting shall be accomplished in a manner such that no illumination is significantly directed beyond the property lines of the lot or parcel upon which a use is located.
- (7) Signs. Signs shall be permitted if they pertain exclusively to the business carried on within the building or upon the lot or parcel, in accordance with the following:
  - (a) Wall signs may be placed flat against the main building or parallel to the building on a permitted canopy and shall not project above cornice or roof lines. The total area of wall signs shall not exceed twenty (20) percent of the area of the nearest building area face with which they are parallel. Signs located on permitted canopies shall be measured along the exterior dimensions of all lettering, logos or symbols and not by the total area of the canopy.
  - (b) Freestanding signs may be placed near one (1) entrance on each street upon which the parcel adjoins and shall not exceed twenty-five (25) feet in height or one hundred (100) square feet in area. Freestanding signs shall have an above ground clearance of at least eight (8) feet or shall be located so that the view of traffic upon or outside the development is not obstructed for pedestrians or motorists.
  - (c) For parcels with a width of two hundred (200) feet or more and having two or more separate businesses or uses, one (1) additional sign is permitted, provided that the total sign area does not exceed the size permitted in sub-section (f) below.
  - (d) Signs may be illuminated, but if intended to have moving or flashing illumination such illumination must be approved by the Zoning Administrator who shall make certain that the light, intensity, color, and movement will not likely be so distracting to motor vehicle operators so as to constitute a traffic hazard.
  - (e) Traffic sign not exceeding two (2) square feet, for traffic regulation and directions only within the development may be utilized as required.
  - (f) The permitted size of a freestanding sign advertising a building or lot containing two or more separate businesses or uses shall increase by ten (10) square feet per additional use, up to a maximum sign area of one hundred fifty (150) square feet.
  - (g) The width of freestanding signs shall not exceed two and one-half ( $2\frac{1}{2}$ ) times the height of the sign face, and the height of the sign face shall not exceed two and one-half ( $2\frac{1}{2}$ ) times the sign width.

- (h) No sign shall project into or over any public right-of-way or easement. Signs shall face only public streets or any public right-of-way or easement. Traffic signs shall face only public streets or parking areas which are part of the development.
- (8) Motor vehicle access. Motor vehicle access shall be designed and so located as to create minimum interference with traffic on surrounding public streets, but shall not be closer than fifty (50) feet to any street intersection. No more than three (3) driveways, each not less than eighteen (18) feet and not exceeding forty (40) feet in width at the property line, shall be allowed. No motor vehicle driveway access to this District shall be made through any residential zoning district.
- (9) Off-street parking requirements. Off-street parking shall be as specified in the site plan.
- (10) Loading and unloading space requirements. Off-street loading and unloading spaces shall be as specified in the site plan.
- (11) Storage. No vehicles, trailers, or any other nonpermanent structures may be used for storage of goods or equipment within this District. All temporary structures used for display and/or sale of goods or equipment shall require a permit from the Zoning Administrator prior to erection of the structure.
- (12) Snow storage. On-site snow storage shall be provided for in the amount of (10) percent of the total required parking space. This storage area shall be in addition to the required parking space.
- (13) State trunk line permits. Any use that impacts on the State trunk line right-of-way shall require a permit from the Michigan Department of Transportation.

## **ARTICLE VIII**

### **LIGHT INDUSTRIAL DISTRICT**

#### **8.1 PURPOSE.**

The light industrial district is established for the purpose of encouraging within it the development of manufacturing, processing, storage, and office establishments or in which the principal use of land is for industrial activities wholly compatible with all other uses permitted in this District. In general, the permitted uses include those which are a type not requiring the customer to call at the place of business, but normally having contact only by mail or agent. For identification purposes, this District shall be referred to as LIRZ-1.

#### **8.2 PERMITTED USES.**

In the LIRZ-1, no building, structure or land shall be used and no building or structure shall be erected, structurally altered or enlarged, except for the following uses, and all permitted uses require plans and specifications to be submitted in accordance with the site plan review section of this Ordinance.

- (1) Any production, processing, cleaning, testing, repairing, storage and distribution of materials, goods, foodstuffs and products;
- (2) Veterinary hospitals and kennels;
- (3) Public buildings and public utility installations;
- (4) Contractor's establishments.
- (5) Accessory uses clearly appurtenant to the main use of the lot and customary to and commonly associated with the main use such as:
  - (a) Restaurant or cafeteria facilities for employees;
  - (b) Caretaker's residence if situated upon a portion of the lot;
  - (c) Office facility; and
  - (d) Retail uses not to exceed twenty (20) percent of the building's gross floor area;
- (6) Wholesale businesses;
- (7) Building supply and equipment stores and yards;
- (8) Commercial call centers; and
- (9) Commercial day care centers.

### **8.3 PERMITTED USES BY CONDITIONAL USE PERMIT.**

The following uses may be permitted in the LIRZ-1 under the provisions of this Ordinance in accordance with all provisions:

- (1) Stone cutting and monuments.

### **8.4 PROHIBITED USES.**

The following uses are prohibited in the LIRZ-1 :

- (1) Abattoirs or slaughterhouses;

- (2) Blast, cupola or metal furnaces;
- (3) Coke ovens;
- (4) Fat rendering;
- (5) The incinerations, reduction, or dumping of offal or garbage;
- (6) Line kilns;
- (7) Manufacture of acetylene gas, ammonia, asphalt or its products, asbestos, babbitt, metal, bleaching powder, carbon, lampblack or graphite, celluloid, coal tar or its products, creosote or its products, disinfectant, emery cloth or sandpaper, or explosives; and
- (8) Sexually Oriented Businesses described and defined in Section 7.4 of the CRZ-1 provisions.

## **ARTICLE IX**

### **CONDITIONAL USES**

#### **9.1 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 as permitted uses, but possessing unique characteristics, are designated as conditional uses and, as such, may be authorized through the issuance of Conditional Use Permits, with such conditions and safeguards attached in writing as may be deemed necessary for the protection of the public welfare.

A Conditional Use Permit is a permit issued by the Planning Commission to an applicant whose use is 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. Conditional Use Permits are: (1) granted on a case-by-case basis and (2) may be revoked at any time, at the discretion of the Planning Commission, if said Performance Standards are not complied with.

#### **9.2 PROCEDURES FOR MAKING APPLICATION**

The following procedures shall be followed in application for Conditional Use Permits:

- A. Application submitted to the Zoning Administrator:** Applications shall be submitted through the Township Supervisor to the Zoning

Administrator. The Zoning Administrator shall determine the completeness of the application and, if the application is incomplete, may request completion of the application, prior to submittal to the Planning Commission for consideration.

**B. Data Required in Application:** An application shall include the following information:

- Name of applicant and the name of the owner of the premises.
- Legal description of the property.
- Detailed site plan, with the following minimum required information.
- In addition, the site plan should show the use of all property within five hundred (500) feet of the property.

Items to be Included in Site Plan

|  |                                 |
|--|---------------------------------|
| Property boundaries                                | Topographic relief              |
| Existing natural features                          | Setback lines                   |
| Parking and loading areas                          | North arrow                     |
| Site Plan preparer                                 | Existing and proposed buildings |
| Existing and proposed roads                        | Landscaping                     |
| and utilities (including wells and septic systems) | Auto ingress and egress         |
| Scale (min. drawing size of 8.5" x 11")            | Date of preparation             |

**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 meets the minimum requirements adopted to promote the health, safety, comfort, prosperity and general welfare of the Township. Furthermore, to be approved for issuance of a Conditional Use Permit, the use must be compatible within the area in which the proposed usage is planned, not decrease neighboring property values, nor affect the health and/or safety of residents, workers or visitors in the area.

**D. Notification of the Public:** Upon receipt of an application for a Conditional Use Permit, the following steps will be taken by the Zoning Administrator and the Planning Commission:

1. When a request for a Conditional Use Permit has been received, one notice shall be published in the Wakefield News / Bessemer Pick and Axe, or other newspaper in general circulation within the Township, not less than 15 days before the date the application will be considered for approval, identifying the location, time and date at which the Planning Commission will consider the request.
2. Copies of said notice will also be personally delivered or sent by certified mail to the person{s} who made the application, the owners of the property and all property owners to whom real property is assessed and all occupants of all structures within three

hundred (300) feet of the property requesting issuance of a Conditional Use Permit. If the name of an occupant is unknown, the term "occupant" may be used in the notice. In the case where there are multiple dwelling units in a single structure, notification will be made to the manager or owner of the facility, who shall post the notice at the primary entrance(s) to the structure. If the applicant has common ownership of contiguous properties, the notice shall be extended three hundred (300) feet from the common ownership boundaries.

3. The notice shall not be made not less than fifteen (15) calendar days before the application will be considered for approval by the Planning Commission.
4. The notice shall:
  - a. Describe the nature of the request for Conditional Use Permit.
  - 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 will be received concerning the request.
  - e. Indicate that a public hearing on the request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the property being considered.

**Public Hearing:** A public hearing on an application for issuance of a Conditional Use Permit may be requested by the Zoning Administrator or the Planning Commission, or upon the request of the applicant, or a property owner or occupant of a structure located within three hundred (300) feet of the property under consideration. The Planning Commission shall consider all public input in its consideration for the issuance of the Conditional Use Permit.

**Issuance of Conditional Use Permit:** The Planning Commission may deny or issue a Conditional Use Permit and include subsequent agreement with the applicant concerning exact plans, specifications, Performance Standards, and conditions to be met by the applicant in accordance with the approved permit. The Planning Commission's decision shall be incorporated in a statement of findings and conclusions which specifies the basis for the decision and any conditions imposed.

### **9.3 CANCELLATION OF CONDITIONAL USE PERMIT**

The Planning Commission may cancel any Conditional Use Permit when the use authorized by said permit has not commenced within 180 days of the date of issuance or any of the conditions to be met by the applicant are violated. The Planning Commission may, at its discretion, choose to revoke, at any time, the Conditional Use Permit if any Performance Standards are not complied with.

## **ARTICLE X**

### **SITE PLAN REVIEW**

#### **10.1 PURPOSE.**

The purpose of this chapter is to assure, at the time of development, planning compliance with the comprehensive plan and Township requirements, as well as, the on and off-site impacts of the proposed development in relation to storm drainage capacity and design, provision of an adequate water supply and sanitary wastewater disposal systems and other public utilities, accessibility to and circulation upon the site for vehicular and pedestrian traffic, off-street parking and unloading, and other site and structural design elements that would result in use and activity affecting the public health, safety and general welfare of the surrounding area if not properly evaluated prior to development or construction.

#### **10.2 USES REQUIRING SITE PLAN REVIEW.**

The following land uses, buildings and structures require site plan review and approval:

- (1) All commercial buildings and uses;
- (2) All industrial buildings and uses;
- (3) All conditional uses; and
- (4) All minerals or other natural resource extraction operations.

#### **10.3 PROHIBITIONS PRIOR TO SITE PLAN APPROVAL.**

The following practices are prohibited for any development for which site plan approval is required until a site plan is approved and is in effect. Any violation of this prohibition shall be subject to the legal and administrative procedures and penalties prescribed by law and this Ordinance.

- (1) Grading activities which change the elevation of the site, alter the drainage patterns of the site, increase storm water runoff or cause or are likely to cause soil erosion;
- (2) Start of any construction activities which are part of a new development for which a site plan is required. Such activities, include but are not limited to: building of access roads or driveways, demolition of existing

structures, excavation for foundations, placement of pavement, pouring of concrete, construction of curb cuts, placement of exterior signage, extensions or upgrade of sewer or water lines, placement of sidewalks, and building additions.

- (3) Exceptions may be permitted to allow access for surveying and soil testing equipment, removal or cleanup of contaminated areas of the sites, removal of dead or diseased vegetation, or removal of blight conditions.

#### **10.4 INFORMATION REQUIRED.**

- (1) Each site plan submitted for review shall be of high quality and clearly convey the information required. An acceptable level of quality will generally be produced by following the guidelines below:
  - (a) Be printed in ink or other permanent means;
  - (b) Be neat, orderly, uncongested, and legible;
  - (c) Lines shall be drawn with straight edge. Curves and irregular shapes shall be drawn with compass, template, or other divides common to the drafting industry. Lettering shall be neat and orderly such as that produced from a lettering guide.
  - (d) Computer generated drawings are acceptable provided they meet the general quality standards stated in this section.
- (2) For lots smaller than twenty thousand (20,000) square feet, the scale shall not exceed one (1) inch to ten (10) feet. For lots from twenty thousand (20,000) square feet to two (2) acres, the scale shall not exceed one (1) inch to twenty (20) feet. For lots greater than two (2) acres, an allowable scale shall be determined by the Supervisor or designee. Each site plan shall provide the following information, unless waived by the Supervisor or designee:
  - (a) Scale, north arrow, name and date of plan and dates of revisions thereto;
  - (b) Name and address of property owner, applicant, and the developer.
  - (c) The applicant's ownership interest in the property, and if the applicant is not the fee simple owner, a signed authorization from the owner(s) for the application;
  - (d) Name and address of designer. A site plan may be prepared by the applicant. It is recommended, however, that it be prepared by a

professional community planner, engineer, architect, landscape architect, or land surveyor registered in the State of Michigan;

- (e) A vicinity map, legal description of property, dimensions, and lot area. Where a metes and bounds description is used, lot lines, angles, or bearings shall be based upon a boundary survey prepared by a registered land surveyor and shall correlate with the legal description;
- (f) Existing topography with a minimum contour interval of two (2) feet may be required by the Supervisor or designee;
- (g) Existing natural features such as trees, wooded areas, streams, marshes, ponds, and other wetlands and a clear indication of all natural features to remain and to be removed;
- (h) Existing buildings, structures, and other improvements, including drives, utility poles and towers, easements, pipelines, excavations, ditches with their elevations and drainage directions, bridges, culverts and a clear indication of all improvements to remain and be removed;
- (i) General description of deed restrictions, protective covenants or other legal agreements or encumbrances upon the property;
- (j) The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site, if applicable. A written description of any nuisance that would be created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights, and how the nuisance shall be controlled may be required for heavy commercial and industrial uses;
- (k) Existing public utilities on or serving the property; location and size of water lines and hydrants; location, size, and inverts of sanitary sewer and storm sewer lines; location of manholes, and catch basins; and location and size of well, septic tanks, and drain fields;
- (l) Names and rights-of-way of existing streets, private roads and/or recorded easements on or adjacent to the property;
- (m) Zoning classification of the subject property and total ground floor area and floor area. In the case of residential units, the plan shall note dwelling unit density, and a schedule of the number, size, and type of dwelling units;
- (n) Finished contours at a minimum interval of two (2) feet and correlated with existing contours so as to clearly indicate cut and fill

required may be required by the Supervisor or designee. All finished contour lines are to be connected to existing contour lines at or before the property lines;

- (o) Location and exterior dimensions of proposed buildings and structures, with the location to be referenced to property lines to a common base point; distances between buildings; height in feet and number of stories; finished floor elevations; ground grade elevation; and all required setbacks;
- (p) Location and alignment of all proposed streets and drives; right-of-way where applicable, (shall meet city standards) and typical cross-section of same showing surface, base, and sub-base materials and dimensions; location and typical details of curbs, turning lanes, with details, location, width, surface elevations and grades of all entries and exits and curve radii;
- (q) Location and dimensions of proposed parking lots; number of spaces in each lot; dimension of spaces and aisles; drainage pattern of lots showing surface, base, and sub-base materials may be required. Include areas devoted to snow storage;
- (r) Location and size of proposed improvements of open space and recreation areas, and statement on proposed maintenance provisions for such areas;
- (s) Location, width, and surface or proposed sidewalks and pedestrian ways;
- (t) Location, height and type of proposed screens and fences;
- (u) Location, height and type of proposed outdoor trash container enclosures;
- (v) Location, type, size, area, and height of proposed signs;
- (w) Layout, size of lines, inverts, hydrants, drainage flow patterns, location of manholes and catch basins for proposed sanitary sewer, water and storm drainage utilities; location and size of retention ponds and degrees of slope of sides of ponds; calculations for size of storm drainage facilities; location of electricity and telephone poles and wires; location and size of surface mounted equipment for electricity and telephone services; location and size of underground tanks where applicable; location and size of outdoor incinerators; location and size of wells, septic tanks, and drainfields where applicable: If on-site water and sewer facilities are to be used, a letter of approval of same, or copy of the permit from the County Health Department, the Michigan

Department of Natural Resources, or another appropriate agency shall be submitted;

- (x) Size and name of plant materials;
- (y) Description of measures to be taken to control soil erosion and sedimentation during and after completion of grading and construction operations, if required by the Soil Erosion and Sedimentation Control Act, Michigan Act 347 of 1972 and the promulgated administrative rules of said Act as amended. Recommendations for such measures may be obtained from the County Soil Erosion and Sediment Control Agent;
- (z) Location of proposed retaining walls;
- (aa) Location, type, direction and intensity of lighting at the outside boundary;
- (bb) Right-of-way expansion where applicable and reservation of dedication of right-of-ways to be clearly noted;
- (cc) The planned number of people to be employed; and
- (dd) Additional information as may be required by the Supervisor or designee.

#### **10.5 PUBLIC HEARING REQUIREMENT.**

Prior to voting on a final site plan, the Planning Commission shall hold a public hearing so as to facilitate public review and understanding of the development proposed. Notice of the date, time, location, and subject matter of the public hearing shall be published in a newspaper of general circulation in the Township not less than eight (8) days before the actual hearing date as established by the Supervisor or designee.

#### **10.6 STANDARDS FOR SITE PLAN REVIEW.**

In reviewing the site plan, the Planning Commission shall determine that the following standards are observed:

- (1) All required information has been provided and is presented as prescribed in the ordinance.
- (2) The proposed development conforms to all regulations of the zoning district in which it is located.
- (3) The applicant may legally apply for site plan review.

- (4) The plan meets the requirements of the Township for fire and police protection, water supply, sewage disposal or treatment, storm drainage, and other public facilities and services.
- (5) The proposed development will not cause erosion or sedimentation problems.
- (6) The proposed development does not illegally impinge upon established flood plains located on or near the subject property.
- (7) The drainage plan for the proposed development is adequate to handle anticipated storm water runoff and will not cause undue runoff onto neighboring property or the overloading of water courses in the area.
- (8) The proposed development is coordinated with public improvements that service the subject property and with the other developments in the general vicinity.
- (9) Outside lighting will not adversely affect adjacent or neighboring properties or traffic on adjacent streets.
- (10) Outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties.
- (11) Grading or filling will not adversely affect the adjacent or neighboring properties.
- (12) Vehicular and pedestrian traffic within the site, as well as, to and from the site are both convenient and safe.
- (13) Parking layout will not adversely affect the flow of traffic within the site or impede access to and from the adjacent properties and the snow storage area has been provided to equal twenty (20) percent of total parking area.
- (14) The plan meets the required standards of other governmental agencies, where applicable, and that the approval of these agencies has been obtained.
- (15) The plan provides for the proper continuation and expansion of existing public streets and utilities serving the site, where applicable.
- (16) All phased developments are to be constructed in a logical sequence so that any individual phase will not depend in any way upon a subsequent phase for adequate access, public utility services, drainage, or erosion control.

- (17) When required, landscaping, fences, and falls shall be in pursuance of these objectives and same shall be provided and maintained as a continued maintenance of any use to which they are appurtenant.
- (18) The Planning Commission shall have some latitude in specifying the walls, fences, and greenbelts.
- (19) The proposed site must be in accord with the spirit and purpose of this Ordinance and not be inconsistent with or contrary to the objectives sought to be accomplished by this Ordinance and principles of sound Township and site planning.
- (20) Adequate assurances have been received from the applicant so that clearing the site of topsoil, trees and other natural features before the commencement of building operations will occur only in those areas approved for the construction of physical improvements.
- (21) The development will not substantially decrease the volume of natural water supply at other locations.
- (22) The development will not, as much as practically possible, detrimentally affect or destroy natural features such as, ponds, streams, wetlands, hillsides, or wooded areas, but will preserve and incorporate such features into the development's site design.
- (23) All development must be in accordance with the comprehensive plan.
- (24) There shall be room allotted for an alternate tile field on each lot or parcel approved to have a septic tank.

## **10.7 PLANNING COMMISSION**

- (1) The Planning Commission shall study the site plan and shall, within sixty (60) days of the filing date upon which it appears on the Planning Commission agenda (if the submitted application is complete), make its recommendation to approve or reject the site plan. This time limit may be extended upon mutual agreement between the applicant and the Planning Commission.
- (2) The Planning Commission may require such changes in the proposed site plan as are needed to gain approval.
- (3) The Planning Commission may attach reasonable conditions to its approval and may require a security deposit or surety bond covering the estimated costs of the improvements.
- (4) The Planning Commission shall include in its study of the site plan consultation with the Supervisor and Zoning Administrator and other

government offices, departments, and public utility companies that might have an interest in or be affected by the proposed development.

- (5) Upon Planning Commission approval of a site plan, the applicant, the owner(s) of record or legal representative thereof, the Planning Commission chairman and one (1) other member of the Planning Commission shall each sign four (4) copies of the approved site plan. The Planning Commission shall transmit one (1) signed copy of the plan and any conditions attached to the Zoning Administrator and one (1) signed copy each to the office of the Township Clerk and the applicant. One (1) signed copy shall be retained in the Planning Commission files.
- (6) The Planning Commission shall notify the applicant in writing of its recommendations and the reasons therefore within ten (10) days following the action.

#### **10.8 EXPIRATION OF SITE PLAN APPROVAL.**

- (1) Approval of a site plan shall expire and be of no effect unless a zoning permit and a building permit shall have been issued within one year of the date of the approval of the site plan. Approval of a site plan shall expire and be of no effect two (2) years following the date of Planning Commission approval unless construction has begun on the property and is diligently pursued to completion in conformance with the approved site plan.
- (2) In the case of a phased development, individual site plans shall be submitted and approved for the initial development phase and, in turn, for each subsequent phase of development.
- (3) If any approved site plan has expired as set forth herein, no permits for development or use of the subject property shall be issued until all applicable requirements of this chapter have been satisfied.

#### **10.9 AMENDMENT OF APPROVED SITE PLAN.**

- (1) An applicant may request a change in an approved site plan. A change in an approved site plan which results in a major change, as defined in this section, shall require approval by the Planning Commission. All amendments shall follow the procedures and conditions herein required for original plan submittal and review. A change which results in a minor change as defined in this section shall require a revision by the Supervisor or designee to the approved plan.
- (2) The Planning Commission shall have the authority to determine whether a requested change is major or minor in accordance with this section. The burden shall be on the applicant to show good cause for any requested change.

- (3) Changes to be considered major (i.e. those for which an amendment is required) shall include one or more of the following:
- (a) A change in the original concept of the development.
  - (b) A change in the original use or character of the development.
  - (c) A change in the type of dwelling unit as identified on the approved site plan.
  - (d) An increase in the number of dwelling units of ten (10) percent or more, or over five thousand (5000) square feet of gross floor area of the ground floor, whichever is less.
  - (e) An increase in nonresidential floor area of twenty (20) percent or more, or over five thousand (5000) square feet of gross floor area of the ground floor, whichever is less.
  - (f) Rearrangement of lots, blocks, and building tracts.
  - (g) A change in the character or function of any street.
  - (h) A reduction in the amount of land area set aside for common space or the relocation of such area(s).
  - (i) An increase in building height.
- (4) Minor changes may be approved by the Supervisor or designee . The Supervisor or designee shall consult with the Township Board where appropriate. If given authority to approve minor changes, the Supervisor or designee may refer the matter to the Planning Commission if in his/her opinion it should be consulted. A maximum of one minor change per project may be approved. Minor changes shall include the following:
- (a) A change in residential floor area, of less than ten (10) percent not to exceed five thousand (5000) square feet pertaining to gross floor area of the ground floor.
  - (b) An increase in nonresidential floor area less than twenty (20) percent, not to exceed five thousand (5000) square feet pertaining to gross floor area of the ground floor.
  - (c) Building additions up to five thousand (5000) square feet that do not modify any other site characteristics such as parking, traffic circulation and drainage.

- (d) Minor variations in layout of the building or site which do not constitute major changes.
- (5) The revised drawings, as approved, shall each be signed by the applicant and the owner(s) of said property in question.

#### **10.10 MODIFICATION OF PLAN DURING CONSTRUCTION.**

All site improvements shall conform to the approved site plan, including engineering drawings approved by the Planning Commission. If the applicant makes any changes during construction in the development in relation to the approved site plan, such changes shall be made at the applicant's risk without any assurances that the Supervisor or Zoning Administrator or any other agency will approve the changes. The applicant may be required to correct the unapproved changes so as to conform to the approved site plan.

#### **10.11 AS-BUILT DRAWINGS.**

The following requirements shall prevail for all as-built drawings which must be given to the Supervisor or Zoning Administrator:

- (1) Applicant shall provide as-built drawings of all sanitary sewer, water, and storm sewer lines and all appurtenances which were installed on a site for which a final site plan was approved. The drawings shall be submitted to the Supervisor or designee prior to the release of any performance guarantee or part thereof covering such installation.
- (2) The as-built drawings shall show, but shall not be limited to, such information as the exact size, type, and location of pipes; location and size of manholes and catch basins; location and size of valves, fire hydrants, tees and crosses; depth and slopes of retention basins; and location and type of other utility installations. The drawings shall show plan and profile views of all sanitary and storm sewer lines and plan views of all water lines.
- (3) The as-built drawings shall show all work completed within a public right-of-way and public utility easements as actually installed and field verified by a professional engineer or a representative thereof. The drawing shall be identified as "as-built drawings" in the title block of each drawing and shall be signed as dated by the owner of the development or the owner's legal representative and shall bear the seal of a professional community planner, engineer, architect, landscape architect, or land surveyor.

#### **10.12 PHASING OF DEVELOPMENT.**

The applicant may divide the proposed development into two or more phases. In such case, each phase-specific site plan shall cover only that portion of the property involved. A final site plan shall be submitted for review and approval for each site.

### **10.13 INSPECTION.**

The Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as, utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved by appropriate agencies prior to covering. The applicant shall be responsible for requesting the necessary inspections. The Zoning Administrator shall obtain inspection assistance from the appropriate officials and consulting professional personnel where appropriate.

### **10.14 GUARANTEES.**

- (1) Guarantees as required by the Township, shall be provided by the applicant to the office of the Township Clerk. The guarantee shall be provided after a final site plan is approved. The guarantee shall cover all aspects of site improvements shown on the approved final site plan, including buildings, streets, drives, parking lots, sidewalks, grading, required landscaping, required screens, storm drainage, exterior lighting and utilities for a period of one (1) year.
- (2) The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to the amount by the Supervisor or designee. The Township Board shall establish procedures by which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements shall be made as work progresses.
- (3) If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township shall have the authority to have such work completed. The Township Clerk may reimburse the Township for cost of such work, including administrative costs, by appropriating funds from the deposited security, or may require performance by the bonding company.

### **10.15 DELEGATION OF AUTHORITY.**

The Planning Commission may delegate in part or whole the powers and authority granted to them to the Township Supervisor or Zoning Administrator.

## **ARTICLE XI**

### **REZONING**

#### **11.1 PURPOSE**

In order to make this Ordinance flexible to meet the changing trends in development and new technology, the rezoning of districts is authorized upon approval of the Township Board. 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.

A rezoning is a changing of a zoning classification, which use will not be detrimental to the surrounding area, along with being a better use of the property than what the property was originally zoned for. A rezoning shall not be granted if all of the following apply: 1) an individual parcel is less than 40 acres and not adjoined to the zoning classification sought ; 2) a property that serves to benefit an individual landowner, rather than the general public interest; 3) the rezoning is not a more logical use for the property and 4) the new zoning classification will be a detriment to public health, safety and welfare.

## **11.2 PROCEDURES FOR MAKING APPLICATION**

The following procedures shall be followed in application for rezoning :

- A. Application submitted to the Zoning Administrator:** Applications shall be submitted through the Township Supervisor to the Zoning Administrator. The Zoning Administrator shall determine the completeness of the application and, if the application is incomplete, may request completion of the application, prior to submittal to the Planning Commission for consideration.
  
- B. Data Required in Application:** An application shall include the following information:
  - a. Name of applicant and the name of the owner of the premises.
  - b. Legal description of the properties requested for rezoning.
  - c. Detailed site plan, with the following minimum required information.
  - d. In addition, the site plan should show the use of all property within five hundred (500) feet of the property to be rezoned.

### Items to be Included in Site Plan

Property boundaries  
Topographic relief  
Existing natural features  
Setback lines  
Parking and loading areas  
North arrow  
Site Plan preparer  
Existing and proposed buildings  
Existing and proposed roads and utilities (including wells and septic systems)  
Auto ingress and egress  
Landscaping

Scale (min. drawing size of 8.5" x 11")

Date of preparation

- 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. The Planning Commission, after considering the request, shall provide a recommendation to the Township Board along with a summary of the comments received at the public hearing.
- D. Notification of the Public:** Upon receipt of an application for rezoning, the following steps will be taken by the Zoning Administrator and the Planning Commission.
- a. When a request for rezoning has been received, one notice of public hearing shall be published in the Wakefield News / Bessemer Pick and Axe or other newspaper in general circulation within the Township, not less than 15 days before the date of the hearing, identifying the location, time and date at which the Planning Commission will hear the request.
  - b. Copies of said notice will also be personally delivered or sent by certified mail to the person(s) who made the application, the owners of the property that is subject of the request, and to all property owners to whom real property is assessed and all occupants of all structures within three hundred (300) feet of the subject property. If the name of an occupant is unknown, the term "occupant" may be used for the intended recipient of the notice. In the case where there are multiple dwelling units in a single structure, notification will be made to the manager or owner of the facility, who shall post the notice at the primary entrance(s) to the structure. If the applicant has common ownership of contiguous properties, the notice shall be extended three hundred (300) feet from the common ownership boundaries. The notice shall be given not less than 15 days before the date the request will be considered and is deemed given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service. For any group of adjacent properties numbering 11 or more that is proposed for rezoning, the foregoing provisions do not apply to that group of adjacent properties.
  - c. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and public address with the Township Clerk for the purpose of receiving the notice of public hearing.

- d. The notice shall:
- Describe the nature of the requested rezoning.
  - Indicate the properties which are 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.
  - State when and where the request will be considered.
  - Indicate when and where written comments will be received concerning the request.
  - Indicate that a public hearing on the request will be held.
  - Indicate the places and times at which the proposed text and any maps may be examined.

**Public Hearing:** A public hearing on an application for rezoning shall be held by the Planning Commission. The Planning Commission shall consider all public input into its consideration for rezoning. A recommendation, with reasons for supporting or denying the request, shall be submitted to the Township Board along with a summary of the comments received at the public hearing.

**Rezoning of Properties:** After the above proceedings, the Township Board shall consider and vote upon the rezoning request. The Township Board shall utilize the recommendation(s) of the Planning Commission in preparing its decision. The Township Board shall also provide reasons for accepting or rejecting the rezoning request.

## ARTICLE XII

### VARIANCES

#### **12.1 PURPOSE**

The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variations from such dimensional requirements as lot width and area regulations, building height and bulk regulations, yard width and depth regulations, setbacks and such requirements as off-street parking and loading space, as specified in this Ordinance, when ALL of the conditions in Section 12.2 are satisfied.

#### **12.2 CONDITIONS**

- 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 district. If the Zoning Board of Appeals finds that the hardship is not unique, but common, amending this Ordinance or rezoning shall 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 district.
- F.** The purpose of the variance request is not based merely upon a desire to generate greater revenue from 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 necessary to permit reasonable use of the land and building.

### **12.3 RULES**

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

- A.** In granting a variance, the Zoning Board of Appeals 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 Zoning Board of Appeals, 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 Zoning Administrator to be valid.
  - D. The notice shall:
    - Describe the nature of the requested rezoning.
    - Indicate the properties which are 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.
    - State when and where the request will be considered.
    - Indicate when and where written comments will be received concerning the request.
    - Indicate that a public hearing on the request will be held.
  - E. A public hearing on an application for variance shall be held by the Zoning Board of Appeals. The Zoning Board of Appeals shall consider all public input into its consideration for variance.

Under all these circumstances, the only reduction or modification that shall be authorized is that necessary to overcome the evidenced difficulty.

### **ARTICLE XIII**

#### **STORAGE OF VEHICLES, EQUIPMENT, REFUSE, DEBRIS, AND JUNK**

##### **13.1 PURPOSE**

It is the intent of the Township to protect the public health and safety and preserve property values through the regulation of abandoned vehicles, refuse, debris, junk and public nuisances on private property.

##### **13.2 PROHIBITION**

- A. No more than 2 inoperable or unlicensed vehicles, partially dismantled motor vehicles, or part thereof, shall be parked, stored or permitted to remain on any premises in the Township, except those parked or stored within an enclosed building or an appropriately screened area that has

been approved in writing by the Zoning Administrator. However, inoperable vehicles may be permitted to remain on private property for a period of not more than sixty (60) days if the owner is repairing or about to have the vehicle repaired, but permanent removal is required after sixty (60) days. Also, tires or parts of vehicles being removed, replaced or installed by the occupant working on his/her vehicle on private property may be reasonably stored in an orderly manner on the premises for a period not to exceed sixty (60) days. Parts or tires to be discarded shall be removed within one week after removal from the vehicle.

- B.** The presence of inoperable, dismantled or partially dismantled motor vehicles, or parts thereof, or tires of a motor vehicle, refuse, junk or debris contrary to the provisions of this Section, is hereby declared to be a public nuisance.
- C.** No refuse, junk or debris of any kind or nature that might constitute a hazard to health or safety, or reduce property values of the immediate neighborhood shall be stored on private property.
- D.** Refuse, junk and debris will be considered stored when it remains unmoved on private property for more than sixty (60) days and creates a health or safety hazard, or substantially detracts from the appearance of the immediate neighborhood.
- E.** No person shall abandon a construction project or excavation in such a manner that it would be likely to endanger the safety of the general public. The Zoning Administrator, or his designated agent, will determine if the projector excavation is a safety hazard, but this will not exempt the person or agent in charge of the project or excavation from providing adequate protection, without the direction of the Zoning Administrator or his designated agent. The violation of construction project or excavation procedures, as described above, is hereby declared to be a public nuisance.
- F.** Any site that causes soil deposits to wash or blow on a sidewalk, street, highway or neighboring property, is hereby declared to be a public nuisance.

## **ARTICLE XIV**

### **ADMINISTRATION**

#### **14.1 ENFORCEMENT**

It shall be the duty of the Zoning Administrator, the Township Supervisor, and his proper officials and agents, to enforce the provisions of this Ordinance. The Township Board shall appoint a person to act in the capacity of Zoning Administrator. The Zoning Administrator's duties shall include, but are not limited to, maintaining adequate zoning

records; providing public notices; assisting people who have zoning questions; enforcement of zoning violations; advising the Township Board, Planning Commission, and Zoning Board of Appeals on petitions and applications that come before those bodies; and serving as liaison between the public and the Township on zoning and planning related issues.

#### **14.2 NOTICE OF VIOLATION**

The Zoning Administrator will notify, by certified mail, any person or agent deemed in violation of any of the provisions of this Ordinance. The notification of violation shall include a description of the violation and what must be done to correct the violation within 15 days of the notification. Extensions for extenuating circumstances may be given by the Zoning Administrator, upon approval from the Township Board.

#### **14.3 PENALTIES**

Any person, firm or corporation who violates, neglects, omits or refuses to comply with any provision of this Ordinance, or any permit or exception granted hereunder, or any lawful requirement of the Zoning Administrator shall be fined on conviction not less than One Hundred (\$100) dollars, together with the cost of prosecution, or by imprisonment in the County jail for not more than ninety (90) days, or both, in the discretion of the court. To promote compliance with the provisions of this Ordinance, each day that a violation occurs shall be deemed a separate violation.

#### **14.4 PROCEEDINGS**

The Zoning Administrator or any owner of real estate may institute appropriate actions 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.

### **ARTICLE XV**

#### **ZONING APPEALS**

##### **15.1 MEMBERS**

The Zoning Board of Appeals 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 Zoning Board of Appeals shall consist of three members; one member shall be a member of the Planning Commission. A member of the board who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property. The remaining members shall be selected from the electors of the Township residing within the Township and shall be representatives of the population distribution and of the various interests present in the Township. The Township Board may appointment not more than 2

alternate members to said Board. An elected officer of the Township shall not serve as chairman of said board and an employee or contractor of the Township Board may not serve as a member or an employee of said board.. One member may be a member of the Township Board.

## **15.2 TERMS**

The term of each member shall be three years and until a successor has been appointed and qualified, which successor must be appointed not more than one month after the expiration of the preceding term. Staggered terms shall be effected by one or more of the first appointed members serving for less than three years. Members from the Township Board and from the Planning Commission have terms limited to their respective other official terms or to such lesser period as determined by resolution of the Township Board.

## **15.3 CONFLICT**

A member shall recuse himself/herself from a vote in which he/she has a conflict of interest. A member of the board may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.

## **15.4 POWERS AND DUTY**

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may adopt rules to govern its procedures sitting as a Zoning Board of Appeals. The board shall also hear and decide on matters referred to it or upon which it is required to pass under this Ordinance. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance. On appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of this State or the Township. The board shall state the grounds of any determination made by it. If the board receives a written request seeking an interpretation of this Ordinance or an appeal of an administrative decision, the board shall conduct a public hearing on the request. Notice shall be given as provided in Article XII, 12.3 Rules, subsection D. However, if the request does not involve a specific parcel of property, notice need only be published and given to the person making the request.

## **ARTICLE XVI**

### **FEES**

#### **16.1 ZONING ORDINANCE FEES**

For each application for rezoning, appeals, variance request, site plan review or Conditional Use Permit, fees shall be paid to the Township Treasurer, based on the

following fee schedule which includes administrative, advertising and mailing costs. The fee schedule may be amended by resolution of the Township Board.

|                                   |          |
|-----------------------------------|----------|
| Rezoning Request                  | \$250.00 |
| Conditional Use Permit            | \$250.00 |
| Variance Request                  | \$250.00 |
| Appeals                           | \$250.00 |
| Site Plan Review/Development Plan | \$250.00 |

## **16.2 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, Zoning Board of Appeals and/or Township Board until such fee is paid in full. No fees are refundable for any processing or partial processing of a development plan.

## **ARTICLE XVII**

### **17.1 SEVERABILITY**

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 this 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 XVIII**

### **18.1 AMENDMENTS AND SUPPLEMENTS**

Amendments and supplements to this ordinance may be adopted as provided by law.

## **ARTICLE XIX**

### **19.1 EFFECTIVE DATE \_\_\_\_\_, 2010**

This Ordinance shall take effect 30 days after publication which follows adoption by the Township Board. All ordinances, or parts of ordinances, in conflict herewith are repealed.