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Adopted: May 9, 1985
Effective: June 15, 1985

REFERENCE CHART

	Article IV - 1 Suburban Residential	Article IV - 4 Residential Agricultural
Building height	28'	28' *
Floor area	600 sq. ft.	480 sq. ft.
Lot area	15,000 sq. ft.	15,000 sq. ft. *
Yards -(Front/rear)	30'	30'
Side	15'	15'

* None for mining and agricultural

	Article V Undeveloped Lakes	Article VI Lakes	Article VII Rivers
Minimums of:			
Frontage	350'	100'	200'
Depth	300'	200'	300'
Set-back	200'	100'	100'
Green Belt	100'	50'	50'
Width at building line	150'	100'	100'

Building:

Height	28'	28'	28'
Floor area (sq. ft.)	600'	400'	400'

Yard

Front/rear	30'	30'	30'
Sides	30'	30'	30'

Access road from shore	300'	200'	30'
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	Article VIII General Business	Article IX Industrial D - 1
Height	None	None

Yards

Front	25'	40'
Sides	10'	20'
Rear	20'	25'

TOWNSHIP OF IRON RIVER ORDINANCE NO. 16
ARTICLE I INTRODUCTION

TITLE:

An ordinance to repeal Ordinance No. 10, as amended, and replace same with a new ordinance enacted pursuant to the authority contained in Act 184 of the Public Acts of Michigan for 1943, as amended, known as the "Township Rural Zoning Act" for the establishment of zoning districts in the unincorporated portions of Iron River Township, within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings, buildings and structures, including tents and trailer coaches, which may hereafter be erected or altered; for the regulation of the area yards, courts, and other open spaces and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures, including tents and trailer coaches; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents and trailer coaches; to establish a Zoning Board of Appeals, to grant authority to said Board in addition to that expressly provided in said Public Act 184; to provide standards to guide actions, and decisions of said Board; to provide for the enforcement of the provisions of said ordinance and penalties and other relief for the violation of said ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

PREAMBLE

In accordance with the authority and intent of Act 184 of the Public Acts of 1943, 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 provide for economy in government and mutual support; and to promote and protect the public health safety, comfort, convenience and general welfare of all persons and property owners within the Township.

ENACTING CLAUSE:

The Township of Iron River, County of Iron, State of Michigan, ordains:

SHORT TITLE:

This ordinance shall be known as the Iron River Township Zoning Ordinance.

**ARTICLE II
ZONING DISTRICTS
DIVISION OF TOWNSHIP**

The Township of Iron River shall be divided into zoning districts as hereinafter described, within which districts no buildings or premises shall be used and no building shall hereafter be erected, altered, or located except for the uses and purposes hereinafter set forth as "permitted uses" under each separate zoning district classification, or hereinafter set forth as "special exception uses" under each such zoning district classification; subject, however, to such prior approval as is hereinafter required to be obtained from the zoning board for such special exception uses.

2.1 The zoning district classifications shall be as follows:

I. RESIDENTIAL DISTRICTS

- a. A Suburban Residential
- b. A-A Residential and Agricultural
- c. L-1 Undeveloped Lakes
- d. L-2 Lakes
- e. R Rivers

II. COMMERCIAL DISTRICTS

- a. B-1 General Business
- b. D-1 Industrial
- c. D-2 Industrial

DESCRIPTION OF DISTRICTS

2.2 RESIDENTIAL DISTRICTS

A - Suburban Residential

The Suburban Residential District shall consist of that property which is within five hundred (500) feet of each side of the established right-of-way of the following described roadways:

- 2.2.1. That section of U. S. Highway 2 between the west boundary of the City of Iron River and the intersection with Highway M-73.
- 2.2.2. That section of U. S. Highway 2 between the intersection with Gibbs City Road and the crossing of Nash Creek.

- 2.2.3. That section of Gibbs City Road between the intersection with U. S. Highway 2 and the intersection with Woodberry Drive.
- 2.2.4. That section of Michaels Road between the intersection with U.S. Highway 2 and the intersection with Bernhardt Road.
- 2.2.5. That section of Bernhardt Road between the intersection with U.S. Highway 2 and the intersection with Michaels Road.
- 2.2.6. That section of Mattson Road between the intersection with U.S. Highway 2 and the intersection with Bernhardt Road.
- 2.2.7. That section of Dobson Drive between the intersection with U. S. Highway 2 and the southerly boundary of 150 Dobson Drive.
- 2.2.8. That section of Playground Road between the intersection with U. S. Highway 2 to the end of Playground Road.
- 2.2.9. All of Frea Road.
- 2.2.10. That section of Old Beechwood Road between the intersection with U. S. Highway 2 and the intersection with Makela Road.
- 2.2.11. That section of County Road 653 between the north boundary of the Village of Mineral Hills and the intersection with Iron Lake Road.

2.3 A-A - Residential and Agricultural

The Residential and Agricultural District shall consist of all that property not specifically described within another district herein.

2.4 L-1 - Undeveloped Lakes

The lakes included in the Undeveloped Lakes District are as follows: Tepee, Mitizwaki, Homan, and Ottawa. The district shall consist of all that property which is within three hundred (300') feet of the high water mark of said lakes.

2.5 L - Lakes

The Lakes District shall consist of all those lakes in the Township not specifically named in the Undeveloped Lakes District.

2.6 R - Rivers

The Rivers District shall consist of all that property within two hundred (200') feet of the high water mark of any named moving body of water located within the township.

Commercial Districts
2.7 B-1 General Business

The General Business District shall consist of that property which is within five hundred (500') feet of each side of the established right-of-way of the following described roadways:

- 2.7.1. That section of Highway M-73 between the intersection with U. S. Highway 2 and the intersection with Division Street.
- 2.7.2. That section of U. S. Highway 2 between the intersection with Highway M-73 and the intersection with Gibbs City Road.

2.8 D-1 - Industrial District

All that property known as the Iron River Township Industrial Park.

2.9 D-2 - Industrial District

An area described as: A six and one half (6 1/2) acre parcel described as a part of the NW¹/₄ of NE¹/₄ of Sec. 15, Township 43 North, Range 35W, commencing at the North quarter post; thence S 462 feet; thence E 595 feet to the point of beginning.

ARTICLE III
GENERAL PROVISIONS

- 3.1 The following general requirements shall apply to all state-approved plats in the A-A Residential and Agricultural District; the A Suburban Residential District, and the B-1 General Business District established herein;
 - 3.1.1. Every structure hereafter erected for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities.
 - 3.1.2. No outside toilets shall hereafter be erected except such as may temporarily be needed during construction on the premises.
 - 3.1.3. Clear Vision Corners. All intersections of public streets shall be provided and maintained with a clear unobstructed vision corner extending not less than 20 feet from all right-of-way line intersections along said right-of-way line in the form of an isosceles triangle, within which no vehicle parking or obscuring structures, storage, growth or displays shall be located or allowed.

3.1.4. Accessory Building or Use Prohibited Without a Principal Building or Use.

No accessory building or use shall be used or engaged in prior to the establishment of the principal building or use upon the premises except as a construction facility for said principal building. Such construction facility use shall terminate upon the expiration of the building permit. A garage as defined in Article XXV shall be considered a principal building.

3.2 The following general requirements shall apply to all districts except the D-1 and D-2 Industrial Districts.

3.2.1. No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Zoning Board for a limited period of two years to permit the construction of the above grade dwelling superstructure as shown on appropriate plans submitted by the applicant and provided said Board is satisfied of the applicant's ability and intent to complete such construction within said period.

3.2.2. Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.

3.2.3. Walls and Fences

Up to four-foot high fences are allowed on all sides of any lot or parcel. Screen walls may be built to a height of six feet, provided they are 15 feet or more from the back lot line behind the front building line, except as otherwise provided herein. Up to six-foot high screen walls may be erected on common lot lines with residential and business or industrial lots.

3.2.4. Accessory Buildings

Accessory buildings shall be prohibited in the front yard. No more than two accessory buildings will be permitted in a residential lot.

3.2.5. Second Building

No building on the same lot as the principal building shall be used for residential purposes unless all yard, set-back and accessibility requirements are met by both buildings.

3.3 The following general requirements shall apply only to the B-1 General Business District and to the L-1 Undeveloped Lakes District:

3.3.1. The keeping of more than five dogs and/or cats, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses or livestock is prohibited provided, however, that any litter of dogs or cats which causes the aforesaid limit of five to be exceeded shall not constitute a violation of this provision for a period of four

months after birth.

ARTICLE IV RESIDENTIAL DISTRICTS

4.1 A - Suburban Residential Districts

Permitted Uses: This district shall be restricted to one-family residential use.

4.2. Height, Area and Lot Restrictions:

4.2.1. Height: No building shall exceed a maximum of two stories or 28 feet in height, whichever is lesser.

4.2.2. Lot Area: Lots shall have a minimum area of 15,000 square feet with the minimum width at the building line of 100 feet.

4.2.3. Front and rear yards shall be no less than 30 feet from lot lines.

4.2.4. Side setbacks shall be no less than 15 feet from lot lines.

4.2.5. Floor Area: There shall be a minimum floor area of 600 square feet.

4.3 Special Exceptions:

The following uses may be permitted in this district subject to the provisions of Article XI, entitled, "Special Exceptions":

4.3.1. Home Occupations

4.3.2. Professional Offices

4.3.3. State-licensed residential facilities

4.3.4. Day nurseries

4.3.5. Trailer parks, motels and campgrounds

4.3.6. Essential Services

4.4 A-A - Residential and Agricultural District

4.4 Permitted Uses: This district shall be restricted to agriculture, residential, and recreational uses.

4.5 Height, Area, and Lot Restrictions:

4.5.1. Height: No building shall exceed a maximum of two stories or 28 feet in height,

whichever is the lessor. No restrictions shall apply to mining and agricultural buildings.

4.5.2. Lot Area:

4.5.2 (a) Residential lots shall have a minimum of 15,000 square feet with a minimum width at the building line of 100 feet.

4.5.2 (b) No restrictions shall apply to mining and agriculture.

4.5.3. Front and rear yards shall be no less than 30 feet from lot lines.

4.5.4. Side setbacks shall be no less than 15 feet from each lot line.

4.5.5. Floor Area: There shall be a minimum area of 480 square feet. 4.6 - Special Exceptions: The following uses may be permitted in this district, subject to the provisions of Article XI entitled, "Special Exceptions":

4.6.1. Home occupations

4.6.2. Professional offices

4.6.3. State-licensed residential facilities

4.6.4. Trailer parks, motels and campgrounds

4.6.5. Convenience stores, restaurants and taverns

4.6.6. Junk yards, salvage yards

4.6.7. Saw mills

4.6.8. Mining, gravel processing, earth removal, quarrying

4.6.9. Churches and parish houses, public schools, and educational institutions, and other municipal buildings, structures or uses.

4.6.10. Community buildings, parks, public recreational areas or golf courses

4.6.11. Essential services

4.6.12. Cemeteries

4.6.13. Nursing or Convalescent Homes

4.6.14. Wildlife Reserves, Hunting Reserves

**ARTICLE V
UNDEVELOPED LAKES DISTRICT**

L-1 - Undeveloped Lakes

- 5.1. The purpose of this district is to preserve undeveloped lakes and to maintain natural shorelines and the natural characteristics of adjacent property.
- 5.2. Permitted Uses: This district shall be restricted to one-family residential use. The following restrictions shall apply to this district:
 - 5.2.1. Minimum lake frontage: 350 feet
 - 5.2.2. Minimum lot depth: 300 feet from the high water mark
 - 5.2.3. Setback: No building within a 200-foot horizontal plane of the high water mark.
 - 5.2.4. Minimum floor area: 600 square feet
 - 5.2.5. Green belt: 100-foot green belt from high water mark (full width of lot). In the green belt, trees and shrubs in a space 30 feet wide may be trimmed and pruned through the native strip to the shore line for a view of the fronting waters and access to a boat dock. Fencing is prohibited in the green belt.
 - 5.2.6. Maximum building height: 28 feet.
 - 5.2.7. General access road a minimum distance of 300 feet from lake shore.
 - 5.2.8. Single family residence per lot
 - 5.2.9. Minimum side yard: 30 feet
 - 5.2.10. Minimum back yard: 30 feet
 - 5.2.11. Lots must be a minimum of 150 wide at building line.
- 5.3. Special Exceptions:

The following uses may be permitted in this district, subject to the provisions of Article XI, entitled "Special Exception":

 - 5.3.1. Multiple Family Dwellings
 - 5.3.2. Essential Services.

**ARTICLE VI
LAKES DISTRICT**

L-2-Lakes

- 6.1 Permitted Uses: This district shall be restricted to single family residential use. The following restrictions shall apply to this district.
- 6.1.1. Minimum lake frontage: 100 feet
 - 6.1.2. Minimum lot depth: 200 feet
 - 6.1.3. No buildings within 100 feet on a horizontal plane of the high water mark.
 - 6.1.4. Minimum floor area: 400 square feet
 - 6.1.5. A 50-foot green belt from the high water mark (full width of lot). In the green belt, trees and shrubs in a space 30 feet wide may be trimmed and pruned through the native strip to the shore line for a view of the fronting waters and access to a boat dock. Fencing is prohibited in the green belt.
 - 6.1.6. Maximum building height: 28 feet
 - 6.1.7. Minimum side yard: 15 feet
 - 6.1.8. Minimum back yard: 30 feet
 - 6.1.9. General Access Road: Minimum 200 feet from lake shore.
 - 6.1.10. Single family residence per lot.
 - 6.1.11. Lots must be a minimum width of 100 feet at building line.
 - 6.1.12. Lots must have a minimum area of 20,000 square feet.
- 6.2 Special Exceptions:
The following uses may be permitted in this district subject to the provisions of Article XI, entitled "Special Exceptions":
- 6.2.1. Multiple Family Dwellings
 - 6.2.2. Convenience stores, restaurants and taverns
 - 6.2.3. Motels, cabins, trailer parks and campgrounds
 - 6.2.4. Essential Services

**ARTICLE VII
RIVERS DISTRICT**

R - Rivers

7.1 Permitted Uses: This district shall be restricted to residential use. The following restrictions shall apply to this district:

7.1.1. Minimum river frontage: 200 feet

7.1.2. Minimum lot depth: 300 feet

7.1.3. No building within 100 feet on a horizontal plane of the normal high water mark.

7.1.4. Minimum floor area: 400 square feet

7.1.5. A 50-foot green belt from water (full width of lot). In the green belt, trees and shrubs in a space 30 feet wide may be trimmed and pruned through the native strip to the shore line for a view of the fronting waters and access to a boat dock. Fencing is prohibited in the green belt.

7.1.6. Maximum building height: 28 feet

7.1.7. Minimum side yard: 15 feet

7.1.8. Minimum back yard: 30 feet

7.1.9. The front yard shall be that part facing the water.

7.1.10. Access road minimum 300 feet from river.

7.1.11. Single family residence per lot.

7.1.12. Lots must be a minimum of 100 feet wide at the building line.

7.1.13. Lots must have a minimum area of 40,000 square feet.

7.2 Special Exceptions

The following uses may be permitted in this district subject to the provisions of Article XI, entitled "Special Exceptions":

7.2.1. Multiple Family Dwellings

7.2.2. Essential Services

7.2.3. Motels, cabins, parks, trailer parks and campgrounds

ARTICLE VIII
B-1 GENERAL BUSINESS DISTRICT

- 8.1 Intent and Permitted Uses: To establish areas for commercial facilities which are compatible and in close proximity to existing residential areas which they serve, the following uses are permitted unless specifically prohibited:
- 8.1.1. Retail or wholesale sales and services.
 - 8.1.2. Residential use of a building being used for retail sales.
 - 8.1.3. Accessory uses that are necessary and incidental to any principal use, including necessary incidental manufacturing, processing, or the indoor storage of goods for sale.
- 8.2 Required Conditions: The following conditions are required:
- 8.2.1. All business, service or processing shall be conducted wholly within the confines of a building, except for the sale of automotive fuel, lubricant and accessories at service stations, billboards and sign boards, the sale of produce and plants in semi-open structures, automobile or trailer display or sales, off-street parking and off-street loading.
- 8.3 Height and Area: The following height and area regulations shall apply:
- 8.3.1. Height: No limit
 - 8.3.2. Front Yard: There shall be a front yard not less than 25 feet from the street line; off-street parking, as required is permitted.
 - 8.3.3. Side Yard: Two side yards of at least ten feet each shall be provided, except a 20-foot side yard is required where a side yard adjoins a public street.
 - 8.3.4. Rear Yard: There shall be a rear yard of at least 20 feet.

ARTICLE IX D-1
INDUSTRIAL DISTRICTS

- 9.1 Primary Intended Use: This district is intended primarily for all industrial uses which conform to the performance standards of Section IX.

9.3 Prohibited Uses: Within any area which is zoned a "D-1" Industrial District, no building, structure or premises shall be used and no building or structure shall be constructed or altered which is intended or designed to be used in whole or in part for any of the following uses:

9.2.1. Residential construction, conversion or use of any kind, including hotels, motels, or the use of trailers as dwelling units.

9.2. Schools, hospitals, and other institutions for educational purposes or for human care, except when incidental to a permitted or principal use.

9.2.3. Junk and salvage yards are prohibited.

9.3 Required Conditions: The following conditions shall be complied with.

9.3.1. Off-street parking shall be provided in accordance with Article XV.

9.3.2. Signs and billboards shall meet the provisions of Article XVIII.

9.3.3. All operations or servicing shall be conducted wholly within the confines of a building. The storage of materials and/or equipment outdoors shall require a fence or wall with a minimum height of six feet, uniformly painted, located on side and rear lot lines and a minimum of 40 feet from the front lot line. The fence or wall shall be kept in good condition.

9.4 Height and Area: The following height and area requirements shall apply:

9.4.1. Height: No limit

9.4.2. Front Yard: There shall be a front yard of not less than 40 feet from the front lot line.

9.4.3. Side Yard: There shall be two side yards and no side yard shall be less than 20 feet from side lot line. Where the side yard is adjacent to a street front yard, provisions shall apply.

9.4.4. Rear Yard: There shall be a rear yard of at least 25 feet from rear lot line.

9.5. Special Exceptions: The following uses may be permitted in this district subject to the provisions of Article XI, entitled "Special Exceptions:"

9.5.1. Junk yards, salvage yards

9.5.2. Retail sales incidental to the industrial use

9.5.3. Lumber sales

**ARTICLE X
D-2 INDUSTRIAL DISTRICT**

- 10.1 Primary intended use: This zone district is intended for all uses not separately provided for in this Ordinance.
- 10.2 Prohibited Uses: None.
- 10.3 Required Conditions:
 - 10.3.1. Off-street parking shall be provided in accordance with Article XV.
 - 10.3.2. Signs and billboards shall meet the provisions of Article XVIII.

**ARTICLE XI
SPECIAL EXCEPTION USES**

- 11.1 Special Exception Standards: In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Zoning Board is authorized to recommend to the Township Board the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.
- 11.2 Such Special Exception Uses are selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.
- 11.3 With this in mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Zoning Board, in its discretion, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefor, and imposed by said Board, would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use; would not, in any manner, be detrimental or injurious to the use or development of adjacent properties to the occupants thereof or to the general neighborhood would promote the public health, safety, morals and general welfare of the community would encourage the

use of lands in accordance with their character and adaptability; and that the standards required by the Board for the allowance of such Special Exceptions Uses can and will, in its judgment, be met at all times by the applicant.

Special Exception Procedure:

- 11.3. (1) All applications for Special Exceptions Use Permits shall be filed with the Township Clerk and shall include all pertinent plans, specifications, and other upon which the applicant intends to rely for a Special Exception Use Permit.
- 11.3 (2) The Zoning Board shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration and the owners and occupants of all property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered and published in a local newspaper between five and 15 days prior to the hearing. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- 11.3.3 All notices shall describe the nature of the special land use request, indicate the property which is the subject of the special land use request, and state when and where written comments will be received concerning the request.
- 11.3.4 Following such hearing, said Board shall either grant or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said Board in its decision and shall be filed with the Zoning Administrator of the Township. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safety and welfare, and the social and economic well-being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purposes which are effected by the proposed use or ordinance; designed to insure compatibility with adjacent uses of land and the nature environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

- 11.3.5 The Zoning Board shall have the right to limit the duration of a Special Exception Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may be terminated by action of said Board after a hearing upon application of any aggrieved party.
- 11.3.6 The plot plan and specifications and all conditions, limitations and requirements imposed by the Board shall be recorded with the Township and shall be incorporated as a part of the special exception permit. Violations of any of these at any time shall cause revocation of said permit and said Special Exception Use shall cease to be a lawful use.
- 11.3.7 Any property which is the subject of a special exception permit which has not been used for a period of six months (without just cause being shown which is beyond the control of the owner and which is acceptable to the Zoning Board) for the purposes for which such special exception was granted shall thereafter be required to be used for only permissible uses set forth in the particular zoning classification and the permit for such Special Exception Uses shall thereupon terminate.
- 11.3.8 To insure compliance with the zoning ordinance and any conditions, limitations or requirements imposed by the Zoning Board as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Zoning Board may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six months to be completed, the Zoning Board may authorize a rebate of any cash deposit in reasonable proportion to the ratio of the work completed as the work progresses.
- 11.4 Earth Removal, Quarrying, Gravel Processing, Mining and Related Mineral Extraction Businesses.
- Prior to the approval by the Zoning Board of a Special Exception Use for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township, said Board shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township ordinance controlling such operations.

11.4.1. Location

- 11.4.1 (a) All such operations shall be located on a primary road, as defined by the County, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said Board may require the applicant to construct and/or improve a road to accommodate the truck travel

necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

- 11.4.1 (b) Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property or such larger setback as may be required by the Zoning Board to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Zoning Board may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the Board and adequate lateral support as set forth at all times maintained.
- 11.4.1 (c) No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.
- 11.4.1 (d) The permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.
- 11.4.1. (e) No such excavation operation shall be located with 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

11.4.2. Sight Barriers

- 11.4.2 (a) Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:
- 11.4.2 (a) - 1. Earth berms constructed to a height of six feet above the mean elevation of the centerline of the adjacent public highway or six feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass, trees or shrubs.
- 11.4.2 (b) - 2. Planting of evergreen trees or shrubbery in rows parallel to the boundaries of the

property, not less than four feet in height at the time of planting and which grow to not less than six feet in height at maturity and sufficiently spaced to provide effective sight barriers when six feet in height.

- 11.4.2 (c) - 3. Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six feet and maintained in good repair.

11.4.3. Nuisance Abatement

11.4.3 (a) Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

11.4.3 (b) Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

11.4.3 (c) Hours. The operation shall be restricted to the hours of 7 o'clock a.m. until 7 o'clock p.m. and no operations shall be allowed on Sunday.

11.4.3 (d) Fencing. All dangerous excavations, pits, and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

11.4.4. Reclamation of Mined Areas

11.4.4 (a) Reclamation and rehabilitation of mine areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a twelve month consecutive period shall constitute, for this purpose, termination of mining activity.

11.4.4 (b) The following standards shall control reclamation and rehabilitation:

11.4.4 (b) 1. All excavation shall be either to a water-producing depth of not less than five feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, nonflammable and noncombustible solids to insure:

- 11.4.4(b) - (i) That the excavated area shall not collect stagnant water and not permit the same to remain therein: or,
- 11.4.4 (b)- (ii) That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gentle rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.
- 11.4.4 (b) 2. The banks of all excavations shall slope to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one foot vertical to three feet horizontal.
- 11.4.4 (b) 3. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.
- 11.4.4 (b) 4. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.
- 11.4.4 (b) 5. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment provided that the buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.
- 11.4.4 (c) A performance bond or cash shall be furnished to the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall be not less than \$3,000 per acre proposed to be mined or excavated in the following 12 month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in a water depth of five feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade or not more than one vertical to three horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the zoning inspector of the Township and the Township Zoning Board. In no event shall such financial guarantees be less than \$3,000.

11.4.5. Submission of Operational and Reclamation Plans

11.4.5 (a) No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Zoning Board disclosing compliance with all of the provisions of the within ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

11.4.5 (a) 1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.

11.4.5 (a) 2. The number of acres and the location of the same proposed to be operated upon within the following 12 months' period after commencement of operations.

11.4.5 (a) 3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.

11.4.5 (a) 4. The location of the principal processing plant and the distance of any proposed excavation of mining from the boundaries of the site.

11.4.5 (a) 5. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the Township engineer. The written consent of the owners of adjoining premises and of the Zoning Board shall be required if mining operations shall be closer than specified in the within ordinance to the boundaries of the site.

11.4.5 (a) 6. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered un-useable by the proposed mining activities.

11.4.6 Hearing

11.4.6 (a) After receiving an application for the grant of a special exception permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Zoning Board shall hold a public hearing upon such application in the same manner preceded by the same notice as set forth in Section XI of this ordinance pertaining to special exception uses.

11.4.6 (b) Opportunity shall be given to all present to be heard at such hearing.

11.4.6 (c) Following such hearing, said Zoning Board shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a consideration of the following:

11.4.6 (c) 1. The most advantageous use of the land, resources and property.

11.4.6 (c) 2. The character of the area in question and its peculiar suitability, if any for particular uses.

11.4.6 (c) 3. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.

11.4.6 (c) 4. The protection and preservation of the general health, safety and welfare of the Township.

11.4.6 (c) 5. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.

11.4.6 (c) 6. Whether or not the operations were previously in existence proper to the adoption of the text provision concerning the same and the extent and character of such previous operations.

11.4.6 (c) 7. In making any decisions, the Zoning Board shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special exception permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special exception permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial of renewal and not less than 30 days have elapsed to correct the said violation. All permits shall be reviewed by the Zoning Board annually. The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the Zoning Board as may be established by the Township Board.

11.4.7. Liability Insurance

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in the amount of not less than \$100,000 for each person or property injured or damaged and not less than \$300,000 for injury or damage to more than one person or one person's property arising out of one occurrence. Such insurance shall cover injury or damage occurring upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or

activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

ARTICLE XII MULTIPLE USE DEVELOPMENTS

- 12.1 Purpose. The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A permit may be issued for construction and occupancy of a multiple use development subject to compliance with the requirements, standards and procedures set forth in this ordinance
- 12.2 Application. Official filing of a planned unit development application shall be made to the Township Clerk. Said application shall include all of the following:
- 12.2. 1. A preliminary plan, in appropriate scale, indicating the proposed use for each individual site, the exact boundaries, existing and proposed topographical contours, proposed location and dimensions of all buildings and structures, points of ingress and egress from each site and development locations and dimensions of all streets, alleys and other traffic ways within or bounding the site; and
- 12.2. 2. An explanatory text explaining how and why, in the applicants opinion, the Multiple Use Development meets the following criteria:
- 12.2.2 (a) Minimum Size: The site must consist of at least ten (10) acres.
- 12.2.2 (b) Uses Permitted: The uses permitted may include single dwellings, multiple dwellings, and attached and detached recreational and service facilities.
- 12.2.2 (c) Density: The total number of units established for the Planned Unit Development may not exceed the number which would be permitted if the entire property was developed under the density standards of the district where the development is located.
- 12.2.2 (d) In what respects the plan is or is not consistent with the purpose and interest of this section.
- 12.2.2 (e) The location where and extent to which the plan departs from the zoning requirements otherwise applicable to the development.
- 12.2.2 (f) The nature and extent of the common space in the development and the adequacy or the inadequacy of the amount and function of the space as it relates to the overall project.
- 12.2.2 (g) The types of all service facilities and the manner and necessity for their services to the

development.

- 12.2.2 (h) The manner in which the plan makes adequate provisions for public services, provides efficient pedestrian and vehicular traffic movement and furthers recreation and visual enjoyment.
- 12.2.2 (i.) Compatibility: The relationship beneficial and adverse of the proposed development upon the neighborhood in which it is proposed to be established.
- 12.2.2. (j) The manner in which the sale of property within the development assures that the common theme and aesthetic nature of the plan will continue into the future.
- 12.2. 3. A filing fee, as established by the Township Board, must also accompany the application.
- 12.3 Board Action: Within sixty (60) days of the filing of a Multiple Use Development application, the Zoning Board shall hold a public hearing in the manner provided for a zone change.
- 12.4 Within fifteen (15) days of the public hearing the Zoning Board must deliver to the applicant the written decision of the Board. Said written decision shall include any modifications, conditions or safeguards it deems necessary and set forth the reason for the denial, approval, or conditional approval, meet the necessary criteria and purpose of the Multiple Use Development.
- 12.5 Final Approval:** The Zoning Board shall make its recommendation for approval, approval with conditions, a disapproval of the Multiple Use Development application to the Township Board at its next regular meeting following the Zoning Board's written decision. Final approval shall be made by the Township Board at said meeting of the application complies with the Zoning Ordinance, any conditions required by the Zoning Board, and all other applicable local, state, and federal statutes.

ARTICLE XIII VARIANCES

- 13.1 The Zoning Board may grant a specific variance to a substantive requirement of the ordinance if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both the following requirements are satisfied:
 - 13.1.2 The performance of the particular activity or location of a building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the ordinance of that particular activity or location for the health, safety and welfare of the people of this Township.
 - 13.1.3 The specific condition justifying the variance shall be neither so general nor recurrent in

nature as to make an amendment of the ordinance with respect to the condition reasonably practical or desirable.

- 13.2 The Zoning Board may attach in writing any condition in connection with the granting of a variance that in its judgment is necessary to protect the health, safety and welfare of the people of this Township. The breach of a condition shall automatically invalidate the variance and any permit granted on the basis of it. In no case shall more than minimum variance from the ordinance be granted than is necessary to alleviate the exceptional, practical difficulty.
- 13.3 The procedure for obtaining a variance shall in the same manner as specified in Section 11.3 of Article XI, entitled "Special Exception Uses", except that the word "variance" shall be substituted for "Special Exception Uses."

ARTICLE XIV NON-CONFORMING USES

- 14.1 The following regulations shall control lawful nonconforming uses in existence at the time of passage of this ordinance:
- 14.1.1 Lawful non-conforming uses or structures in existence at the time of passage of this ordinance may be continued, but shall not be extended, added-to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.
- 14.1.2 If the cost of repair or replacement of a non-conforming use of structure which has been destroyed by reason of windstorm, fire, explosion or any Act of God or the public enemy exceeds 50% of the total replacement cost of the use or structure, such structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.
- 14.1.3 If the non-conforming use of any land or structure shall terminate for a continuous period of time exceeding one year, such use shall not be re-established and any future use of land and structure shall be in conformity with this ordinance.
- 14.1.4 If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.
- 14.1.5 Notwithstanding the foregoing, a home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.
- 14.1.6. Unlawful Use Not Authorized. Nothing in this ordinance shall be interpreted as authorization for or approval of the continuance of the use of a structure or premises in violation of zoning regulations in effect immediately prior to the date of this ordinance.
- 14.1.7 Non-conforming Due to Reclassification. The foregoing provisions of this Article shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to any reclassification of districts under this ordinance or any subsequent change in

the regulations of this ordinance.

ARTICLE XV
OFF-STREET PARKING OF MOTOR VEHICLES

- 15.1 Every property owner shall provide and maintain at all times as adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.
- 15.2 A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
- 15.3 Parking space shall be provided in the manner and location herein specified. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.
- 15.4 Requirements for all parking spaces and parking lots:
- 15.4 1. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets.
- 15.4 2. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.
- 15.4 3. No parking space shall be closer than five feet from the property line.
- 15.4 4. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four feet or more than eight feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.
- 15.4 5. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.

**ARTICLE XVI
GENERAL LIGHTING AND SCREENING REQUIREMENTS**

- 16.1 All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.
- 16.2 Except as otherwise provided in this zoning ordinance all premises used for business, commercial or industrial purposes and located within the B-1 General Business, D-1 Industrial, and D-2 Industrial Districts shall be screened from adjoining premises located in any Residential District by any of the following:
- 16.2 1. A natural compact planting area of evergreens or shrub-bury which maintain their density and screening effect throughout the calendar year, not less than four feet in height at the time of planting and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
- 16.2 2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less than five feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.
- 16.2 3. No such planting area, wall or fence shall be closer than 10 feet from any adjoining street right-of-way line.
- 16.3 In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Zoning Administrator shall report same to the Township Board in the same manner as any violation of this ordinance.

**ARTICLE XVII
RESIDENTIAL BUFFER AREA**

- 17.1 As a result of the lack of zoning prior to the adoption of this ordinance, many residential dwellings have been constructed and located within areas that are now predominately commercial or industrial areas. In order to protect such existing dwellings from new commercial or industrial activities, no structures shall hereafter be located closer than 100 feet to any such existing dwelling which is occupied for dwelling purposes and further such new commercial or industrial structure or activity shall be screened from such adjoining dwelling in accordance with the provisions of Article XIII of this ordinance.
- 17.2 The foregoing provision shall not, however, operate to reduce the useable area of the adjoining commercial or industrial property under bona fide separate ownership on the effective date of this ordinance below 50%. If the same would cause Such a result, this buffer area shall be accordingly reduced to permit such 50% use.

ARTICLE XVIII
ADVERTISING SIGNS AND BILLBOARDS

- 18.1 No advertising signs or billboards of any kind or nature shall be erected in an A or L-1 Residential District or any variation of the same except as follows:

In a A or L-1 Residential District, a name plate not exceeding one square foot in area containing the name and the home occupation of the occupant of the premises and a temporary sign pertaining to the construction, lease, hire or sale of a building or premises not exceeding eight square feet in an area may be installed or constructed.

- 18.2 In a AA Agrucultural, Residential District classification or any variation of the same, a sign not exceeding 18 square feet in area advertising permitted services rendered or offered upon or from the premises where the same is situated (except for home occupation and temporary signs which may be governed by above) may be constructed provided it is located not less than one-half the required building setback distance from the street right-of-way line abutting the property; it, in no way, constitutes a traffic hazard; is of a subdued nature commensurate with the residential or agricultural character of the neighborhood; is maintained in a neat and attractive manner; contains no neon or intermittent lighting or other bright or glaring lighting which would be a nuisance or annoyance to a neighborhood or which would create any electrical disturbance therein; and if projecting from a building or located over a sidewalk or passway is not less than 11 feet above such sidewalk or passway.
- 18.3 None of the foregoing signs shall be erected or installed until a permit is first obtained from the Zoning Administrator of the Township.
- 18.4 Billboards may be erected in the Commercial Districts provided they do not exceed 50 square feet in area, are set back not less than 75 feet from any abutting street right-of-way line; do not constitute a traffic hazard; are maintained in a neat and attractive manner; do not create a nuisance or annoyance by reason of lighting, electrical disturbance, or otherwise; and are not installed or constructed until a permit therefor has been received from the Zoning Administrator of the Township.
- 18.5 Advertising signs, advertising goods, products, services or activities sold, produced, rendered or available from or upon the premises where the same are located, may be installed or constructed within the Commercial Districts, or lower zoning district classification provided they are not less than 10 feet from the side line of property nor less than one-half the required building setback distance from the abutting street right-of-way line; in no manner constitute a traffic hazard; are not less than 11 feet above any sidewalk or passway for pedestrians or vehicles beneath the same; are not a nuisance or annoyance by reason of lighting, electrical disturbance, or unreasonable size, and are not constructed or installed until a permit has first been obtained therefor from the Zoning Administrator of the Township.
- 18.6 No Advertising sign or billboard permit shall be issued until the Zoning Administrator is

satisfied the sign to be constructed complies with the provisions of this ordinance and will be constructed in a safe, sturdy, and durable manner with proper bracing, anchorage, and foundation.

- 18.7 Signs with commercial districts as defined in the "Highway Advertising Act of 1972" (1972 PA 106) bordering interstate, highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions of such statute, notwithstanding the provisions of the within zoning ordinance.

ARTICLE XIX TOWNSHIP ZONING BOARD

- 19.1 The permanent Township Zoning Board, which is established according to the provisions of the Township Rural Zoning Act, Act 184 of 1943, as amended, shall meet with persons having zoning interests in the Township or to discuss zoning problems coming to its attention.
- 19.2 As provided by state law, the Township Zoning Board shall be empowered to adopt, propose, and file the following with the Township Board:
- 19.2 1. Zone plans, districts, and boundaries;
- 19.2 2. Procedures for the administration, enforcement, and amendment of this ordinance.
- 19.2 3. Make recommendations as provided herein to the Township Board.
- 19.3 The Township Zoning Board shall also consider applications for Special Exception Uses, Multiple Use Developments, and Variances, as provided in the respective Articles of this ordinance pertaining thereto.

ARTICLE XX ZONING BOARD OF APPEALS

- 20.1 A Township Zoning Board of Appeals shall be appointed by the Township Board as prescribed by statute, Township Rural Zoning Act, Act 184 of 1943, as amended, with all the powers and authority prescribed by law or delegated to it under specific provisions of the ordinance. The Board of Appeals shall consist of three members; one member shall be a member of the Township Zoning Board or Planning Commission. An elected officer of the Township shall not serve as chairman of said Board, nor shall an employee or contractor of the Township Board serve as a member or an employee of said Board of Appeals. One member may be a member of the Township Board.
- 20.2 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 Zoning Board or Planning Commission shall have terms limited to their respective other official terms or to such lesser period determined by resolution of the Township Board.

- 20.3 A member shall disqualify himself from a vote in which he has a conflict of interest.
- 20.4 Meetings: Meetings of the Zoning Board of Appeals shall be held at the call of the chairman. All members of the Board of Appeals shall be open to the public. The Board shall maintain a public record of its proceedings which shall be filed in the office of the Township Clerk.
- 20.5 Duties: The Township Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning Ordinance. The Board of Appeals may fix rules to govern its procedures. It shall hear and decide all matters referred to it or upon which it is required to act under an ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the Zoning Administrator or Zoning Board, or to decide in favor of the applicant any matter upon which they are required to pass under or to effect any variation in an ordinance adopted under this act. The appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the Township. The Zoning Board of Appeals shall state the grounds of each determination.
- 20.6 Appeals: Appeals to the Board of Appeals shall be taken within twenty (20) days of the date of action giving rise to the appeal, by the filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

ARTICLE XXI ZONING ADMINISTRATOR

- 21.1 A Zoning Administrator shall be appointed by the Township Board as provided by law to administer and enforce the zoning ordinance.
- 21.2 Minimum qualifications for the Zoning Administrator shall be:
- 21.2 1. A legal resident of Iron River Township.
- 21.2 2. Not an elected official nor employed in any other capacity by Iron River Township.
- 21.2 3. Legal age.
- 21.3 The Zoning Administrator shall be appointed for such term and subject to such conditions

as the Township Board deems desirable to carry out the provisions of the Ordinance. The Zoning Administrator shall hold office at the pleasure of the Board and receive such compensation as shall be determined by the Board.

- 21.4 The duties of the Zoning Administrator shall be as determined by the Township Board including, but not limited to, the receipt of the applications for zoning permits, review of zoning permit applications, site plan review, issuance of zoning permits and enforcement of this ordinance.

ARTICLE XXII ZONING PERMIT

- 22.1 Except as otherwise provided in this ordinance, before construction of a building or structure, or conduct of a business activity, the owner, or his builder, architect, engineer, or agent shall submit an application in writing to the Zoning Administrator for a zoning permit. The application shall be on a form prescribed by the Township Board and shall be accompanied by payment of the fee established by said Board. The application shall state in full the name and residence, by street and number, of the owner in fee of the premises on which the building or structure will be constructed, or activity conducted, and the purposes for which the premises will be used. A site plan showing the dimensions, and the location of the proposed building, structure, or activity, and other buildings or structures on the same premises, shall be submitted with the application as provided in Article XX of the ordinance.
- 22.2 The application for a zoning permit shall be filed with the Zoning Administrator and shall be available to the public in compliance with Act No. 442 of the Public Acts of 1976. An application shall not be removed from the custody of the Zoning Administrator after a zoning permit has been issued.
- 22.3 Notwithstanding subsection (1), a zoning permit is not required for ordinary repairs, or preventative maintenance, of a building and structure.
- 22.4 The Zoning Administrator shall examine an application for a zoning permit. If the application conforms to the ordinance, the Zoning Administrator shall approve the application and issue a zoning permit to the applicant. An application shall be granted or denied within ten (10) business days. Failure by the Zoning Administrator to grant or deny an application within this period of time shall be deemed a denial of the application for purposes of authorizing the institution of an appeal to the Zoning Board of Appeals.
- 22.5 Except as otherwise provided in this ordinance, the construction or alteration of a building or structure, or the conduct of an applicable activity, shall not be commenced until a zoning permit has been issued. The construction of a building or structure, or the location of an applicable activity, shall comply with the approval of the application for a zoning permit, and the Zoning Administrator shall insure such compliance in the manner provided in Article XXI and in any other way it deems appropriate.

- 22.6 After obtaining the approval of the Township Supervisor, the Zoning Administrator may suspend, revoke, or cancel a zoning permit in case of failure or neglect to comply with the provisions of this ordinance, or upon a finding by the Zoning Administrator that a false statement or representation has been made in the application for a zoning permit.

ARTICLE XXIII SITE PLAN REVIEW

- 23.1 Purpose. The intent of this section is to provide for consultation and cooperation between the land developer and the Township Zoning Administrator in order that the developer may accomplish his objectives in the utilization of his land within the regulations of the zoning ordinance and with minimum adverse effect on the use of the adjacent streets and highways and on existing and future uses in the immediate area and vicinity.
- 23.2 Scope. Except as hereinafter set forth, the Zoning Administrator shall not issue a permit for any construction or uses until a site plan has been submitted in accordance with this section:
- 23.2 1. Interior accessor and subordinate buildings requiring no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordinance requirements.
- 23.2 2. Projects involving the expansion, remodeling, or enlargement of existing buildings which comply with all zoning ordinance requirement and involve no new or additional means of access thereto from adjoining public roads or highways.
- 23.3 3. Special exception uses, buildings, and structures where site plan review shall be conducted by the Zoning Board instead of the Zoning Administrator under the standards controlling special exception uses as well as the standards contained in this Site Plan Review Section.
- 23.3 Optional Sketch Plan Review. Preliminary sketches of proposed site and development plans may be submitted for review to the Zoning Administrator prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Zoning Administrator to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:
- 23.3 1. The names and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership.
- 23.3 2. A legal description of the property.
- 23.3 3. Sketch plans showing tentative site and development plans.

- 23.3 4. The Zoning Administrator shall not be bound by any tentative approval given at this time.
- 23.4 Application Procedure. Requests for final site plan review shall be made by filing with the Zoning Administrator the following:
- 23.4 1. A review fee as determined by resolution of the Township Board based upon the cost of processing the review and as shall be on file with the Township Clerk for public information.
- 23.4 2. Two (2) copies of the completed application form for site plan review which shall contain as a minimum the following:
- 23.4.2. (a) The name and address of applicant.
- 23.4.2. (b) The legal description of the subject parcel of land.
- 23.4.2. (c) The area of the subject parcel of land stated in acres, or, if less than an acre, in square feet.
- 23.4.2. (d) The present zoning classification of the subject parcel.
- 23.4.2. (e) A general description of the proposed development.
- 23.4.3. Two (2) copies of the proposed site plan which shall include as a minimum the following:
- 23.4.3. (a) A scale drawing of the site and proposed development thereon included the date, name and address of the preparer; the topography of the site and its relationship to adjoining lands; existing man-made features; dimensions of setbacks, locations, heights and size of structures and other important features; percentage of land covered by building and that reserved for open space; dwelling unit density where pertinent; location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of construction of those upon the site; curb-cuts, driving lanes, parking and loading areas; locations and type of drainage, sanitary sewers, storm sewers, and other facilities; fences; landscaping screening; proposed earth changes; environmental impact of the project; signs and on-site illumination; and any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be demanded by the Township Zoning Administrator.
- 23.5 Action on Application and Plans
- 23.5. 1. The Zoning Administrator shall have the authority to approve, disapprove, modify or alter the proposed plans in accordance with the purpose of the site plan review provisions of the Township Zoning Ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant. The Zoning Administrator may either approve the plans

contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Zoning Administrator shall be made within 10 days of the receipt of the application.

- 23.5. 2. A copy of the approved final site plan with any required modifications thereon shall be maintained as part of the Township records for future review and enforcement. The copy shall be signed and dated with the date of approval by the Zoning Administrator for identification of the finally approved plans. If any variances from the zoning ordinance have been obtained from the Board of Appeals, the minutes concerning the variance, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for his information and direction.
- 23.6. Criteria for Review. In reviewing the application and site plan and approving, disapproving or modifying the same, the Zoning Administrator shall be governed by the following standards:
 - 23.6. 1. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrance and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
 - 23.6. 2. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.
 - 23.6. 3. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
 - 23.6. 4. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.
 - 23.6. 5. That all provisions of the Township zoning ordinance are complied with unless an appropriate variance therefrom has been granted by the Zoning Board of Appeals.
 - 23.6. 6. That all buildings or structures are accessible to emergency vehicles.
 - 23.6. 7. That the plan, as approved, if consistent with the intent and purpose of zoning to promote public health, safety, morals and general welfare; to encourage the use of lands in accordance with their character and adaptability; to avoid overcrowding of population; to lessen congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provisions for a system of transportation; sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform

with the most advantageous uses of land, resources and properties; to conserve property values and natural resources; and to give reasonable consideration to the character of a particular area; its peculiar suitability for particular uses and the general and appropriate trend and character of land, building and population development.

- 23.7 Conformity to Approval Site Plan. Property which is subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Zoning Administrator. If construction and development does not conform with such approved plan, the approval thereof shall be forthwith revoked by the Zoning Administrator of the Township by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Zoning Board may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township zoning ordinance.
- 23.7.1 Approval of the site plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval shall be obtained before any construction, or earth change is commenced upon the site.
- 23.8 Amendment to Site Plan. A proposed amendment, modification or alteration to a previously approved site plan shall be submitted to the Zoning Administrator for review in the same manner as the original application was submitted and reviewed.

ARTICLE XXIV MISCELLANEOUS ENFORCEMENT PROVISIONS

ENFORCEMENT

- 24.1 The provisions of this ordinance shall be enforced by such Township official as may from time to time be designated by resolution of the Township Board.

FEES

- 24.2 The Township Board shall establish reasonable fees to be charged by the Zoning Administrator, or Zoning Board of Appeals pursuant to this ordinance, which fees shall be intended to bear a reasonable relation to the cost, including overhead, to the Township, of acts and services provided in accordance with this ordinance including, without limitation, issuance of zoning permits, examination of site plans, inspection of the premises for conformance to the zoning permit, and hearing appeals or considering application for special exception uses, multiple use developments.

24.3 The Zoning Administrator shall collect fees associated with zoning permits and the Township Clerk shall collect any other fees established under this ordinance.

PENALTY

24.4 Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the zoning administrator, Board of Appeals, Zoning Board or the Township Board issued in pursuance of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof, before any court having jurisdiction, he shall be punishable by a fine of not to exceed \$100.00 or by imprisonment not to exceed 90 days, or both. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance.

24.5 The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

VALIDITY

24.6 Should any section, subsection, clause or provision of this ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than the portion so declared to be invalid.

AMENDMENTS AND SUPPLEMENTS

24.7 Amendments and supplements to this ordinance may be adopted as provided by Section 14 of the Rural Township Zoning Act, Act 184 of 1943, as amended, at Michigan Compiled Laws, Sec. 125.284.

EFFECTIVE DATE

24.8 This ordinance shall take immediate effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ARTICLE XXV DEFINITIONS

GENERAL:

When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure" and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

SPECIFIC TERMS:

The following terms shall have the following meanings when used in the within ordinance:

ACCESSORY BUILDING:

Shall mean a building or a portion of a building subordinate to and on the same lot as a main building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage.

ACCESSORY USE:

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of the main building or lot.

APARTMENT HOUSE:

A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more family units, and with a yard, compound, service, or utilities in common.

BASEMENT:

That portion of a building below the first floor joists, at least half of whose clear ceiling height is above the level of the adjacent ground.

BILLBOARD OR SIGN:

Any structure or portion thereof on which letterheads, figures or pictorial matter is displayed for advertising purposes.

BOARDINGHOUSE:

A dwelling in which lodging or meals, or both, are furnished to three or more guests for compensation.

BUILDING:

A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

CONVEYANCE:

An instrument of deed transferring the title of property.

DWELLING, SINGLE-FAMILY

A building containing no 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 County Building Code, "the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended" (hereinafter "building code"), 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 where such standards or regulations for construction are different than those imposed by the building code, then and in that event such federal or state standard or regulation shall apply.

3. It is firmly attached to a permanent foundation, constructed on the site in accordance with the building code 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 in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling contains a storage capability area in a basement located under the dwelling, in an attic area, in closet areas, or in a separate structure of standard construction similar to or of 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.
7. The dwelling 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. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such park.
10. All construction required herein shall be commenced only after a building permit has

been obtained in accordance with the building code provisions and requirements.

DWELLING, TWO-FAMILY:

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section IV.

DWELLING, MULTIPLE-FAMILY:

A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set for in Section IV.

ESSENTIAL SERVICES:

The term Essential Services means the erection, construction, alteration or maintenance by public utilities or township departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith (but not including any buildings EXCEPT THOSE EXPRESSLY REFERRED TO HEREIN) reasonably necessary for the furnishing of adequate service by such public utilities or township departments or commissions or for the public health or safety or general welfare.

FAMILY:

An individual or a group of two or more persons related by blood, marriage or adoption including foster children, together with not more than one additional person not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.

FARM:

The cultivation, tilling or use of land producing agricultural products for sale to the general public if more than family consumption.

FARM LAND:

Land used for agricultural purposes.

GARAGE:

A fully enclosed building for the storage of motor vehicles, not including buildings in which fuel is sold or repair or other services are performed.

GENERAL ACCESS ROAD:

That roadway which provides access to the property, excluding driveways.

GREEN BELT:

A portion of land to be left in its natural state.

HEIGHT:

The vertical distance from the highest point on a structure, excepting any chimney or antenna on a building, to the average ground level of the grade where the walls or other structural elements intersect the ground.

HOME OCCUPATIONS:

Occupations engaged in within a dwelling by the resident or residents of the same complying with the following conditions and limitations:

1. Are operated in their entirety within the dwelling or within any garage or accessory building located upon the premises, except for incidental storage in or use of a residential-type garage upon the premises.
2. Are only conducted by the person or persons occupying the "I" premises as their principal residence a major portion of each month; provided, however, the Zoning Board of Appeals shall have the authority to permit additional subordinate assistants who do not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause of traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three in number.
3. The dwelling has no exterior evidence, other than a permitted sign, to indicate that the same is being utilized for any purpose other than that of a dwelling.
4. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.
5. No goods are sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
6. No occupation shall be conducted upon or from the premises which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.
7. Any such home occupation may be subject to annual inspection by the Zoning Administrator of the Township and may be referred to the Township Board by such Administrator whenever the same fails to comply with the zoning ordinance.
8. The Zoning Administrator shall have the authority to determine whether or not a proposed use complies with the zoning ordinance and is within the spirit of the same to ensure the compatibility -of any use with the character of the zoning classification in which the same is located and that the health, safety, and general welfare of the neighborhood will not thereby be impaired.

HOUSE TRAILER OR MOBILE HOME:

Any vehicle, whether self-propelled or non-self-propelled, used or adapted to be used or so constructed as to permit its being used as a conveyance upon the public streets or highways and for occupancy as a dwelling or sleeping place for one or more persons, office or other business use, and whether or not the same has a foundation thereunder if said foundation is designed to permit the removal of such house trailer and its readaptation to use upon the public streets or highways.

HOUSE TRAILER PARK OR MOBILE HOME PARK:

Any parcel or tract of land which three or more occupied trailer coaches or mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such trailer coaches.

HOUSE TRAILER OR MOBILE HOME SITE OR SPACE:

A portion of the mobile home park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or trailer coach.

INSTITUTIONAL USES:

Churches, schools teaching academic subjects, hospitals, parks, civic centers, libraries, and similar public or non-profit uses.

JUNK YARD:

Any land or building used for commercial storage and/or sale of paper, rags, scrap metals, other scrap or discarded materials, or for the dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

LOT:

Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on a street.

LOT AREA:

The total horizontal area included within lot lines, excluding any part under a lake, stream or river. Where the front lot line is the center-line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

LOT OF RECORD:

A lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the office of the Register of Deeds for Iron County prior to the effective date of this ordinance; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said office prior to said date.

LOT, CORNER:

A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two cords of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the "corner." In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

LOT DEPTH:

The mean horizontal distance from the front (street) line to the rear lot line.

LOT, INTERIOR:

A lot other than a corner lot.

LOT, FRONT LINE:

That side of the lot abutting upon a public or private street right-of-way or abutting upon a lake or river; in the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage.

LOT, REAR LINE:

Ordinarily that lot line which is opposite and most distant from the front lot line as hereinbefore defined. In the case of an irregular-shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.

LOT, SIDE LINE:

Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an Interior Side Lot Line.

LOT WIDTH:

The mean horizontal distance between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

MINING:

A part of all parts of the process involved in the extraction and processing of minerals.

MOTEL:

A structure designed, used or offered for rent for temporary occupancy, including tourist cabins, resorts and motels, but excluding hospitals or nursing homes.

NON-CONFORMING USES OR STRUCTURES:

A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

NURSING HOME:

A structure designed or used for residential occupancy and providing limited medical and nursing care.

OFFICE:

A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties; and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbance, nuisance, or annoyance beyond the confines Of said rooms or building.

OPERATOR:

An owner, lessee, or manager engaged in or preparing to engage in operations with respect thereto for the production of products or services.

HIGHWATER MARK:

The natural, ordinary highwater mark for any river, lake or pond.

PREMISES:

A lot or land as otherwise used in this ordinance.

PRINCIPAL BUILDING:

A single or multiple family dwelling or main structure.

RECLAMATION PLAN:

The operator's plan for the reconditioning or rehabilitation of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limiting to the control of erosion, the prevention of land and rock slides, and air and water pollution.

RECREATIONAL VEHICLE:

A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is 40 feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to a mobile home.

SETBACK:

The minimum horizontal distance a building or structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

STATE APPROVED PLAT:

A plat of four or more lots approved by the State and registered at the office of the County Register of Deeds.

STREAM:

Any named navigable moving body of water.

STRUCTURE:

Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not by way of limitations, buildings, mobile homes, radio towers, sheds, signs, and storage areas, but excluding fences, sidewalks, and paving on streets, driveways, parking areas, and patios.

WATER FRONT SETBACK:

The required distance between every lake or river district structure and the ordinary highwater mark.

YARDS:

Every lot must provide front, rear, and side yards as required by its zone district. All front yards must face upon a dedicated public road, public street, or private street or road approved by the Township; the front of lake and river lots to be that portion which borders on the water.

ZONES OR ZONING DISTRICT BOUNDARIES:

Where uncertainty exists as to the boundaries of any of the districts, the following rules shall apply:

1. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions as shown on said zoning map.
2. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
3. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distance therefrom, such lot lines shall be such boundaries.
4. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there is more than one.

AMENDMENT TO ORDINANCE NO. 16

Ordinance No. 16 is amended as follows:

ARTICLE XXIV 24.4 amended to include the capitalized words:

ARTICLE XXIV 24.4

Any person, corporation or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the zoning administrator, Board of Appeals, Zoning Board or the Township Board issued in pursuance of this ordinance shall be guilty of a misdemeanor. Upon conviction thereof, before any court having jurisdiction, he shall be punishable by a fine of not to exceed \$100.00 or by imprisonment not to exceed 90 days, or both PLUS ALL COSTS OF PROSECUTION, INCLUDING ACTUAL ATTORNEY FEES. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt an offender from compliance with the provisions of this ordinance.

This amendment shall be effective thirty (30) days after its publication. Ordained this ____ day of February 1999.