

KINROSS CHARTER TOWNSHIP ORDINANCE NO. 1.100

ZONING ORDINANCE

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KINROSS CHARTER TOWNSHIP ZONING ORDINANCE

An ORDINANCE to establish zoning districts and regulations in Kinross Charter Township, County of Chippewa, State of Michigan, in accordance with the provisions of Act 184 of the Public Acts of 1943 as amended; to provide for the administration, including penalties for the violation thereof; and to provide for a Zoning Board of Appeals.

THE TOWNSHIP BOARD OF THE CHARTER TOWNSHIP OF KINROSS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

ARTICLE I PREAMBLE

Section 1.01 Short Title

This ordinance shall be known as the “Kinross Charter Township Zoning Ordinance.”

Section 1.02 Purposes

The fundamental purpose of this ordinance is to promote the public health, safety, morals and general welfare. The provisions are intended to encourage the use of lands and natural resources in the township in accordance with their character and adaptability; to limit the improper use of land; to reduce hazards to life and property; to provide for the orderly development of the township; to avoid overcrowding the population; to provide for adequate light, air, and health conditions in dwellings and buildings hereafter erected or altered; to lessen congestion on the public roads and streets; to protect and conserve natural recreational areas, agricultural areas, residential areas and other areas naturally suited to particular use to facilitate the establishment of an adequate and economic system of transportation, sewage disposal, safe water supply, education, recreation and other public requirements; to conserve the expenditure of funds for public improvements; and services to conform with the most advantageous use of land, resources and properties; to promote the best uses of land and resources of the township by both the community in general and the individual inhabitant.

Section 1.03 General Procedure

To achieve the purpose of this ordinance, the township has been divided into zoning districts of varied shape, kind and area and regulations adopted for each such district, but with due consideration for the character of each district, its peculiar suitability for particular purposes, the conservation of property values and natural resources, and the general trend and character of land, buildings, and population development.

ARTICLE II DEFINITIONS

Section 2.01 Usage

For the purpose of this ordinance, certain terms are defined to clarify the intent of the provisions of this ordinance. The following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
 - a. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
 - b. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.

7. The term "person" or "entity" shall mean an individual, partnership, corporation or other associations or their agents.
8. "Township" shall refer specifically to Kinross Charter Township.
9. Terms not defined shall be assumed to have the meaning customarily assigned them.
10. The Kinross Charter Township Zoning Board of Appeals shall define any necessary interpretation of this ordinance.

Section 2.02 Definitions

Accessory Building: A supplemental building or structure on the same lot, or part of the main building occupied by or devoted exclusively to an accessory use.

Accessory Use: A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

Agriculture: The use of land or tilling of the soil, raising of trees or field crops or animal husbandry, as a source of significant income.

Airport: A parcel of land and accommodating service and/or storage buildings utilized for airplane traffic. An airport may include taxi strips, parking aprons, necessary weather indicators and appropriate lighting.

Alley: A public thoroughfare or way not less than thirty (30) feet wide and which affords only a secondary means of access to abutting property.

Altered: Any change in the location or use of the building or structure and/or any change in the construction or the structural members of a building or structure such as bearing walls, columns, posts, beams, girders and similar components.

Average: For the purpose of this ordinance, the term "average" will be an arithmetic mean.

Basement and Cellar: (a) A basement is that portion of a building partly below the grade but so located that the vertical distance from the average grade to the floor is not greater than the vertical distance from the average grade to the ceiling. (b) A cellar is that portion of a building partly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

Bed and Breakfast Facility: Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public on a daily basis for compensation. Breakfast is the only meal that may be served. May also be referred to as a "tourist home."

Boarding House: A family dwelling where lodging, with or without meals, is furnished for compensation on a weekly or monthly basis to three or more persons who are not members of the family occupying and operating the premises.

Buildable Area: The buildable area of a lot is the space remaining after the minimum setback and open space requirements of this ordinance have been complied with.

Building: Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind.

Building Height: The vertical distance from the established grade at the center of the front of the building, to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs.

Cabin: Any building or structure which is maintained, offered or used for overnight sleeping quarters or for temporary occupancy by transients for compensation.

Cabin Camp: Any site, lot, tract or parcel of land on which two (2) or more cabins are located.

Campground: Any parcel or tract of land, under the control of any person where sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for three (3) or more recreational vehicles.

Church or Place of Worship: A building where people regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such principal purpose.

Condominium Unit: That portion of a condominium development designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this ordinance. Condominium developments shall follow the requirements of Article XVII Planned Unit Development.

Dwelling: Any building or structure, or part thereof, occupied as the home, residence or sleeping place of one or more persons either permanently or transiently except cabins or recreational vehicles. Where only a part of a building or structure is occupied for dwelling purposes, the part so occupied shall comply with all provisions applicable to dwellings in the district in which said building or structure is located except where specific exemption is provided by other sections of this ordinance.

Dwelling, One-Family: A dwelling occupied by one (1) family, and so designed and arranged to provide living, bath and kitchen accommodations for one (1) family only.

Dwelling, Two-Family: A dwelling occupied by two (2) families, and so designed and arranged to provide independent living, bath and kitchen accommodations for two (2) families only.

Dwelling, Multiple-Family: A building containing three (3) or more dwellings designed for residential use and conforming in all other respects to the standards set forth for dwellings.

Erected: Includes built, constructed, reconstructed, moved upon, or any physical operations on the land required for the building; excavations, fill, drainage and the like shall be considered a part of the erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment. Telecommunication towers or facilities, alternative tower structures, and wireless communication antennas are not included within this definition.

Family: Any number of individuals living together and cooking together on the premises as a single non-profit housekeeping unit, as distinguished from a group occupying a hotel, club or similar structure, together with all necessary employees of the family.

Farm: All of the unplatted contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried out directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm, shall include a contiguous unplatted parcel of not less than five (5) acres in area; provided, further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farm and similar specialized agricultural enterprises may be considered as farms. Establishments keeping or operating fur-bearing animals, game, fish hatcheries, dog kennels, stock yards, slaughter houses, stone quarries, or gravel or sand pits shall not be considered farms unless combined with and constituting only a minor part of a bona fide farm operation on the same contiguous tract of land. No premises operated as fertilizer works, bone yards, piggeries, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal or junk shall constitute a farm.

Farm Buildings: Any building or structure, other than a dwelling, moved upon, maintained, used or built on a farm which is essential and customarily used on farms in pursuit of agricultural activities.

Farm Dwelling: Any dwelling, as defined by this ordinance, located on a farm and occupied as the home, residence or sleeping place of the owner-operator, manager or tenant farmer of that farm.

Garage, Private: Any building or part thereof not over one story or fifteen (15) feet in height for storage of personal property, motor vehicles, recreational vehicles and the like, where no servicing for profit is conducted.

Garage, Commercial: Any garage other than a private garage.

Gasoline Service Station: Any land, building or structure used for sale or retail of motor vehicle fuels, oils, or accessories, or installing or repairing parts and accessories, but not including repairing or replacing of motors, doors, or fenders, or painting motor vehicles.

Grade: The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

Ground Floor Area: The square footage of floor space measured from exterior to exterior wall, but not including enclosed and unenclosed porches, breezeways, garages, attic, basement and cellar area.

Guest House: A building which is on the same lot or building site as the principal dwelling, and is used for the accommodation of guests of the occupants of the dwelling.

Hazardous Substances: Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

Highway: Any public thoroughfare in the township road system, including local, county, state and federal roads and highways, where and whether of depressed surface, or elevated construction.

Home Occupation: A gainful occupation conducted by members of the family only within its place of residence; provided, that the space used is incidental to residential use and that no article is sold or offered for sale except those produced by such home occupation. Clinics, hospitals, tearooms, tourist homes, animal hospitals, animal boarding establishments or the production of any kind of livestock shall not be deemed a home occupation.

Hospital: An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities, clinics and staff offices.

Hotel: A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms and in which rooms there is no provision for cooking.

Junk: Worn out and discarded material that may be returned to some use, and rubbish of any kind.

Junkyard: Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition, or use of junk including scrap metals, motor vehicles, machinery, and building and construction materials, or parts thereof.

Kenel, Commercial: An establishment licensed to house dogs, cats, or other household pets where grooming, breeding, boarding, training, or selling of animals is conducted as a business.

Lot: The parcel of land on which one (1) principal building and its accessories are located or intended to be located together with any open spaces required by this ordinance, for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

Lot, Corner: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two (2) sides of which form an angle of one hundred thirty-five (135) degrees or less.

Lot, Double Frontage: A lot other than a corner lot having frontage on two (2) more or less parallel streets.

Lot, Interior: A lot other than a corner lot with only one (1) lot line fronting on a street.

Lot, Waterfront: A lot having frontage directly upon a lake, river, or stream. The portion adjacent to the water is considered the front of the lot.

Lot, Zoning: A contiguous tract of land which at the time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership.

Lot Coverage: The part or percent of the lot occupied by buildings or structures including accessory buildings or structures.

Lot Depth: The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: In the case of an interior lot abutting upon one public or private street, the front lot line shall be the line separating such lot from the street right-of-way. In the case of a corner lot, the front lot lines shall be the lines separating said lot from both streets. In case of a row of double frontage lots, one street shall be designated as the front street for all lots in the plat and in the request for zoning permit. If there are existing structures in the same block fronting on one (1) or both of the streets, the required front yard setback shall be observed on those streets where such structures presently front. In the case of a lot having frontage upon a lake, river, or stream, the water frontage shall be considered the front lot line.

Lot Line, Rear: The lot line being opposite the front lot line. In the case of a lot irregularly shaped at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.

Lot Line, Side: Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Premises: The parcel of land occupied or to be occupied by a use or building and its accessory buildings or structures together with such open spaces, minimum area, and width required by this ordinance for the district in which located, but not including any area within any abutting right-of-way or traffic lane.

Lot of Record: A parcel of land defined by a legal description and recorded in the office of the Chippewa County Register of Deeds on or before the effective date of this ordinance.

Lot Width: The horizontal distance between the side lot lines, measured at the two (2) points where the building setback line intersects the side lot line.

Manufactured Home: Factory-built single-family structure that is manufactured under the authority of 42 U.S.C., Sections 5401 to 5426 (National Manufactured Home Construction and Safety Standards Act of 1974), is transportable in one or more sections, is built on a permanent chassis and does not have hitch, axles, or wheels permanently attached to the body frame. May also be referred to as a mobile home.

Manufactured Home Site: A plot of land within a manufactured housing development designed for the accommodation of one manufactured home.

Manufactured Housing Development: A parcel of land that has been planned and improved for the placement of three (3) or more manufactured homes for residential dwelling use. May also be referred to as a mobile home park.

Motel: A building made up of two (2) or more separate living or sleeping quarters used independently of each other and used principally for overnight accommodations for compensation.

Motor Home: See “Recreational Vehicle”.

Non-conforming Structure and/or Land: A structure or land that does not meet the limitations on building size, building location on a lot, or lot size for the district in which such structure or land is located.

Non-conforming Use: A lawful use of a structure or land that does not comply with the use regulations for its zoning district, but which complied with applicable regulations at the time the use was established.

Ordinary High Water Line: Is defined as in the Michigan Inland Lakes and Steam Act to mean the line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the soil and the vegetation. On an inland lake which has had a level established by law, it means the high established level. On a river or stream, the ordinary high water mark shall be the ten-year flood limit line.

Park: Properties and facilities owned or operated by any governmental agency, or owned or operated by any private agency, which is open to the general public for recreational purposes.

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Space: An area of definite length and width exclusive of drives, aisles, or entrances, giving access thereto, and fully accessible for the storage or parking of permitted vehicles.

Pick-up Camper: See “Recreational Vehicle”.

Planned Unit Development (PUD): Land under unified control which allows a development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development.

Porch, Enclosed: A covered entrance to a building or structure which is totally enclosed, and projects out from the main wall of said building or structure and has a separate roof or an integral roof with the principal building or structure to which it is attached.

Porch, Open: A covered entrance to a building or structure which is unenclosed except for columns supporting the porch roof, and projects out from the main wall of said

building or structure and has a separate roof or integral roof with principal building or structure to which it is attached.

Principal Use: The main use of land or structures, as distinguished from a secondary or accessory use.

Professional Office: The office of a professional person such as a doctor, dentist, engineer, architect, attorney, insurance or real estate agent, and the like.

Public Utility: Any person, firm, corporation, municipal department, board, or commission fully authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, telegraph, transportation, water services, sewage disposal and other services.

Quarry: An open excavation from which any topsoil, and/or gravel, sand, soil, peat, or clay or similar materials are extracted.

Quarry Plant: A plant for the production of building materials (e.g., asphalt, brick, concrete, or cement blocks/bricks) from earthen mineral materials (e.g., topsoil, gravel, sand, soil, peat, clay or similar materials) that have been extracted from a quarry. This definition excludes manufacturing plants for the production of metallic materials, such as steel, aluminum or other similar materials, and also excludes sawmills.

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, fifth wheel trailers, travel trailers, and tent trailers; PROVIDED, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a manufactured home and shall be subject to all regulations of this ordinance applicable to a manufactured home.

Restaurant: A business located in a building, where in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities containing conveniences for cooking an assortment of foods which may be required for ordinary meals, and deriving the major portion of its receipts from the sale of foods.

Retail Commercial Establishment: A store, market or shop in which commodities or services are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages, automobile service stations are included in this classification.

Roadside Stand: An accessory and temporary farm structure used or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only the seasonal farm products of the immediate locality in which the roadside stand

is located.

School: A public or private educational institution offering students a conventional academic curriculum, including kindergartens, elementary schools, middle schools, and high schools. Such term shall also include all adjacent properties owned by and used by such schools for educational, research, and recreational purposes.

Shopping Center: A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves.

Special Approval: Approval by the Township Planning Commission of a use of land in a district that is not antagonistic to other land uses in the district when such use is specified in this ordinance for that district upon such approval.

Stable, Private: A stable used or to be used by an individual for housing horses owned by said individual for the use of himself or his immediate family.

Stable, Public: A stable used to house horses for hire.

Story: That part of a building, included between the surface of any floor and the surface of the next floor or of the roof next above it. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet, then the basement or cellar constituting the story partially below grade shall be counted as a story.

Story, Half: A story which is situated within a sloping roof, the area of which at the height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in the story below.

Street: A public thoroughfare, which affords a principal means of access to abutting property.

Structure: Any construction artificially built up or composed of parts joined together in some definite manner, which requires permanent location on the ground or attached to something having permanent location on the ground.

Tavern: Any place where malt, vinous, or spirituous liquors are sold for consumption on the premises is defined as a tavern for the purpose of this ordinance.

Telecommunication Towers and Facilities: All structures and accessory facilities, including alternative tower structures, relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television

broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal laws or regulations which preempt municipal regulatory authority.

Temporary Building and Use: A structure or use permitted by this Zoning Ordinance to exist during periods of construction of the main building or for special events.

Tent: As used in this ordinance, the term “tent” shall not include any tent used solely for children’s recreational purposes.

Theater, Indoor: Any building used primarily for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge.

Theater, Outdoor: Any other place used for the presentation of dramatic spectacles, shows, movies, or other entertainment open to the public, with or without charge, but not including athletic events.

Tourist Home: See “Bed and Breakfast Facility”.

Trailer Coach: See “Recreational Vehicle”.

Travel Coach Park: See “Campground”.

Travel Trailer: See “Recreational Vehicle”.

Undevelopable Land: Land which has soil types or a high water table condition which present severe limitations on septic tanks and tile fields and on which no septic tank and tile field can be legally constructed and to which no public sewer is extended.

Use: The lawful purpose for which land or premises, or a building thereon, is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased, according to this ordinance.

Variance: A modification of literal provisions of this ordinance which the Zoning Board of Appeals is permitted to grant when strict enforcement of said provision would cause undue hardship owing to circumstances unique to the individual property in which the variance is sought.

Yard: A space open to the sky between a building and the lot lines of the parcel of land on which the building is located, unoccupied or unobstructed except by an encroachment permitted by this ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

Yard, Front: A yard extending across the full width of the lot between the front line and the nearest line of the main building.

Yard, Rear: A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Yard, Side: A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.

Zoning Administrator: The official designated by the Kinross Charter Township Board to administer and enforce the provisions of this ordinance.

Zoning Permit: Written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building in conformity with the provisions.

ARTICLE III GENERAL PROVISIONS

Section 3.01 Scope

Beginning with the effective date of this ordinance, and except as otherwise provided in this ordinance, no new building, or structure, or part thereof, shall be erected, and no existing building or structure shall be enlarged, rebuilt, or altered, and no building structure, land premises, or part thereof shall be used for purposes other than in conformity with the provisions of this ordinance.

Section 3.02 Unlisted Property Uses

The Township Planning Commission shall have the power on written request of a property owner in a zoning district to classify a use not listed with a comparable permitted use in the district and grant permission for such use, giving due consideration to the provisions of Article I of this ordinance. Petition for such classification shall be made through the office of the Township Zoning Administrator. In granting permission for any such classified use, the Planning Commission may attach such conditions and safeguards as may be deemed necessary for the protection of the public welfare, and for the proper use or development of the general neighborhood and adjacent properties. If deemed incompatible, then such use shall only be provided for by due amendment of the ordinance.

Section 3.03 Conflicting Laws, Ordinances, Regulations, and Restrictions

It is not the intent of this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of the law or ordinances, or any rules, regulations or permits previously adopted or issued pursuant to law relating to the erection or use of buildings or land; nor is it the intent of this ordinance to interfere with or abrogate or annul any existing easements, covenants or other agreements between parties; provided, however, that where any provisions of this ordinance imposes more stringent requirements, regulations, restrictions or limitations upon the erection or use of land or buildings, or upon the height of buildings and structures, or upon the safety and sanitary measures or requires larger yard or open spaces than are imposed or required by the provisions of any other law or ordinance or any said rules, regulations, permits, or easements, then the provisions of this ordinance shall govern. The requirements of this ordinance are to be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction running with the land, except where such covenant or restrictions imposes lesser requirements.

Section 3.04 Non-conformities

1. **Non-conforming Lots of Record:** In any district, principal structures and customary accessory buildings may be erected on any non-conforming lot which was a lot of record at the time of adoption of this ordinance, provided permit for construction of a well and septic system is granted by the Chippewa County Health Department or that public water and sewer are available, and that yard requirement variances, if necessary, are obtained through approval of the Zoning Board of Appeals.

If any non-conforming lot or lots are of continuous frontage with other such non-conforming lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet at least the minimum requirements for the district in which they are located.

2. **Non-conforming Uses:** Any non-conforming use of land, buildings or structures which is discontinued through vacancy, lack of operations or otherwise for a period of twelve (12) months or more shall be construed as abandonment of use, following which any use thereof shall conform to this ordinance.

A non-conforming use shall not be changed to other than a conforming use, nor shall any non-conforming use be reverted to a former non-conforming use after use has been changed to a conforming use.

A non-conforming use shall not be enlarged or increased, nor extended to occupy a greater area of land or building than was occupied at the effective date of this ordinance.

In the event that fire, explosion or Act of God destroys or damages an existing structure devoted to a non-conforming use, and provided the damage does not exceed one-half (1/2) of the structure's prior usable floor space, the structure shall not be reconstructed to exceed the floor area prior to damage to the building,

3. **Non-conforming Buildings:** A non-conforming building may be enlarged, altered, or rebuilt in a way that brings it more into conformance with the provisions of this ordinance.

A non-conforming building damaged by fire, explosion or Act of God exceeding one-half (1/2) of its prior usable floor space shall not be restored except in conformity with the provisions of this ordinance, and issuance of a zoning permit.

Section 3.05 Repair, Alteration and Completion of Non-conforming Buildings and Structures

1. Nothing in this ordinance shall prevent the repair, reinforcement, improvement, or rehabilitation of a non-conforming building, structure or part thereof existing at the effective date of this ordinance, that may be necessary to secure or insure the continued advantageous use of the building or structure during its natural life; provided, that such repairs, reinforcement, improvements or rehabilitation proposes no change in the use of said building or part thereof.

2. Nor shall anything in this ordinance require any change in the plans, construction or intended use of a building for which prior plans have been prepared and the construction of which shall have been diligently prosecuted within one (1) month of the date of passage of this ordinance, and which has been completed within twelve (12) months after date of passage of this ordinance.
3. No basement, cellar, garage or any incompletely constructed or substandard structure in use as a dwelling on the effective date of this ordinance shall be used as a dwelling for more than twenty-four (24) months following said date, unless such structure has been brought to a state of completion in conformity with the regulations of this ordinance relative to dwellings in the district in which such structure is located.

Section 3.06 General Yard and Area Requirements

1. Where a lot abuts upon an alley, one-half (1/2) of the width of said alley may be considered a part of such a lot for the purpose of computing the area of such lot and for the purpose of computing the depth of any rear yard required under this ordinance.
2. Where shape of lot or other circumstances result in conditions to which the provisions of this ordinance governing yard requirements are inapplicable, the Zoning Board of Appeals shall prescribe such yard requirements.

Section 3.07 Limitations of Dwellings Per Lot

Only one dwelling shall be erected on a lot or parcel, except as provided in the R-1 Residential, Agricultural and Forest Recreational Districts.

Section 3.08 Vehicular Parking Space, Access and Lighting

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishments erected or altered, and located on a public highway, road or street in the unincorporated portions of the township, and including building or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is adequate for the parking, loading or unloading of vehicles in proportions shown on the following table.

1. The parking area shall be provided with safe exit to and safe entrance from the public thoroughfare, but not to exceed one (1) exit and one (1) entrance. The exit and entrance may be combined or provided separately. Approval for the location of exit and entrance shall be obtained from Michigan Department of Transportation (MDOT) for all state trunk line highways and from Chippewa County Road Commission for all other roads and highways in the township. Approval shall also include the design and construction in the interests of safety, adequate drainage and other public requirements.
2. A minimum of two hundred (200) square feet, exclusive of drives, entrances and exits shall comprise one (1) automobile space.
3. All parking spaces as required in this section, except that required for dwelling, shall be

provided with adequate artificial lighting (shielded downward) between any time extending from one-half hour after sunset to one-half hour before sunrise when the use of such space is open to the public.

4. Loading and unloading space: Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles, to avoid undue interference with public use of public highway.
5. Computation of usable floor area: For the purpose of determining the number of parking spaces, usable floor area of buildings shall be computed exclusive of basements, cellars or attics where these areas are used for storage or utilities, calculated using the outside perimeter of the building. In the case of a single story structure, the total floor area may be reduced by ten percent (10%) to accommodate storage or utilities.
6. Adequate area must be provided for snow piling. Handicap parking must be provided as required by state and federal regulations. Designation of parking area must be clearly identifiable for use by the public.
7. The Township Planning Commission shall determine the required parking space for uses not specified in the following table.

*Use	Minimum Number of Spaces Per Unit
Auto repair and service stations.	Two (2) spaces for each service bay; plus one (1) space for each employee on the maximum working shift.
Banks, business offices, and professional offices of architects, engineers, lawyers, and similar professionals.	One (1) for each four hundred (400) square feet of usable space.
Barber shops and beauty parlors.	Two (2) for each operator chair.
Bowling alleys.	Five (5) for each bowling lane.
Churches, theatres, auditorium.	One (1) for each three (3) seats.
Community clubs, dance halls, fraternal organizations, and private clubs.	One (1) for each one hundred (100) square feet of usable floor space.
Dwellings.	Two (2) for each dwelling unit.
Hospitals, clinics, and similar establishments.	One (1) for each four (4) beds, and one (1) for each employee and/or staff member on maximum working shift.
Laundromats.	One (1) for each two (2) washing machines.
Motels, hotels, resorts and similar lodging establishments.	One (1) for each sleeping room; plus one (1) for each two (2) employees on the maximum working shift.
Manufacturing or industrial establishments, warehouses and similar establishments.	Two (2) for each three (3) employees on the maximum working shift; plus space to accommodate all vehicles used in connection with the operations of the establishment.
Plumbing, printing and similar service shop businesses.	One (1) for each employee; plus one (1) for each three hundred (300) square feet of usable floor area.
Professional offices: doctors, dentists, and similar professions	One (1) for each one hundred (100) square feet of usable floor area, and not less than four (4) spaces, whichever is greater.
Restaurants and similar establishments sale and service of food and drinks.	One (1) for each one hundred (100) square feet of usable floor space.
Retail stores.	One (1) for each one hundred fifty (150) square feet of usable floor space.
High schools.	One (1) for each six (6) seats in the main auditorium, or one (1) for each employee; plus (1) for each four (4) students, whichever is greater.
Schools (except high schools).	One (1) for each ten (10) seats in main assembly room, or one (1) for each employee plus two (2) for each classroom, whichever is greater.
Tourist, boarding, and lodging homes, and bed and breakfast facilities.	One (1) for each guest room; plus two (2) for the operator.

8. In areas where public storm sewer is provided, parking lots shall be paved except for single- and two-family dwellings.

Section 3.09 Temporary Dwelling Structures

Any building, recreational vehicle, tent, garage, cellar, basement or other substandard structure, which does not conform to the provisions of this ordinance relative to dwellings, shall not be erected, altered or moved upon any premises and used for dwelling purpose except under all the following applicable limitations.

1. Such use of any building, recreational vehicle, tent, garage, cellar, basement or other structure shall not be adverse to health, safety or the public welfare.
2. The location of each building, recreational vehicle, tent, garage, cellar, basement, or other

structure shall conform to the regulations governing the yard requirements for dwellings or similar conformable structures in the district in which it is situated.

3. Such use of any building, recreational vehicle, tent, garage, cellar, basement or other structure shall be for the sole purpose of providing dwelling facilities for the owner of premises during the period which a dwelling conforming to the provisions of this ordinance is in process of erection and completion; provided, however, that such a period shall not exceed twelve (12) months beginning with the date of issuance of the permit. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this ordinance.
4. Application for the erection, movement, alteration and use of such building, recreational vehicle, tent, garage, basement or other structure shall be made to the Zoning Administrator as provided by **Section 18.04** of this ordinance. On approval and delivery of the permit, the applicant shall certify in a space allotted for that purpose on the copy of the permit retained for filing that he has knowledge of the limitations of the permit and the applicable penalty. No permit shall be transferable to any other person.

Section 3.10 Mobile Homes on Individual Lots

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard set-backs, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.
3. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
4. Mobile homes shall not be used as an accessory building.

Section 3.11 Mobile Home Parks and Manufactured Housing Developments

Mobile home parks and manufactured housing developments for the location of three (3) or more mobile homes or manufactured housing units on the same parcel shall be developed pursuant to the requirements of the Mobile Home Commission Act, Public Act 96 of the State of Michigan, 1987, and shall be licensed by the State of Michigan according to the Act.

Section 3.12 Accessory Buildings

1. Authorized accessory buildings may be erected as part of the principal building or may be

connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building.

2. Where any accessory buildings is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
3. A detached accessory building shall be located no closer to a side or rear lot line than the permitted distance for the principal structure on the same lot.

Section 3.13 Home Occupations

While Kinross Charter Township recognizes that many residents feel the necessity to work at home, the Township also recognized the rights of all residents to be free from actual or potential nuisance which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to ensure that any home occupation is compatible with other permitted uses in residential districts and to maintain and preserve the residential character of the neighborhood.

1. The home occupation shall be clearly incidental and subordinate to the principal use of the premises for residential purposes. The exterior appearance of the structure shall not be altered or the occupation within the residence shall not be conducted in a manner which would substantially alter the premises' residential character.
2. The home occupation is conducted by the person or persons occupying the premises as their principal residence. Non-resident persons shall not be employed. Such use shall not occupy more than twenty-five percent (25%) of the ground floor area of the dwelling unit. (Amended January 8, 2001)
3. The dwelling has no exterior evidence to indicate that the dwelling is being utilized for a non-residential purpose, except signage, which shall comply with the Township Sign Ordinance.
4. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, dust, glare, heat, smoke, fumes, odor, vibrations or electrical disturbance. There shall be no discharge of polluting materials, fluids or gases into the ground or surface water, soil or atmosphere.
5. Vehicular and pedestrian traffic generated by the home occupation shall not exceed that which would normally be expected in a residential neighborhood, and the need for parking shall be met off street.
6. The home occupation shall not be open to the public earlier than 8:00 a.m. nor later than 8:00 p.m.
7. There shall be no open display of goods, materials or services in connection with a home occupation, and no off-street parking shall be permitted within the setback area.
8. Any such home occupation shall be subject to special approval by the Planning

Commission and inspection by the Zoning Administrator. The permit for it may be terminated for failure to comply with the Zoning Ordinance.

Section 3.14 Water Supply and Sewage Disposal Facilities

All private water supply and sanitary sewage disposal systems for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with County Health Department sanitary code requirements. Plans must be submitted to and approved by the responsible agencies. The written approval of such facilities by County Health Department shall be filed with application for a zoning permit.

Section 3.15 Storm Water Retention

Storm water drainage in excess of natural conditions shall be retained on site. This provision may require storm water retention ponds where appropriate. An exception may be made for water leaving the site via an adequately sized existing storm water ditch, storm water pipe or through other storm water facilities that will be developed at the same time as the proposed new use. Written approval from the Michigan Department of Transportation (MDOT) shall be required for an additional site run-off directed into a state trunk line ditch, i.e. M-80.

Section 3.16 Essential Services

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration, and maintenance from the application of this ordinance when not in conflict with Article I of this ordinance. When in conflict, the Board of Appeals shall have the power to determine reasonable conditions under which such facilities shall be erected. Telecommunication towers, alternative tower structures and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

Section 3.17 Temporary Business

A temporary business as defined in Article II but not limited to those listed setting up in the Township usually on private property but possibly on public property must obtain a permit from the Zoning Administrator prior to date of setup.

Section 3.18 Special Approval Use Permit Procedures and Review Standards

Special Approval Use Permits are required for proposed activities, which are essentially compatible with other permitted uses in a zoning district, but which possess characteristics or locational qualities which require individual review. The purpose of this individual review is to ensure compatibility with the character of the surrounding area, with public services and facilities, with adjacent properties, and to ensure conformance with standards set forth in this ordinance. Special Approval Uses are listed in this ordinance under each zoning district.

***PROCEDURES:**

1. Application shall be submitted through the office of the Zoning Administrator, to the

Planning Commission, on a special form provided for that purpose, and shall include the following:

- a. Name and address of owner and applicant, if different, of the premises.
- b. Legal description of the premises.
- c. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- d. Site plan drawn to scale showing the development plan of the total property, and proposed structures, types of buildings and their uses.
- e. Sewage and waste disposal facilities and water supply, existing and/or proposed for installation.
- f. Use of existing premises and zoning district designation of all adjacent properties.
- g. A statement by applicant appraising the benefit to the neighborhood.
- h. An application fee, established by the Township Board, shall accompany the application.

2. Incomplete applications shall be returned to the applicant for completion before the Zoning Administrator refers the application to the Planning Commission.
3. The Zoning Administrator shall file his recommendation of the proposed development with the Planning Commission, which shall hold a special use request meeting after notice has been given as follows. The notice shall be given neither less than five (5) nor more than fifteen (15) days before the date the application will be considered. Notice shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the property owners for which approval is being considered, to all persons to whom real property is assessed within three-hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three-hundred (300) feet.

The notice shall describe the nature of the special use request, indicate the property which is subject of the special use request, state when and where written comments will be received concerning the request, and state the time, date and place of public hearing.

4. After the public hearing and review, the Planning Commission shall:
 - a. Approve the special use application and site plan. The Zoning Administrator shall then be directed to allow the special use permit, or;
 - b. Approve the special use application and site plan subject to conditions, which are imposed in order to insure the special use complies with standards stated in this ordinance. The Zoning Administrator shall then be directed to allow the special use, or;
 - c. Disapprove the special use application and site plan.
5. If the Zoning Administrator finds that the conditions and stipulations of a special use permit are not being adhered to, the Planning Commission shall give notice to the applicant of its intent to revoke the prior approval. Intent to revoke shall be made known to the applicant by registered letter sent to the applicant and signed by the Planning Commission Chair. Said letter shall be received by the applicant thirty (30) days prior to the stated date of revocation and shall contain the reasons for revoking special use approval.

If the applicant notifies the Planning Commission within fifteen (15) days of the receipt of the above letter of his/her intent to rectify the violation, the Planning Commission may defer the revocation.

6. A disapproval of the special use application and site plan by the Planning Commission may be appealed by the property owner or designated agent to the Zoning Board of Appeals. Request for appeal may be made by written letter from the applicant to the Zoning Board of Appeals within thirty (30) days of disapproval or revocation of special use permit and site plan by the Planning Commission.

***STANDARDS FOR REVIEW:**

Special approval use permits shall be subject to the following requirements, in addition to the requirements and standards of the zoning district where located, in order to prevent conflict with or impairment of the principal permitted uses of the zoning district.

1. There is no detrimental impact upon the surrounding uses in the district, particularly as related to traffic generating potential, servicing by trucks, hours of operation and pedestrian traffic.
2. The site size shall be adequate to accommodate the use, customary accessory uses, and on-site services (sewage disposal and water supply).
3. The proposed use shall not negatively impact the quality and quantity of water resources, domestic water supplies, and capacity to absorb the anticipated sewage disposal demand.
4. Entrance drives to off-street parking areas shall be no less than twenty-five (25) feet from a street intersection (measured from the road right-of-way) or from the boundary of a different zoning district.
5. The use shall not diminish the value of land, buildings, or structures in the neighborhood, nor increase hazards from fire or other dangers to either the property or adjacent properties.
6. Access to the site is suitable, assuring that minor residential streets are not used to serve uses that have larger area-wide patronage.
7. Allowance is made for vehicles to enter and exit the site safely and no visibility impediments to drivers are created by signs, buildings, land uses, plantings, etc.

Section 3.19 Supplemental Site Development Requirements

Those permitted uses and uses allowed by special approval enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. These uses require special consideration since they may service large areas, require sizeable land areas and/or may create problems of control with reference to abutting use districts.

1. Commercial Television and Radio Towers, Public Utility Microwaves, and Public Utility TV Transmitting Towers.

Radio and television towers, microwave and TV transmitting towers shall be located centrally on a continuous parcel of not less than one (1) times the height of the tower measured from the base of said tower to all points on each property line.

- a. Any television-radio reception tower or other transmitting-receiving devices shall be so constructed and placed that there is no danger of structure falling on adjacent properties, public streets, or off-premises electric power lines, and the operation of any facilities shall not interfere with normal radio-television reception in the area.
- b. The approval for any of the above mentioned towers shall cease when the tower is no longer used for the purpose for which the permit was initially granted.
- c. The applicant shall be responsible for the maintenance of any permitted tower, in a safe condition for as long as the tower remains in operation, and shall dismantle the tower within nine (9) months after operations cease.
- d. The multiple-use of each tower shall be encouraged to limit the number of towers within the Township. The Township reserves the right to deny a permit for a new tower if any existing tower can be adapted to serve the expressed need.

2. Race Tracks (including midget auto and carting tracks).

Race tracks shall be permitted only in the Recreation Commercial Districts subject to the following conditions and such other controls as the Planning Commission after holding a hearing deems necessary to promote health, safety, and general welfare in the Township.

- a. All parking shall be provided as off-street parking within the boundaries of the development.
- b. All access to the parking areas shall be provided from major traveled roads. Ingress and egress points shall be approved by the police or sheriff authority having jurisdiction.
- c. All sides of the development except access points shall be provided with a twenty (20) foot wide greenbelt planting to screen from view all activities within the development.

3. Riding Academies or Public Stables

Commercial facilities for horseback riding or horse boarding may be allowed in the Agricultural and Forest Recreational Districts, subject to the review and special approval of the Planning Commission, who shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.

4. Recreation Camps, Recreation Lodges, Cabin Camps and Resorts

Recreation camps, recreation lodges, cabin camps and resorts when operated for a profit may be permitted to locate in Commercial and Forest Recreational Districts by special approval of the Planning Commission, provided the following conditions are met:

- a. The use is established on a minimum site area of forty (40) acres.
- b. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least one hundred (100) feet from the property lines. The resulting one

hundred (100) feet yards shall be maintained as a buffer area where all natural tree-shrub cover is retained in a healthful growing condition. Planting greenbelts may be required by the Planning Commission as deemed necessary.

- c. The use does not locate within the confines of a platted subdivision intended for single residential occupancy, or parcels which are deemed by the Planning Commission to be a logical extension of such platted area.

5. Hospitals and Nursing Homes

General hospitals, nursing and convalescent homes, medical care facilities and similar uses may be established in Commercial and Institutional Districts upon special approval of the Planning Commission, provided that:

- a. The use is established on a site no less than five (5) acres in area, and access is from a street other than a minor residential or recreation street or road.
- b. The use is found to be compatible with the overall character of the immediate vicinity and will not constitute a nuisance to surrounding uses.

6. Veterinary Hospitals, Kennels, Pets and Other Animals

Veterinary hospitals and kennels may be permitted in Agricultural District by special approval of the Planning Commission provided all facilities for housing, treating or keeping of animals are located at least two hundred (200) feet from any residential district boundary or any residence.

The keeping of farm animals for domestic purposes on residential lots shall be subject to Planning Commission review, who shall consider the character of the surrounding area, the lot size, and the design and placement of animal housing structures on the premises, however, raising farm animals shall be strictly prohibited in an R-2 district. These review requirements shall not apply to active farms or any property encompassing five (5) acres or more. *(Amended January 8, 2001)*

In the R-1 and R-2 Residential Districts, domestic household pets, including dogs, cats and birds, but not including poisonous or dangerous reptiles, or wild or dangerous animals, may be kept as an accessory residential use on any premises without a permit, provided not more than three (3) adult animals of any one specie are so kept and reasonable control is maintained to prevent nuisances to adjoining residentially used properties. The keeping of more than three (3) adult domestic pets of any one specie shall be interpreted to be a kennel; except on active farms encompassing an area of five (5) acres or more, in which case the number of domestic animals shall not be restricted.

7. Soil, Sand, Clay, Gravel, Stone or Similar Materials: Removal, Filling

It shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip any top soil, sand, clay, gravel, stone or similar material, or to use lands for filling without first submitting an application and procuring special approval permit from the Planning Commission. These activities shall be permitted by special approval only in the Agricultural and Forest Recreation Districts, and shall follow

the requirements of the Kinross Charter Township Quarrying Ordinance.

8. Sanitary Land Fills

All sanitary land fill operations shall be approved by the Planning Commission and shall comply with standards prescribed by applicable State and County Health regulations; provided, no such operation shall be permitted in any residential district, and further shall be conducted on sites located no less than one thousand (1,000) feet from any public street, and be screened from sight by natural terrain, greenbelts, natural wooded areas, or finished and maintained screening fences.

9. Quarry Plants

a. Permitted Districts

- i. Except as provided below in subsection ii, a quarry plant may be permitted by special approval of the Planning Commission only in the “I-1” Light Industrial District, and the “I-2” Heavy Industrial District.
- ii. A quarry plant may also be permitted by special approval of the Planning Commission in the “A” Agricultural District, but only if the quarry plant will be operated in conjunction with a quarry that is in active operation on the same lot or parcel. A quarry plant shall be considered to be operated in conjunction with an actively operating quarry located on the same lot or parcel only if at least 35%, by weight, of the sand, gravel and other raw materials used at the quarry plant, in any consecutive 12-month period, shall have been extracted from the quarry located on the same lot or parcel. The Planning Commission may, however, as a condition of special approval, permit a lesser percentage of sand, gravel and other raw materials to originate from the active quarry on the same lot or parcel, if a lower percentage is necessary because of the type of building material produced at the quarry plant, and if the lower percentage is determined to be consistent with the objective of ensuring that the quarry plant is operated in conjunction with a quarry that is in active operation on the same lot or parcel.
- iii. All equipment and other facilities associated with a quarry plant located in the “A” Agricultural District shall be completely removed from the property on which it is located, within six months after operations have ceased.
- iv. The Planning Commission may impose reasonable conditions on a special approval for a quarry plant in the

“A” Agricultural District which are necessary or convenient toward achieving the objective of ensuring that the quarry plant is operated in conjunction with a quarry that is in active operation on the same lot or parcel, and is otherwise operated in compliance with subsections ii and iii, above.

b. General Regulations

- i. Best management practices shall be employed for the control of odor from a quarry plant. For asphalt manufacturing plants, the use of anti-oxidizing compounds shall be used for the control of odor, unless the applicant demonstrates, to the Planning Commission’s satisfaction, that another odor control measure will be used that is equally or more effective. In addition, all quarry plant operations shall be conducted in accordance with the applicable air quality permit issued by the Department of Environmental Quality, and in accordance with all other requirements of state and federal law.
- ii. All quarry plant operations must comply with the requirements of Kinross Township Anti-noise Ordinance # 1.109, as it may be amended.
- iii. All interior roads, trails or other areas used by motor vehicles in connection with the transportation to or from a quarry plant and any dust arising therefrom shall be controlled by best management practices, in compliance with the United States Mine Safety and Health Administration’s regulations.
- iv. In granting special approval for a quarry plant, the Planning Commission may impose reasonable conditions designed to protect the safety and integrity of public roads within the Township, including, without limitation, by (a) requiring that all vehicular traffic traveling to and from the quarry plant carrying mineral materials and/or raw building materials use only designated haul routes within the Township, and/or (b) requiring that the applicant for special approval post with the Township a suitable performance bond, in a form approved by the Township attorney, that can be drawn upon by the Township for the purpose of repairing roads within the Township that are damaged by the quarry plant operations. The amount of the performance bond, if one is required, shall be determined by the Planning Commission, taking into

account the anticipated cost of road repairs that might result from the quarry plant operations, plus a reasonable contingency.

- v. The Planning Commission may limit the hours or days of operation if the Planning Commission determines that such limitation is required in order to avoid adverse effects upon adjoining or nearby lands.
- vi. The operations of a quarry plant, including the stockpiling, processing and transport of mineral materials, shall not be located closer than 300 feet from the nearest occupied dwelling, measured in straight-line distance; provided, however, that the Planning Commission may approve a shorter distance based on a finding that the reduced separation distance would be adequately protective of the health, safety and welfare of surrounding residents and land uses.
- vii. Drainage on a quarry plant site shall be maintained in a manner that most closely approximates the natural drainage patterns to avoid or mitigate run off of surface water so that adjacent or nearby lands shall not be adversely affected by excessive surface water drainage, erosion or other effects.
- viii. The site for a quarry plant shall provide sufficient off-street parking, loading and queuing areas for trucks that are delivering materials to or from the site, so as to ensure that truck traffic will not back-up onto public streets or otherwise interfere with safe traffic circulation either on or off the plant site.
- ix. The Planning Commission may require compliance with such other conditions as may be necessary to insure compliance with the terms of this ordinance.

Section 3.20 Site Plan Review (All Districts) Site plans give the Planning Commission an opportunity to review development proposals in a concise, consistent manner. The use of a plan insures that physical changes in the property meet with local approval and that building actually occurs as it was promised by the developer.

- 1. Circumstances Requiring a Site Plan:** Site plans are subject to review for the following reasons:
- a. All new uses except one-family and two-family residential units.
 - b. Expansion or renovation of an existing use, other than a one-family and two-family residential use, which increases the existing floor space more than twenty-five percent (25%).

c. Changes of use for an existing structure.

2. Site Plan Data Required: Each site plan submitted shall contain the following information, unless specifically waived, in whole or in part, by the Township Planning Commission, or unless otherwise required by ordinance specific to that use. (*amended April 3, 2000*)

- a. The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least one (1) inch=fifty (50) feet for parcels under three (3) acres and not less than one (1) inch=one hundred (100) feet for parcels three (3) acres or more.
- b. The boundary lines of the property, to include all dimensions and legal description.
- c. The location of all existing and proposed structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (showing the dimensions of a typical parking area), loading and unloading areas, common use areas and recreational areas and facilities.
- d. The location and width of all abutting rights-of-way.
- e. The location of existing environmental features, such as streams, wetlands, shore lands, mature specimen trees, wooded areas or any other unusual environmental features.
- f. The location and identification of all existing structures within a two hundred (200) foot radius of the site.
- g. The name and address of the property owner.
- h. The existing zoning district in which the site is located and the zoning of adjacent parcels. In the case of a request for a zoning change, the classification of the proposed new district must be shown.
- i. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- j. A locational sketch of the proposed use or structure.
- k. The type, location and size of all existing and proposed utilities.
- l. The location, size and slope of all surface and subsurface drainage facilities.
- m. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
 - i. The number of units proposed, by type, including a typical floor plan for each type of unit.
 - ii. The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
 - iii. Typical elevation drawings of the front and rear of each building.
- n. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- o. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

3. Submittal and Approval Procedures: Ten copies of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator's Office by the petitioner or property owner or his designated agent at least ten days prior to the Planning Commission meeting where the site plan will be considered. The Zoning Administrator shall cause the submittal to be placed on the

agenda of the next regular Planning Commission meeting.

The Planning Commission shall have the responsibility and authorization to approve, disapprove or approve with modifications, the Site Plan in accordance with the requirements of the zoning district in which the proposed use is located and shall further consider the following criteria:

- a. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
- b. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure:
 - i. Safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets.
 - ii. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- c. Whether the sewage disposal facilities, water supply, storm water drainage, fire protection, and other utility provisions will be safe and adequate.
- d. Whether the location, use and the nature of the operation will be in conflict with the primary permitted uses of the district or neighborhood.
- e. Whether the use will be objectionable to adjacent and nearby properties by reason of traffic, noise, vibration, dust, fumes, odor, fire-hazard, glare, flashing lights, disposal of waste or sewage, erosion, pollution, or negative effects upon significant environmental features.
- f. Whether the use will discourage or hinder the appropriate development and use of adjacent premises and neighborhood.

Any conditions or modifications desired by the Planning Commission shall be recorded in the minutes of the appropriate Planning Commission meeting.

When approved, at least two (2) copies of the final approved Site Plan shall be signed and dated by the Chair of the Planning Commission and the petitioner. One of these two (2) approved copies shall be kept on file by the Township Zoning Administrator and the other approved copy shall be returned to the petitioner or his designated representative. Any changes deemed necessary, after final approval, requires mutual consent of both the Planning Commission and the petitioner.

- 4. Site Plan Amendments:** An approved Site Plan may be submitted for minor amendment to the Zoning Administrator for review and signature by the Planning Commission Chair. If, in the judgment of either the Zoning Administrator or the Planning Commission Chair, the Site Plan amendment is major, the provisions of Subsection 3 "Submittal and Approval Procedures" shall be followed.
- 5. Administrative Fees:** Any Site Plan application shall be accompanied by a fee, in an amount to be determined by the Township Board. Such fee shall be for the purpose of payment for the administrative costs and services expended by the Township in the implementation of this Section and the processing of the application. Such fee may be used to reimburse another party retained by the Township to provide expert consultation and advice regarding the application. The Township may return any unused portion of

the fee to the applicant. Any costs of special meetings called to review site plans shall be borne by the applicant.

6. Revocation: When the construction of a building or creation of a use is found to be in nonconformance with the approved Site Plan, the Planning Commission may fully and finally revoke, by official action its original approval, by giving the owner evidence in writing of such action, which becomes effective ten (10) days following the original notice of such impending action being properly communicated to the owner. The owner may remedy the violation during this ten (10) day period, at which time he shall so notify the Planning Commission, who may then, by official action, defer revocation.

7. Appeal of Revocation: The decision of the Planning Commission may be appealed by the owner to the Board of Appeals upon written request by the owner for such a hearing. Such requests must be made within sixty (60) days of the notice to the owner of such revocation action by the Planning Commission.

Section 3.21 Temporary Use of Recreational Vehicles as Dwellings

Travel trailers, motor homes and other similar recreational vehicles designed with sleeping accommodations shall not be occupied for transient purposes for a continuous period exceeding thirty (30) days per each ninety (90) day period unless connected to electrical service and County Health Department approved sanitary facilities. Temporary occupancy of such vehicles connected to electrical and sanitary facilities shall not exceed ninety (90) days in any calendar year. Permits for temporary use shall be obtained from the Zoning Administrator. These requirements apply except for the provisions of **Section 3.9** Temporary Dwelling Structures.

Section 3.22 Greenbelt

To preserve natural resources, water quality and community scenic and recreational values, a greenbelt shall be established and maintained on all waterfront property. The greenbelt shall include all the land area located within thirty-five (35') feet of the ordinary high water mark of a lake or a stream. Within the greenbelt, the following development or use restrictions shall apply:

1. No structures shall be allowed except for boathouses, launching ramps and docking facilities, and such facilities shall meet the side yard setback for the district in which they are located. No boathouse shall exceed twelve (12) feet in height above the ordinary high water mark.
2. No dredging or filling shall be allowed except for reasonable sanding of beaches where permitted by state or federal law.
3. The use of asphalt, concrete and other impervious surfaces shall be limited to walkways necessary for water access or boat launch ramps.
4. The use of pesticides, herbicides and fertilizers is strongly discouraged.
5. Leaves, grass clippings and similar yard and garden wastes may not be burned or stored.

6. Neither septic tanks nor septic system filtration fields may be located within the greenbelt, except for constructed wetlands as approved by Chippewa County Health Department.
7. Natural vegetation cover, including trees, shrubs or grass shall be maintained on a least sixty percent (60%) of the lake or stream frontage within the greenbelt. Beach sand, gravel, cobblestone or rock may be substituted for vegetated areas where these materials naturally exist.
8. The greenbelt shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage parcel.

Section 3.23 Fences, Walls and Hedges

Notwithstanding other provisions in this ordinance, fences, walls, or hedges may be permitted on any property in any residential district, provided that no fence, wall, or hedge exceed a height of six (6) feet, unless otherwise provided for in this ordinance, and shall be no closer than five (5) feet to the front property line or road right-of-way, and further provided such fence, wall or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians.

Where a lot borders a lake or stream, fencing shall not be constructed on the waterfront side within the required thirty-five (35) foot greenbelt. Fences in the waterfront yard shall not exceed four (4) feet in height, nor unreasonably restrict views to the water from neighboring properties.

Section 3.24 Hazardous Substances

All business or industries that store, use or generate hazardous substances as defined in this ordinance, in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 3.25 Groundwater Protection

These provisions apply to uses that use, generate or store hazardous substances in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month.

1. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
2. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.

3. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
4. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
5. The Planning Commission may require a performance bond or similar assurance for safeguards prior to approval. The Planning Commission may require site plan review at five-year intervals.

Section 3.26 Bed and Breakfast Facilities

While this ordinance is established to enable single family dwelling units to be used as bed and breakfast operations, it is the intent of the Planning Commission to preserve the character of the residential district in which the operation is located. A bed and breakfast operation is a subordinate use to a single family dwelling unit subject to the following conditions:

1. A bed and breakfast operation shall be confined to the single-family dwelling unit, and the operator shall live on the premises when the operation is active.
2. The number of rooms available for guests shall be limited to six (6). Each guestroom shall be equipped with a separate functioning smoke detector alarm, and a fire extinguisher in proper working order shall be installed and maintained on every floor. Guests shall have access to lavatory and bathing facilities.
3. Two (2) off-street paved or graded parking spaces shall be provided for the operator of the bed and breakfast, plus one (1) parking space for each available guestroom and one (1) for any non-resident employee.
4. The dwelling unit has no exterior evidence, other than a sign meeting the requirements of the Township Sign Ordinance, to indicate that the same is being utilized for any purpose other than as a residence, and that the sign be in conformance with the requirements of this ordinance.
5. Breakfast may be served only to overnight guests, and in accordance with state and county public health regulations regarding bed and breakfast facilities.
6. Any number of dwelling residents may assist with the bed and breakfast operation, but not more than two (2) non-resident employee may be hired.
7. The bed and breakfast operation shall produce no excessive noise, traffic, glare or other nuisance that would be detrimental to the character of the neighborhood.
8. Persons operating a bed and breakfast facility shall apply for and receive a permit from the

Zoning Administrator prior to commencing operations. The permit shall be renewed and updated at three-year intervals thereafter. Bed and breakfast facilities are subject to inspection by the Zoning Administrator.

Section 3.27 Garage or Yard Sales

Not more than four (4) garage or yard sales shall be conducted by a resident of the Township during a calendar year. Said garage or yard sale shall not exceed three (3) days duration. Temporary signs for the sale shall be removed at the end of the sale.

Section 3.28 Wellhead Protection

For the protection of municipal water wells, the Kinross Charter Township Wellhead Protection Plan shall be adhered to, regardless of the zoning district. Types of development or absence of development (as recommended by the Wellhead Protection Plan) within prescribed radii surrounding municipal wells shall be followed.

ARTICLE IV DISTRICTS

Section 4.01 Classification of Zoning Districts

For the purpose of this ordinance, Kinross Charter Township is divided into the following zoning districts:

1. Single-Family Residential (R-1)
2. Mixed Residential (R-2)
3. Agricultural (A)
4. Forest Recreational (FR)
5. Institutional (Inst.)
6. Recreational-Commercial (Rec. Com.)
7. Residential-Commercial (Res. Com.)
8. Commercial (C)
9. Aviation (Av.)
10. Light Industrial (I-1)
11. Heavy Industrial (I-2)

Section 4.02 Zoning Districts Map

The areas assigned to these districts, the designation of the districts and the boundaries of the districts shall be shown upon the zoning map attached and made a part of this ordinance. The map shall be designated as the “Zoning Map of Kinross Charter Township, Chippewa County, Michigan.” The map and the proper notations, references and other information shown on it shall be as much a part of this ordinance as if the matters and information set forth by the map were fully described in the ordinance.

Section 4.03 Boundaries of Districts

Unless otherwise specified in this ordinance, or otherwise shown on the zoning map, the boundary lines of zoning districts shall follow along section lines; or line of customary subdivision of a section such as quarter and eighth lines; or the center line of highways, streets, alleys, or waterways; or the shore lines of water bodies; or the boundaries of incorporated areas; or the boundary lines of recorded plats or subdivisions; or the property lines of legal records on the date of enactment of this ordinance; or the extension of any said lines.

Section 4.04 Determinations by Township Zoning Board of Appeals

All questions concerning the exact location of any zoning district not clearly described shall be determined by the Township Zoning Board of Appeals, consistent with the purpose of this ordinance, upon written application through the Township Zoning Administrator, or upon its own motion.

ARTICLE V SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1)

The following regulations shall apply to the Single-Family Residential District (R-1).

Section 5.01 Intent

The purpose of the provisions of this district is to reserve areas principally for single-family residential use and to maintain safe and desirable conditions for year-round family living and primarily to promote the proper use, enjoyment, and conservation of the water, land topographic and vegetation resources of the Township deemed particularly adapted to such uses

Section 5.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

1. Detached single-family dwellings
2. Farms, farm dwellings and farm buildings, including roadside stands and signs not to exceed twelve (12) square feet in area advertising the sale of farm products
3. Public parks, recreation areas and playgrounds, with customary service buildings and structures
4. Community clubs, fraternal lodges and similar civic or social organizations when not operated for profit
5. Accessory uses, buildings and structures customarily incidental to the permitted uses
6. On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of this district, and provided adequate yard area is provided should a lot split occur in the future

Section 5.03 Uses Subject to Special Approval

1. Home occupations subject to the provisions of **Section 3.13**

2. Bed and breakfast facilities subject to the provisions of **Section 3.26**
3. Churches and other places of worship
4. Schools
5. Publicly owned buildings
6. Public utility buildings, telephone exchanges and substations without service or storage yards
7. Privately operated country clubs, golf courses and similar recreational facilities
8. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE VI MIXED RESIDENTIAL DISTRICT (R-2)

The following provisions shall apply to the Mixed Residential District (R-2).

Section 6.01 Intent

The intent of the R-2 District is to provide for the widest variety of housing types in a single district, to provide for lodging and rooming houses under specific capacities and to serve the needs of the Township for apartments, townhouses, and group housing of similar character and destiny.

Section 6.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered or use, or land or premises use, in whole or in part, except by permit, for other than one or more of the following specified uses:

1. Single-family dwellings
2. Two-family dwellings
3. Multiple-family dwellings
4. Public parks
5. Manufactured housing developments or mobile home parks
6. Accessory uses, buildings and structures customarily incidental to the permitted uses

Section 6.03 Uses Subject to Special Approval

1. Home occupations subject to the provisions of **Section 3.13**
2. Publicly owned buildings and community facilities
3. Churches and other places of worship and facilities customarily incidental thereto, but not including tents and other temporary structures
4. Boarding and rooming houses
5. Bed and breakfast facilities subject to the provisions of **Section 3.26**
6. Schools
7. Planned unit developments
8. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE VII AGRICULTURAL DISTRICT (A)

The following regulations shall apply to the Agricultural District.

Section 7.01 Intent

The predominant land uses in this district are primarily agricultural and rural in character, embodying agricultural and commingled with bodies of water, forestlands and open country. It is the intent of this ordinance, to conserve and promote the general continuance of these uses.

However, the provisions of this section also recognize the gradual extension of residential and other property uses into the district and the importance of adopting good standards to guide such developments in the interest of overall good land and resource use.

Since certain land uses are generally accepted as compatible with agricultural and rural residential developments, if properly integrated, the inclusion of such uses is provided by Special Approval.

Section 7.02 Permitted Uses and Structures

No building or structure, or part thereof, shall be erected, altered, or used on land or premises used, in whole or part, except by permit for other than one or more of the following specified uses:

1. Farm dwellings, farm buildings and structures, including roadside stands
2. Home occupations subject to the provisions of **Section 3.13**
3. Portable sawmills not to exceed one (1) year
4. Farms, including both general and specialized farms and similar agricultural enterprises
5. Tourist homes, boarding houses, lodging houses and bed and breakfast facilities when situated in farm dwellings
6. Fire control structures
7. Churches and other places of worship
8. Schools
9. Publicly-owned buildings
10. Telephone exchanges and substations
11. Community clubs, country clubs, fraternal lodges, and similar civic or social organizations
12. Land for parks, picnic groves, golf courses, and similar facility for outdoor exercise and recreation
13. Accessory uses, buildings and structures incidental to any of the above permitted uses
14. On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of the R-1 District, and provided adequate yard area is provided should a lot split occur in the future
15. A single-family dwelling may be erected on a parcel of land of less than five (5) acres provided that said dwelling shall be erected under the requirements of Single-Family Residential District (R-1)

Section 7.03 Uses Subject to Special Approval

1. Airfields and airports
2. Stone quarries, gravel or sand pits
3. Animal sales yards
4. Communications and electrical transmission towers and lines
5. Cemeteries, including columbarium, mausoleums and crematories
6. Circus and carnival lots
7. Commercial riding stables and academies
8. Fur bearing animals, raising of
9. Radio-TV stations, studios
10. Rifle ranges
11. Sawmills, when the use exceeds one (1) year
12. Commercial kennels and veterinary hospitals
13. Accessory uses, buildings and structures customarily incidental to the above special approval uses
14. Quarry plant, but only in conjunction with a quarry that is in active operation on the same lot or parcel.

ARTICLE VIII FOREST RECREATIONAL DISTRICT (FR)

The following regulations shall apply to the Forestry Recreational District.

Section 8.01 Intent

This district is intended to promote the proper use, enjoyment and conservation of the water, land, topographic and natural resources of the Township particularly adapted in general to recreational and forest uses.

Section 8.02 Permitted Uses and Structures

No building structure or part thereof shall be erected, altered, or used, or land or premises occupied in this district except by permit, for other than one or more of the following specified uses.

1. Single-family dwellings following the requirements of the R-1 District
2. On parcels exceeding five (5) acres in size, one additional single-family dwelling on the same parcel may be erected, following the requirements of the R-1 District, and provided adequate yard area is provided should a lot split occur in the future
3. Legal harvesting of forestry products and native crops
4. Seasonal hunting and recreational cabins or cottages not meeting the minimum floor requirements for single-family dwellings; provided such building is for personal use and that it is accessible to an improved public road or the applicant agrees to provide and maintain a private road at his own expense
5. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 8.03 Uses Subject to Special Approval

1. Forest products processing and sales
2. Gun or archery clubs
3. Commercial hunting resorts or clubs, recreation camps, recreation lodges or cabin camps
4. Quarrying of soil, sand, clay, gravel or similar material
5. Commercial riding academies or stables
6. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE IX INSTITUTIONAL DISTRICT (Inst.)

The following regulations shall apply to the Institutional District.

Section 9.01 Intent

This district is designed to provide a location for institutional uses separate from other types of development.

Section 9.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses:

1. Correctional facilities
2. Hospitals, nursing homes, medical care facilities and similar uses
3. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 9.03 Uses Subject to Special Approval

1. Any other institutional uses not provided for under **Section 9.02** Permitted Uses
2. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE X RECREATIONAL-COMMERCIAL (Rec.Com.)

The following regulations shall apply to the Recreational Commercial District.

Section 10.01 Intent

The purpose of the provisions of this district is to reserve specific areas for recreational use,

whether privately owned or publicly owned, whether commercial in nature or free for public use.

Section 10.02 Permitted Uses and Structures

No building or structure, or any part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following specified uses.

1. Golf courses and related uses, such as club house, restaurant, and other accessory uses and structures
2. Fairgrounds and race tracks
3. Museums
4. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 10.03 Uses Subject to Special Approval

1. Any other recreational use not provided for under **Section 10.02** Permitted Uses
2. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE XI RESIDENTIAL-COMMERCIAL DISTRICT (Res. Com.)

The following regulations shall apply to the Residential-Commercial District.

Section 11.01 Intent

The purpose of the provisions of this district is to reserve areas for mixed residential uses as well as retail and service related businesses to accommodate the residents.

Section 11.02 Permitted Uses and Structures

No building, structure or part thereof shall be erected, altered, or used, or land or premises occupied in this district, except by permit, for other than one or more of the following specified uses. If use as a permanent residence is authorized, such dwelling shall be erected under the requirements pertaining to the Single-Family Residential District (R-1).

1. Single- family dwellings
2. Two-family dwellings
3. Retail sales
4. Personal services businesses
5. Restaurants and bars without drive-through service
6. Churches and other places of worship
7. Community facilities

8. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 11.03 Uses Subject to Special Approval

1. Multiple-family dwellings
2. Restaurants and bars with drive-through service
3. Accessory uses, buildings and structures customarily incidental to the above special approval uses

Section 11.04 Special Provision for M-80

Where commercial development occurs along the M-80 corridor in this district, such commercial development shall be placed not more than three hundred thirty (330) feet from the center line of M-80. (As Amended)

ARTICLE XII COMMERCIAL DISTRICT (C)

The following regulations shall apply to the Commercial District.

Section 12.01 Intent

The purpose for establishing this district is to provide for the continuation of and enhancement of an existing commercial areas and development of new commercial areas. This district typically accommodates those retail and business activities that cater to the needs of the permanent residents and visitors to the area.

Section 12.02 Permitted Uses

No building, structure or part thereof shall be erected, altered or used, or land or premises occupied in this district, except by permit, for other than one or more of the following specified uses:

1. Antique shop
2. Appliance sales and service
3. Art galleries
4. Bakeries
5. Banks and similar financial institutions
6. Bowling alleys
7. Business and professional offices
8. Carpentry, plumbing, electrical sales, service and contracting offices
9. Civic, social and fraternal buildings
10. Curio stores
11. Florist shops
12. Furniture stores
13. Golf driving range and miniature golf
14. Grocery stores
15. Hardware stores

16. Jewelry stores
17. Boarding and rooming houses
18. Libraries and museums
19. Motels and hotels
20. Music shops
21. Nurseries, garden supply, greenhouse, fruit and vegetable stands
22. Parking lots
23. Pet sales and veterinary clinics, not including kennels
24. Printing, publishing, blueprint, photocopy shops
25. Public buildings
26. Radio and TV sales and service
27. Real estate offices
28. Restaurants and bars
29. Second-hand stores not including outside sales or displays
30. Sign painting shops
31. Swimming pools-public
32. Taverns and bars
33. Upholstering, interior decorating
34. Sporting goods shops
35. Uses similar to the above
36. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 12.03 Uses Subject to Special Approval

1. Automotive sales and service, including auto body repair
2. Boat sales and services
3. Building material sales
4. Campgrounds/recreational vehicle park
5. Farm machinery sales and services
6. Gas and oil processing facilities
7. Laundromats, laundries and dry cleaning establishments
8. Manufactured and mobile home and travel trailer sales and service
9. Service stations
10. Snowmobile sales and service
11. Accessory uses, buildings and structures customarily incidental to the above special approval uses
12. *The manufacture, compounding, processing, assembling, packaging or treatment including such products, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, pottery, musical instruments, toys, novelties, household and electronic appliances, tool, die, gauge and machine shops*

ARTICLE XIII AVIATION DISTRICT (Av.)

The following regulations shall apply to the Aviation District.

Section 13.01 Intent

The intent of this district is to provide an area apart from other uses specifically for the Chippewa County International Airport uses, buildings and associated activities.

Section 13.02 Permitted Uses

No building, structure or part thereof shall be erected, altered or used, or land or premises occupied in this district except by permit, for other than one or more of the following specified uses.

1. Airport terminal
2. Commercial airline facilities
3. Commercial freight carrier facilities
4. Aircraft hangars
5. Aviation offices
6. Control tower
7. Fuel storage and dispensing
8. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 13.03 Uses Subject to Special Approval

1. Any other aviation related uses not provided for under **Section 13.02** Permitted Uses
2. Accessory uses, buildings and structures customarily incidental to the above special approval uses

ARTICLE XIV LIGHT INDUSTRIAL DISTRICT (I-1)

The following regulations shall apply to the Light Industrial District.

Section 14.01 Intent

This district is designed to primarily accommodate wholesale activities, warehouses, and industrial operations whose external and physical effects are restricted to prevent detriment to the surrounding districts. The district is structured to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

Section 14.02 Permitted Uses

No building, structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following uses:

1. Warehousing and wholesale establishments, and trucking facilities
2. The manufacture, compounding, processing, assembling, packaging or treatment including such products, but not limited to: bakery goods, candy, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, pottery, musical instruments, toys,

- novelties, household and electronic appliances, tool, die, gauge and machine shops
3. Central dry cleaning plants or laundries provided that such plans shall not deal directly with the customer at retail
 4. Laboratories for research and testing excluding explosive or radioactive materials
 5. Public utility facilities and related structures
 6. Heating and electric power generating plants
 7. Lumber yards and contractors storage yards
 8. Rental storage facilities
 9. Other uses similar in character to the above
 10. Accessory uses, buildings and structures customarily incidental to the above permitted uses

Section 14.03 Uses Subject to Special Approval

1. Junkyards
2. Gas and oil processing facilities
3. Petroleum and other flammable liquid storage tanks when not closer than three hundred (300) feet from any residential district and one hundred (100) feet from any other district
4. Metal plating, buffing, polishing, painting, varnishing and undercoating shops when setback at least seventy-five (75) feet from any adjacent residential district and when conducted within a completely enclosed building
5. Accessory uses, buildings and structures customarily incidental to the above special approval uses
6. Quarry plant.

Section 14.04 Performance Standards

Any use permitted or permitted by special approval in this district shall adhere to the following additional requirements.

1. **Polluting Materials:** It shall be unlawful for any person, firm or corporation to permit the emission or discharge of any gases, smoke, dust, dirt or fly ash into the atmosphere in quantities sufficient to create a nuisance within the Township. No use shall discharge polluting solids or fluids into the groundwater, surface water or soil.
2. **Open Storage:** The open storage of any equipment, vehicles and all materials including wastes shall be screened from public view, from public streets, and from adjoining properties by a wall or an obscuring fence of a height of not less than six (6) feet to obscure such stored materials. Scrap, junk cars and other junk materials shall not be piled or stacked as open storage to a height in excess of twenty (20) feet.
3. **Glare and Radioactive Materials:** Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful rays shall be permitted in such a manner as not to extend beyond the property line, and as not to create a public nuisance or

hazard along lot lines. Radioactive materials and wastes, including electromagnetic radiation such as X-ray machine operation, shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards, when measured at the property line.

4. **Fire and Explosive Hazards:** The storage, utilization or manufacture of materials or products ranging from incombustible to moderate burning, as determined by the Township's fire protection authority, is permitted subject to compliance with all other yard requirements and performance standards previously mentioned, and provided that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls.
 - b. All such buildings or structures shall be set back at least fifty (50) feet from the lot lines and all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
 - c. The storage and handling of flammable liquids, liquefied petroleum, gases and explosives shall comply with applicable state and federal regulations.

ARTICLE XV HEAVY INDUSTRIAL DISTRICT (I-2)

The following regulations shall apply to the Heavy Industrial District.

Section 15.01 Intent

This district is designed to primarily for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations, whose external physical effects will be noticed to some degree to surrounding districts. The I-2 District is so structured as to permit the manufacturing, processing and compounding of semi-finished and finished products from raw materials in an Industrial Park.

Section 15.02 Permitted Uses

No building, structure, or part thereof, shall be erected, altered or used, or land or premises used, in whole or in part, except by permit, for other than one or more of the following uses:

1. Any permitted use or use subject to special approval in the I-1 Light Industrial District
2. Any production, processing, cleaning, servicing, testing, repair or storage of materials, goods, or products which shall not be injurious or offensive to the occupants of adjacent premises by reason of noise, vibration, smoke, dust, toxic or noxious materials, odors, fire or explosive hazards, glare or heat

Section 15.03 Performance Standards

Section 15.03 Uses Subject to Special Approval

1. Quarry plant.

Section 15.04 Performance Standards

Performance standards as set forth in the I-1 District (**Section 14.04**) shall apply to the I-2 District.

ARTICLE XVI SCHEDULE OF REGULATIONS

The following provisions shall apply to all main buildings hereafter erected.

Section 16.01 Principal and Accessory Building Requirements

Lot area, lot width, yard setbacks, floor area and height limitations for principal and accessory buildings, erected, altered, removed, enlarged after the effective date of this ordinance must conform to the standards shown in **Section 16.02**.

Section 16.02 Zoning District Requirements for Principal and Accessory Buildings on Lots or Parcels (See chart on page XVI-3.)

Section 16.03 Dwelling Lots

Any lot or parcel of land on which more than one (1) dwelling is erected must have sufficient dimension so that a division of the land could be made in such a way so that each parcel on which a dwelling is located would comply with the dimension requirements of this ordinance.

Section 16.04 Corner Lots

Corner lots shall have required front yards on both streets.

Section 16.05 Double Frontage Lots

Where lots have double frontage as distinguished from corner lots, the required front yard setback shall be provided on both streets.

Section 16.06 Water Frontage Lots

On all lots abutting lakes or streams no building or structure, except boathouses, landing ramps, and docks, shall be erected less than thirty-five (35) feet from the ordinary high water mark, PROVIDED, that no boathouse, landing ramp or dock shall be erected less than ten (10) feet from any side lot lines, and no boathouse shall exceed twelve (12) feet in height above said water level.

Section 16.07 Supplementary Yard Provisions

Section 16.07.1 Accessory Buildings and Structures

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 occupied upon the premises and unless it also complies with all the provisions of this ordinance relating to buildings, for residential purposes.

Section 16.07.2 Commercial Buildings

No open side yard shall be required in the Commercial District when walls abutting a side lot line are fireproof and constructed of solid masonry and wholly without openings: PROVIDED that on corner lots, there shall be an open side yard not less than twenty-five (25) feet in width measured from the street side lot line: PROVIDED, further, that where any adjacent lot is occupied or zoned for residential use, an open side yard not less than twenty-five (25) feet in width shall be maintained, and an obscuring screen of evergreens, neatly finished wooden fence or masonry wall not less than six (6) feet in height shall be provided.

Section 16.07.3 Official Setback Lines

Where an official line has been established for future widening or opening of a street upon which a lot abuts, then the setback or side yard shall be measured from such official line to the nearest line of the building.

Section 16.07.4 Street, Avenue, Road or Highway Intersection

To maintain traffic visibility, no building, structure, trees, bushes, or other obstructions exceeding three (3) feet in height, except open fences through which there shall by clear vision shall be erected, planted or maintained less than twelve (12) feet from the intersection of the right-of-way boundary lines of any public roads or highways.

Section 16.07.5 Restricted Yard Uses

No yard area shall be used for open or unenclosed storage, disposition, wrecking, dismantling, baling, salvaging, location, accumulation or abandonment, either temporarily or otherwise, of any discarded, disused, or dismantled vehicles, machinery junk, or junked household articles, or any parts thereof.

Section 16.08 Supplementary Height Provisions

Height limitations shall apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulk heads, fire-towers, scenery lofts, tank and water towers as approved by the Planning Commission.

Section 16.02 Zoning District Requirements for Principal and Accessory Buildings on Lots or Parcels

Abbreviations: A = acres; sq. ft. = square feet; D.U. = dwelling unit; NA = not applicable; S.I. = single industry; I.P. = industrial park

Footnotes:

¹For each lot without public water and sewer

²For each lot with public water and sewer providing all other requirements can be met (Amended June 16, 2003)

³For certain properties adjacent to or near the airport, height limitations may be specified in deed restrictions.

*District	Min. Lot or Parcel Area	Avg. Min. Lot Width	Min. Front Yard	Min. Side Yard	Min. Rear Yard	*Minimum Dwelling Floor Area	Max. Height of Structures ³
Residential (R 1)	15,000 sq. ft.	100'	30'	10'	20'	720 sq. ft.	30'
Residential (R 2)	15,000 sq.ft. ¹ 6,000 sq.ft. ²	100' ¹ 60' ²	54' ¹ 54' ^{2 6}	4' ⁵	15'	600 sq. ft.	30'
Agricultural (A)	5 A ⁴	100'	40'	10'	20'	600 sq. ft.	35'
Forest Recreational (FR)	10 A ⁴	100'	40'	10'	20'	600 sq. ft.	35'
Institutional (Inst.)	1 A	100'	50'	30'	30'	NA	35'
Recreational Commercial (Rec. Com.)	5 A	200'	40'	25'	25'	NA	35'
Residential Commercial (Res. Com.)	15,000 sq. ft. 6,000 sq.ft. ²	100'	40'	10'	20'	600 sq. ft.	35'
Commercial (C)	20,000 sq. ft. 7,500 sq.ft. ²	100'	30'	10'	20'	NA	35'

⁴Single family dwellings may be erected on a parcel of land less than required following the requirements of the R-1 District.

⁵For reconstruction of damaged duplex units in Cedar Grove Estates #1, #2 and #3, the side yard setback shall not apply.

⁶ The front yard setbacks shall be measured from a point at the edge of the pavement in Cedar Grove Estates #1, #2 and #3 and Windermere Condominiums, the front yard setback may be reduced to thirty-four (34) feet, provided no vehicles are parked on the sidewalk portion of the driveway and providing the setback is of sufficient distance to ensure no encroachment into the road right of way. (amended April 3, 2000 and January 8, 2001)

*Multiple Family Dwellings	Min. Floor Area in per Unit
Efficiency	240 sq.ft.
1 Bedroom Unit	320 sq.ft.
2 Bedroom Unit	420 sq.ft.
3 Bedroom Unit	520 sq.ft.
4 Bedroom Unit	620 sq.ft.
Duplex Dwellings	
Two-Family	600 sq.ft.

**ARTICLE XVII
PLANNED UNIT DEVELOPMENT**

Section 17.01 Purpose

The purpose of a Planned Unit Development (PUD) is to permit and encourage design flexibility within the existing R-2 Zoning District using the special use permit procedure. It has the potential of eliminating the current single-family, large-scale residential design and substituting in its place a diversity of types and location of dwelling units, allowing a more efficient use of land for circulation, open space and utilities. It is also intended to minimize adverse environmental impacts by harmonious utilization of the existing physical identity of the area. The PUD approach provides for recreational facilities within the development, enhances the ability of designers to coordinate architectural design and building placement, and upgrades the overall quality of new residential construction.

Section 17.02 Procedures for Application and Approval

The procedures for application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and the Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request representatives from county and township agencies (fire department, township parks and recreation commission, local police or county sheriff, county road commission and other such agencies) to attend such informal conferences.

After such informal conferences, the applicant shall then file a preliminary development plan with the Zoning Administrator for purposes of obtaining a special use permit during which time the application shall be scheduled to be reviewed by the Planning Commission at a public hearing scheduled within forty-five (45) days of the receipt of the preliminary plan by the Zoning Administrator.

Section 17.03 Concept Plan Requirements

The applicant shall submit during the pre-application conference, a concept plan including types and placement of residential structures; utilities and public facilities, such as schools, fire departments, recreational facilities; minimum lot sizes; densities; environmental treatment; pedestrian and auto circulation; commercial and industrial areas, if applicable; conformity of the proposed development with surrounding uses; financing of the project; type of homeowners organization, if any; and all other information local administrative agencies and legislative bodies may require to gain a satisfactory understanding of the proposed development.

Section 17.04 Preliminary Plan Requirements

Following the presentation of, and any deliberation pertinent to, the concept plan, the applicant shall submit a preliminary plan. The preliminary plan is specifically intended to include enough detail for administrative and legislative analysis for approval or denial of a special use permit.

The preliminary plan must be more detailed than the concept plan and contain the following:

1. A written document giving the legal description of the property as indicated in the deed of ownership; a statement of the objectives of the planned development including phasing of residential, public and commercial areas; and future selling and/or leasing intentions and accompanying management techniques.
2. Graphic presentations including a base map with topographic identification (preferably using five (5) foot contour intervals) and important environmental features including water bodies, vegetation (type and size) and soils. Additional maps should contain proposed lot lines, location and floor area dimensions of buildings, areas to be dedicated for public use, existing and proposed pedestrian and vehicular circulation, off-street parking, layout of proposed and existing utility systems, general landscape plans, information pertinent to the identification of areas adjacent to the proposed development, and a general description of the architectural and landscape elements on the perimeter of the planned development.

Section 17.05 Final Plan Requirements

Following approval of the preliminary plan, the applicant shall submit a final plan. The final plan is to encompass all the elements of the preliminary plan, plus all changes and/or conditions stipulated by the Planning Commission at the public hearing for the preliminary plan. The final plan shall include enough detail in written and graphic presentation to assure the Township Board that the proposed Planned Unit Development will conform to all state and local requirements as well as reflect, as closely as possible, the finished Planned Unit Development.

Section 17.06 Approval of Final Plan

Upon submittal of the preliminary plan to the Planning Commission and approval of a special use permit by the Planning Commission, with or without recommended modifications and stipulations, the applicant must, within a period of three (3) months to one (1) year from the date of approval of the special use permit present to the Zoning Administrator the final development plan. The Zoning Administrator shall submit the final, detailed plan to the Planning Commission, which shall review it within thirty (30) days of such submittal.

The final plan should not deviate substantially from the approved preliminary plan. The final plan shall be in compliance with the preliminary plan if the following conditions have been met: (1) the final plan does not violate the content of the ordinance; (2) the lot area requirement has not been changed by more than ten percent (10%); (3) land reserved for open

space (common and usable) has not been reduced by more than ten percent (10%); and (4) the total building coverage has not increased by more than five percent (5%).

The final plan should include site plans applicable to legal recording criteria and engineering drawings. Drawings and plans presented in a general fashion in the preliminary stage shall be presented in detailed character in the final plan.

Any modifications not included in the preliminary plan must be reviewed by the Planning Commission and legal documents, such as easements, agreements, the final draft of articles of incorporation, and any indentures, as well as dedications, shall be submitted by the applicant.

The Planning Commission and members of other appropriate agencies shall review the final development plan. The Planning Commission shall then approve the final plan, disapprove it or approve it with modifications. No public hearing is necessary and if the Planning Commission gives approval, the legislative body shall accept and record site maps and plans, dedicated streets, properties and open spaces, rights-of-way, and any additional dedications within the development.

Section 17.07 Design Requirements

Since the PUD concept is to allow more flexibility in design while retaining control through review procedures, the design standards incorporated into a PUD ordinance should be less structured than found in a standard residential zone or subdivision regulation, yet formal enough to insure desired performance. These design requirements also offer incentives to developers to invest in PUD's.

- 1. Density:** Density increases can be allowed for Planned Unit Development over and above those allowed in the R-2 Zoning District. Since successful PUD design can occur in almost any sized area, the planned development shall not be allowed on any site of less than ten (10) acres. It should be controlled by one (1) owner or group of owners, and be planned and developed as a single unit. Density increases are to be permitted for the following amenities:
 - a. Character, identity, architectural and siting variation incorporated in a development shall be considered cause for density increases not to exceed fifteen percent (15%), provided these factors make a substantial contribution to the objectives of a Planned Unit Development.
 - b. The degree of distinctiveness and the desirable variation achieved shall govern the amount of density increase, which the Planning Commission shall approve.
- 2. Lot Size Variations:** Lot sizes shall be computed using gross acreage computations. Land utilized for public utilities, such as easements and flood plain areas shall not be included in determining computations for gross development areas. A fixed percentage of streets within the proposed development shall be subtracted from the computed gross area figure, and the result shall be divided by the minimum lot requirements (after density bonuses have been arrived at by the methods described below) of the zoning district within which the PUD is located. The result will define the maximum number of

residential units allowed.

- 3. Open Space:** Open spaces are an important facet of the community's environment and character. The PUD approach is an efficient "tool" in preserving and enhancing open spaces, particularly recreational areas within residential developments. Open space shall be distinguished as private (for personal or family use), common (for use by all homeowners in the PUD), and public (open to all members of the general public).

The following open space requirements shall be adhered to in all PUDs to provide for the integration of efficient and extensive areas into the existing open space system of the community. These areas should be easily accessible to all residents of the PUD. Required open space shall comprise at least forty percent (40%) of the total gross area. Not less than fifty percent (50%) of the net area of the property shall be open space devoted to planting, patios, walkways and recreational uses, but excluding areas covered by dwelling units, garages, carports, parking areas or driveways. Net area is defined as the site area less all land covered by buildings, streets, parking lots or stalls, driveways and all other paved vehicular ways and facilities. Common open space shall comprise at least twenty-five percent (25%) of the gross area of the Planned Unit Development to be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development.

Active open spaces for recreational purposes should not be less than six thousand (6,000) square feet in area. Any portions of the PUD site, if deemed environmentally significant, may, upon review by the Planning Commission, be preserved in their natural state.

- 4. Homeowners Association:** Homeowners associations have the advantage of enabling the residents of a PUD to control, through ownership and maintenance, common open space areas and private streets, thereby eliminating or substantially decreasing maintenance costs to the local government. The developer shall institute a homeowners association, the following minimum criteria must be met:

- a. The homeowners association must be set up before the homes are sold.
- b. Membership must be mandatory for each homebuyer and any successive buyer.
- c. The open space restrictions must be permanent, not just for a period of years.
- d. The association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities.
- e. Homeowners must pay their pro rata share of the cost; the assessment levied by the association can become a lien on the property.
- f. The association must be able to adjust the assessment to meet changed needs.

The above stipulations have the advantage of insuring the economic viability of the homeowners association and preserving open space areas within the community.

The developer must file a restrictive covenant with the County Register of Deeds at the time the final plan is approved, guaranteeing those open spaces included in the final plan will remain open for their designated purposes, or for other open space uses desired by the homeowners association.

5. **Environmental Design Requirements:** The Planning Commission shall require the following in accordance with applicable provisions of this ordinance: The preservation of existing trees, predominant shrubbery, waterways, scenic viewing areas, historic points, flood plain preservation and the planting of vegetation or placement of protective cover on slopes of twenty percent (20%) or greater to minimize hillside erosion resulting from residential development and consequent streets and walkways.

6. **Traffic Circulation:** Internal circulation systems and points of ingress and egress with external traffic flow must be coordinated within the PUD and in relation to the community as a whole. These systems should promote safety, convenience, easy access, separation of vehicles from pedestrians, and enhance the overall physical design of the PUD. Vehicular circulation systems in PUDs should not be connected with external streets to encourage through traffic. Emergency access and safety standards should be adhered to. These standards apply to the location of residences relative to the community and the overall design of the PUD.

7. **Private Streets:** Private streets, particularly in Planned Unit Developments must be designed to accommodate anticipated traffic loads including volume, vehicular weight and size, speed, emergency vehicles and turning radii. Those developments with homeowners' associations may maintain private streets within the development through agreements of indenture. All private streets can deviate from existing public street standards if, upon review and recommendation by the fire chief, local police, sheriff, county drain commission, road commission and the Planning Commission authorizes such modifications within the PUD, and health, safety and welfare requirements are met.

Private streets may be dedicated into the public street system if the owners of these streets fully agree to accept all expenses for any required upgrading to public street standards,

*TYPE OF STREET	USERS SERVED	REQUIRED FOOTAGE	
		Right-of-Way	Road Surface
Residential dead end or local street	1-6 dwellings	66	18
	7-20 dwellings	66	24
	21-50 dwellings	66	30
Residential Collector	51-200 dwellings	66	36
Neighborhood Collector	Over 200 dwellings or any commercial use	66	36

and agree to dedicate these streets without compensation by the local government. The following residential street standards should be adhered to, unless the Planning Commission permits modification. These standards are commensurate with traffic flow and safety standards for various densities.

8. **Parking Standards:** Parking standards are an important element of a PUD design process and should adhere to high design and safety standards. The following minimum

requirements shall be adhered to:

- a. For each dwelling unit, there shall be off-street parking spaces consisting of not less than two hundred (200) square feet each.
- b. Parking areas shall be arranged so as to prevent through traffic to other parking areas.
- c. Parking areas shall be screened from adjacent roads, structures and traffic arteries with hedges, dense planting, earth berms, and changes in grade or walls.
- d. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
- e. No more than sixty (60) parking spaces shall be accommodated in any single parking area.
- f. All streets and any off-street loading area shall be paved, and the design thereof approved by the Planning Commission; all areas shall be marked so as to provide for orderly and safe loading, parking and storage.
- g. All parking areas shall adequately be graded and drained to dispose of all surface water without erosion, flooding or other inconveniences.

- 9. Perimeter Treatment:** To provide adequate separation between the PUD and the surrounding community, a minimum thirty (30) foot buffer zone shall be established on the perimeter of the development, in which no structures are to be located and adequate screening and landscaping or protection by natural features will be established. In those cases where, because of natural topography, this screening and landscaping requirement cannot be met, and adequate privacy and separation is not possible, the Planning Commission may require structures on the perimeter to be set back in accordance with the requirements established for the zoning district in which the PUD is located. Those structures within this category should be adequately screened or landscaped.

Section 17.08 General Standards

The principal advantage of a Planned Unit Development, flexibility in design, should be followed in determining general building and site standards. These should conform to minimum performance criteria rather than to specific building code dimensions and requirements found in established residential zones. The following guidelines shall be established in the determination of structural siting on lots; reduction of spacing is based upon standards within the existing zone.

- 1. Building Spacing:** When the building is designed to provide adequate privacy to its residents including adequate window space, there may be a reduction in the spacing of buildings. Those residents who have no windows or windows at higher levels, and have adequate light and ventilation from other areas of the room, may decrease building spacing. Residences incorporating effective utility spaces in side yards should be eligible for reduced separation between houses. Where building configuration incorporate the above criteria, and have unusual shapes, the spacing of structures may be reduced.
- 2. Front Yard Requirements:** In those areas where street design reduces traffic flow, adequate screening or landscaping is provided, the residence is facing onto a common open space, or through interior room design minimizing use of the front yard, front yard

requirements may be reduced.

- 3. Lot Width Requirements:** Those lots which have an awkward configuration, yet allow adequate light and ventilation between structures, may reduce their lot width requirements while maintaining adequate light, ventilation and access.
- 4. Building Heights:** To insure adequate light, ventilation and open space amenities in the PUD, while allowing a variety of building types and densities, building heights should be part of the review process. However, to protect the character of the area, a maximum building height of thirty (30) feet should be instituted.

ARTICLE XVIII ADMINISTRATION AND ENFORCEMENT

Section 18.01 Zoning Administrator

A Zoning Administrator, who shall be appointed by the Kinross Charter Township Board for such term and subject to such conditions as said Board deems desirable to carry out the provisions of this ordinance, shall administer the provisions of this ordinance. He/She shall hold office at the pleasure of the Township Board and receive such compensation as shall be determined by the Board. The Board may also appoint a Deputy Administrator under such conditions, and for such term, and for such compensation as the Board may deem desirable, to work under and assist the Zoning Administrator in the discharge of the duties of his/her office.

Section 18.02 Duties and Powers of Zoning Administrator

The Zoning Administrator shall enforce this ordinance, and shall:

1. Approve all zoning permits and certificates of compliance.
2. Conduct inspection of all buildings and structures and the use of all lands subject to the provisions of this ordinance to determine compliance.
3. Maintain permanent and correct records of this ordinance including, but not limited to zoning permits, compliance certificates issued, non-conforming uses, maps, amendments, special use permits, exceptions, variances and appeals; and report same to the Township Board annually.
4. Provide and maintain a public information office relative to all matters arising out of the administration of the ordinance.
5. Investigate all applications for uses subject to special approval and variances addressed to the Township Planning Commission and Zoning Board of Appeals, and report his findings to said Commission and Board.
6. Initiate appropriate action for proceedings to prevent, restrain, correct or abate any illegal act in violation of this ordinance.

Section 18.03 Record of Non-Conforming Uses

1. Immediately following the effective date of this ordinance, the Zoning Administrator shall prepare a record of all instances of uses, location, size and construction of buildings, structures, premises, lots and lands which, on the effective date of this ordinance, are not

in conformity with its provisions. Such record shall contain the legal description of the property and the nature and extent of all non-conformities, and on completion be deposited with the Zoning Administrator's permanent records.

2. As soon as the record is completed, the Administrator shall provide for the examination thereof in his office for thirty (30) successive days by any interested persons for the purpose of noting errors or omissions, and shall give notice of the provisions for examination by publication in a newspaper of general circulation in the Township for three (3) successive weeks.
3. Errors and omissions in such records shall be corrected upon appeal and presentation of proof to the Township Board during its first session following the close of said examination period, following which the corrected record shall be permanently files in the office of the Zoning Administrator. The corrected record shall constitute prima facie evidence of the nature and extent of non-conformance with reference to any land, premises, lot, building or structure existing at the time this ordinance becomes effective.
4. Following the filing of the corrected record of non-conformances, it shall be the duty of the Supervisor to observe these non-conformances when he makes his property assessments, and to report annually to the Township Board on the discontinuance of any non-conformance in the Township, including the date thereof. Such reports shall be files with the Zoning Administrator.

Section 18.04 Zoning Permits

1. Except as otherwise provided, no dwelling or building subject to the provisions of this ordinance shall be erected, altered, enlarged, or moved upon any land, lot or premises until a permit therefore has been issued by the Zoning Administrator in conformity with the provisions of this ordinance.

Such permit shall be non-transferable and must be granted before any work of excavation, construction, alteration, enlargement or movement is begun.

2. All applications for permits shall be submitted in duplicate to the Zoning Administrator not less than fifteen days prior to the time when erection, alteration, enlargement or movement of a dwelling or building is intended to begin. Such application shall be accompanied by a duplicate drawing to scale showing the location and actual dimensions of the land to which the permit is to apply, the kind of building to be erected; the width of all abutting streets and highways, easements and public open spaces; the area, size and location of all dwellings or buildings erected or to be erected, altered or moved upon the premises; required yard setbacks; and the front yard dimensions for the nearest building on both sides of the proposed dwelling or building.
3. The application shall also show the location, dimensions and description of the water supply and sewage disposal facilities to be constructed, such as septic tanks and disposal fields, privies, or any other facility used in the disposition of human excreta, sink wastes and laundry wastes; the location of existing wells on the premises adjoining the premises to be built upon, and the location of existing sewage disposal facilities on such adjoining premises; provided, however, that the Zoning Administrator is hereby empowered to

waive the inclusion of any details specified in paragraphs (2) and (3) of this section in the case of any application where the facts are not pertinent to the purpose of this ordinance.

4. Nothing in this section shall be construed as to prohibit the owner or his agent from preparing his own plans and specifications, provided the same are clear and legible.

For each such zoning permit issued, a fee set by the Township Board shall be paid to the Treasurer who shall place the same in a separate fund to be known as the Zoning Ordinance Fund, which fund shall be used for the administration of this ordinance only, as directed by the Township Board. No permit shall be valid until the required fee has been paid.

5. Within fifteen (15) days after the receipt of the application, the Zoning Administrator shall issue a zoning permit to the owner, or his duly authorized agent, provided the dwelling or building and the land and uses thereof as set forth in the application are in conformity with the provisions of the ordinance, and when such permit is refused, he shall state such refusal in writing with cause. The Zoning Administrator shall file one copy of the application with proper notations thereon, or attached thereto, relative to his approval or disapproval including the date thereof, as a record. The second copy of the application shall be returned to the applicant with similar notations.
6. Accessory buildings when erected at the same time as the principal building on a lot and shown on the application therefore shall not require a separate zoning permit.
7. The Zoning Administrator shall have the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this ordinance or in case of any false statement or misrepresentation made in the application. The owner or his duly authorized agent shall be notified of such revocation or cancellation in writing.

Section 18.05 Certification of Compliance

No dwelling or building, subject to the provisions of this ordinance shall be occupied or used until the Zoning Administrator shall have issued a Certificate of Compliance to the owner, or his duly authorized agent. Such certificate shall be applied for coincident with the application for a zoning permit. Within five (5) days after notification that the dwelling or building is ready for occupancy, the Zoning Administrator shall make final inspection thereof, and if it is found to be in conformity with the provisions of this ordinance, shall issue the owner or his agent a Certificate of Compliance. He shall also record his action, including the date, on the copy of the application retained on file as a record.

Section 18.06 Violations

Buildings and structures erected, altered, moved or converted, or any use of land or premises carried on in violation of any provision of this ordinance are hereby declared to be nuisance per se. The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the owner of the premises of all conditions found to be in violation.

Section 18.07 Corrections

The owner shall within forty-eight (48) hours after receipt of notification of violation, suspend operation and/or construction of conditions found to be in violation. Upon suspension of said non-conforming use, the owner may correct conditions found to be in violation within sixty (60) days following issuance of written notice to correct. If not corrected, violations shall be remanded to the court for prosecution. If the owner shall neglect or refuse to suspend the non-conforming use as directed while making corrections, the above sixty (60) day period shall be nullified and the violation shall be subject to immediate prosecution.

Section 18.08: Enforcement and Penalties.

The Township may enforce any violation of this Ordinance by resorting to one of the following:

a) **Criminal Enforcement.**

Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$500 or shall be imprisoned in the Chippewa County jail for not more than 90 days or both such fine and imprisonment at the discretion of the court.

b) **Municipal Civil Infraction Citation.**

Any person who is found responsible or admits responsibility for violation of this Ordinance shall be subject to a civil fine and costs. The civil fines are set forth in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.132, unless otherwise specified. Further, the judge or district court magistrate shall summarily tax and determine the costs of the action, which are not limited to the costs taxable in any ordinary civil action and may include all expenses, direct and indirect, including attorney fees, that the Township bears in connection with the municipal civil infraction, up to the entry of judgment. However, in no case shall costs of neither less than \$9.00 nor more than \$500.00 be ordered.

c) **Municipal Civil Infraction Violation Notice.**

Municipal civil infraction violation notices shall be issued and served by authorized township officials under the same circumstances and upon the same persons as municipal civil infraction citations, as provided in Kinross Charter Township Civil Infraction Ordinance, Ordinance No. 1.132. Any person who receives a municipal civil infraction violation notice (as opposed to a citation) may choose to dispose of the municipal civil infraction at the Kinross Charter Township Municipal Ordinance Violations Bureau by admitting responsibility and paying the scheduled fine. The bureau shall not accept payment of a fee from any person who denies having committed the offense or who admits responsibility only with explanation.

Section 18.09 Proceedings

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

in addition to all other remedies provided by law.

ARTICLE XIX BOARD OF APPEALS

Section 19.01 Board of Appeals

There is hereby created a Board of Appeals which shall perform its duties and exercise its powers as provided by Act 184 of Public Acts of 1943 as amended in such a way that the objectives of this ordinance shall be observed, public safety secured and substantial justice done.

Section 19.02 Establishment and Membership

As provided by said Act, the Board of Appeals shall consist of not less than five (5) members, the first (1st) member of such Board shall be a member of the Township Planning Commission; the second (2nd) member may be a member of the Township Board appointed by the Township Board; and the third (3rd), fourth (4th) and fifth (5th) members shall be selected and appointed by the Township Board from electors residing in the unincorporated area of the Township. (*amended April 3, 2000*) No elected officer of the Township shall serve as chairman of the Board of Appeals. No employee of the Township Board may serve simultaneously as a member of the Board of Appeals. The total amount allowed any member of said Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of his duty shall not exceed a reasonable sum, which sum shall be determined annually in advance by the Township Board. The Township Board shall provide for the removal of any member for non-performance of duty or misconduct in office. A member shall disqualify himself from a vote in which he has a conflict of interest.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive Board of Appeals meetings. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

Section 19.03 Terms of Office

Members shall serve terms of three (3) years, except that the members serving by virtue of their membership on the Planning Commission and Township Board shall serve a term expiring at the expiration of their terms on the Planning Commission or Township Board, and except that the other member initially appointed shall serve a term of one (1) year. A successor shall be appointed not more than one (1) month after the term of his predecessor has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

Section 19.04 Quorum

The Board of Appeals shall not conduct business unless a majority of the members are

present.

Section 19.05 Meetings of Board of Appeals

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Appeals shall be open to the public. The Board shall maintain a record of its proceedings, which shall be filed in the office of the Zoning Administrator and shall be a public record.

Section 19.06 Jurisdiction and Appeals

1. The Board of Appeals shall act upon all questions as they may arise in the administration of the zoning ordinance, and may fix rules and regulations to govern its procedure sitting as such a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decision or determination made by the Planning Commission, the Township Board, the Zoning Administrator or any administrative official charged with enforcement of this ordinance. It shall also hear and decide all matters referred to it, or upon which it is required to act under the provisions of this ordinance. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of any such board or administrative official, or to effect any variation in this decision or determination of any such board or administrative official, or to effect any variation in this matter upon which they are required to pass or to effect any variation in this ordinance. Such appeal may be taken by any person aggrieved or by an officer, department, board or bureau of the County or State. The grounds of every such determination shall be stated.
2. Such appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, 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 from was taken.
3. An appeal stays all proceedings in furtherance of the action appealed for unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeals shall have been filed with him that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the Circuit Court, on application on cause shown, after notice to the officer from whom the appeal is taken.
4. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing any party may appear in person or by the agent or by attorney. The Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all powers of the officer from whom the appeal was taken, and may issue or direct the issuance of a permit. Where there are practical difficulties or unnecessary

hardship in the way of carrying out the strict letter of such ordinance, the Board of Appeals shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the ordinance shall be observed, public safety secured and substantial justice be done. The decision of such Board shall not be final, and any person having an interest affected by any such ordinance shall have the right to appeal to the Circuit Court on questions of law and fact.

Section 19.07 Interpret

The Board of Appeals shall have the power to hear and decide upon requests for interpretation of the provisions of this ordinance and accompanying zoning map.

Section 19.08 Variance

The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the BASIC conditions listed herein and any ONE (1) of the SPECIAL conditions listed thereafter can be satisfied.

1. Basic Conditions: Any variance granted from this ordinance:
 - a. Will not be contrary to the public interest or to the intent and purpose of this ordinance.
 - b. Will not cause a substantial adverse effect upon property values in the immediate vicinity, in the district in which the property of the applicant is located or in similar districts throughout the Township.
 - c. Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
 - d. Will relate only to property that is under control of the applicant.
2. Special Conditions: When ALL of the foregoing basic conditions can be satisfied, a variance may be granted when any ONE (1) of the following special conditions can be clearly demonstrated:
 - a. Where there are practical difficulties or unnecessary hardships, which prevent carrying out the strict letter of this ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of the particular parcel of land.
 - b. Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use of the property, that do not generally apply to other property or uses in the same Zoning District. Such circumstances or conditions shall not have resulted from any act of the applicant after the adoption of this ordinance.
 - c. Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
3. Rules: The following rules shall be applied in the granting of variances:

- a. The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgment, secure the objectives and purposes of this ordinance. The breach of any such condition shall automatically invalidate the permit granted.
- b. Each variance granted under the provisions of this ordinance shall become null and void unless: the construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance and the occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance.
- c. No application for a variance which has been denied wholly or in part by the Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds, or newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.

ARTICLE XX VALIDITY

This ordinance and the various parts, sections, subsections, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby. The Township Board hereby declares that it would have passed this ordinance and each section, subsection, phrase, sentence and clause irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

ARTICLE XXI AMENDMENTS

Amendments or supplements to this ordinance may be adopted from time to time in the same manner as provided by the Township Zoning Act, Public Act No. 184 of 1943 for the enactment of the original ordinance.

Section 21.01 Initiation

Proposals for amendment may be submitted to the Township Board by the Township Planning Commission, Zoning Board of Appeals, or by written petition signed by any property owner in the Township. The petition shall be accompanied by the fee prescribed in the fee schedule of this ordinance to cover cost of advertising public hearing and investigation. A request for re-zoning a property shall be considered an amendment to the zoning ordinance, since the zoning map is a portion of this ordinance.

Section 21.02 Action by Planning Commission

All amendments or supplements shall be referred to the Township Planning Commission for study, recommendation and public hearing. The Planning Commission shall hold not less than one (1) public hearing, notice of which shall be given by two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty

(30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of the hearing. The notices shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined.

When any amendment proposes the rezoning of any premises, the Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be made not less than eight (8) days before the hearing.

Following the hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County as required by Section 10 of Public Act No. 184 of 1943. The Planning Commission shall transmit a summary of comments received at the public hearing along with the proposed amendment to the Township Board.

Section 21.03 Action by Township Board

The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the Township not more than fifteen (15) days or less than five (5) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed by Section 11 of Public Act No 184 of 1943.

Once adopted by the Township Board, amendments to this ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this ordinance shall take effect upon the expiration of seven (7) days following publication, or at such later date after publication as may be specified by the Township Board.

ARTICLE XXII

REPEAL OF PRIOR ORDINANCE, ENACTMENT OF NEW ORDINANCE, EFFECTIVE DATE

Section 22.01: Repeal of 1978 Zoning Ordinance

1. The 1978 Zoning Ordinance previously adopted by the Township and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired, or liability, penalty, forfeiture, or punishment incurred prior to the time enforced, prosecuted, or inflicted.
2. The 1978 Zoning Ordinance regulating the development and use of land was adopted by the Township Board of the Charter Township of Kinross, Chippewa County, Michigan and took effect upon publication on April 3, 1978.

Section 22.02: Enactment of 1999 Zoning Ordinance

1. Public Hearing was held on the twelfth day of July, 1999, for this 1999 Zoning Ordinance of the Charter Township of Kinross, and the ordinance was adopted by the Kinross Charter Township Board of Trustees at a regular meeting held on the seventh day of September, 1999.
2. Notice of adoption shall be published in a newspaper having general circulation in Kinross Charter Township within fifteen (15) days after adoption.
3. The 1999 Zoning Ordinance shall take effect upon the expiration of seven (7) days after publication.

Section 22.03: Effective Date of Amendment adopted March 17, 2014

A summary of the regulatory effect of this Ordinance shall be published in a newspaper of general circulation in the Township within 15 days after adoption. This Ordinance shall become effective seven (7) days after such publication.

Passed and adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, Michigan on March 17, 2014, and approved by me on March 17, 2014.

James R. Moore, Supervisor
Charter Township of Kinross

ATTEST:

Sheila M. Gaines, Clerk
Charter Township of Kinross

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Township Board of the Charter Township of Kinross, County of Chippewa, State of Michigan, at a regular meeting held on March 17, 2014, and that public notice of said meeting was given pursuant to Act No. 267, Public Acts of Michigan, 1976, including in the case of a special or rescheduled meeting, notice by posting at least eighteen (18) hours prior to the time set for said meeting.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Township and such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Sheila M. Gaines, Township Clerk