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# BAY MILLS TOWNSHIP ZONING ORDINANCE



## TABLE OF CONTENTS

SECTION 1.00	INTRODUCTION	
1.01	Short Title . . . . .	1
1.02	Purposes . . . . .	1
1.03	General Procedure . . . . .	1
SECTION 2.00	DEFINITIONS	
2.01	Purpose . . . . .	2
2.02	Accessory Building . . . . .	2
2.03	Accessory Use . . . . .	2
2.04	Alley . . . . .	2
2.05	Alterations . . . . .	2
2.06	Basement and Cellar . . . . .	2
2.07	Bed and Breakfast . . . . .	2
2.08	Boarding House . . . . .	3
2.09	Building . . . . .	3
2.10	Building, Height of . . . . .	3
2.11	Cabin . . . . .	3
2.12	Cabin Camp or Resort . . . . .	3
2.13	Condominium, Residential . . . . .	3
2.14	Dwelling Unit . . . . .	3
2.15	Dwelling, Single-Family . . . . .	4
2.16	Erected . . . . .	4
2.17	Essential Services . . . . .	4
2.18	Family . . . . .	5
2.19	Farm . . . . .	5
2.20	Farm Buildings . . . . .	5
2.21	Farm Dwelling . . . . .	5
2.22	Garage, Private . . . . .	6
2.23	Garage, Public . . . . .	6
2.24	Highway . . . . .	6
2.25	Home Occupation . . . . .	6
2.26	Hotel . . . . .	6
2.27	Junk . . . . .	6
2.28	Junk Yard . . . . .	6
2.29	Lot . . . . .	7
2.30	Lot Area . . . . .	7
2.31	Lot, Corner . . . . .	7
2.32	Lot, Coverage . . . . .	7
2.33	Lot, Depth . . . . .	7
2.34	Lot, Double Frontage . . . . .	7
2.35	Lot, Lines . . . . .	7
2.36	Lot, Record . . . . .	8
2.37	Mobile Home Park . . . . .	8
2.38	Motel . . . . .	8
2.39	Nonconforming Use or Building . . . . .	8

	2.40	Public Utility . . . . .	8
	2.41	Recreational Vehicles . . . . .	9
	2.42	Recreational Vehicle Park . . . . .	9
	2.43	Restaurant . . . . .	9
	2.44	Retail Commercial Establishment . . . . .	9
	2.45	Roadside Stand . . . . .	9
	2.46	Setback Lines . . . . .	9
	2.47	Sign, Identification . . . . .	10
	2.48	Sign, Off Premise . . . . .	10
	2.49	Sign, Outdoor Advertising . . . . .	10
	2.50	Story . . . . .	10
	2.51	Story, Half . . . . .	11
	2.52	Street . . . . .	11
	2.53	Structure . . . . .	11
	2.54	Tavern . . . . .	11
	2.55	Tent . . . . .	11
	2.56	Use . . . . .	11
	2.57	Yard . . . . .	11
SECTION	3.00	GENERAL PROVISIONS	
	3.01	Scope . . . . .	12
	3.02	Boundaries of Districts . . . . .	12
	3.03	Conflicting Laws, Ordinances, Regulations and Restrictions . .	12
	3.04	Use of Non-conforming Land, Buildings and Structures . . . . .	12
	3.05	Reconstruction of Damaged Non-conforming Buildings and Structures . . . . .	13
	3.06	Repair, Alteration and Completion of Non-Conforming Buildings and Structures . . . . .	13
	3.07	Yard and Area Requirements - General . . . . .	13
	3.08	Limitations of Dwelling per Lot . . . . .	14
	3.09	Vehicular Parking Space, Access Thereto and Lighting Thereof	14
	3.10	Temporary Dwelling Structures . . . . .	16
	3.11	Cabins and Cabin Camps . . . . .	16
	3.12	Recreational Vehicle Park . . . . .	17
	3.13	Combination Business Uses and Structures . . . . .	18
	3.14	Combination Business and Dwelling Buildings and Structures	18
	3.15	Water Supply . . . . .	18
	3.16	General Standards . . . . .	18
	3.17	Location of Highway Setback Lines . . . . .	18
	3.18	Buildings and Structures Relative to Setback Areas . . . . .	18
SECTION	4.00	ZONING DISTRICTS	
	4.01	Zoning Districts . . . . .	19
	4.02	District Maps . . . . .	19
SECTION	5.00	RESIDENTIAL DISTRICT	
	5.01	Uses Permitted . . . . .	19
	5.02	Size of Dwelling Lots . . . . .	20

	5.03	Yard Setbacks . . . . .	20
	5.04	Floor Area of Dwellings . . . . .	20
	5.05	Height Regulations . . . . .	21
	5.06	Signs, Off Premise . . . . .	21
SECTION	6.00	WATERFRONT RESIDENTIAL DISTRICT	
	6.01	Waterfront Residential Districts . . . . .	21
	6.02	Uses Permitted . . . . .	21
	6.03	Size of Dwelling Lot . . . . .	22
	6.04	Setbacks . . . . .	22
	6.05	Lot Coverage . . . . .	22
	6.06	Floor Area of Dwellings . . . . .	22
	6.07	Signs, Off Premise . . . . .	22
SECTION	7.00	AGRICULTURAL, FOREST, RECREATION DISTRICTS	
	7.01	Uses Permitted . . . . .	23
	7.02	Floor Area of Dwellings and Required Lot Size . . . . .	23
	7.03	Signs, Off Premise . . . . .	24
SECTION	8.00	GENERAL BUSINESS DISTRICT	
	8.01	Regulations . . . . .	24
	8.02	Uses Permitted . . . . .	24
	8.03	Building Height . . . . .	25
	8.04	Rear Yards . . . . .	25
	8.05	Corner Clearance . . . . .	25
	8.06	Lots, Non-conforming . . . . .	25
SECTION	9.00	SITE PLAN REVIEW	
	9.01	Site Plan Review . . . . .	25
	9.02	Site Design Standards . . . . .	26
	9.03	Escrow Agreement . . . . .	27
SECTION	10.00	NON-CONFORMING USES	
	10.01	Non-conforming Uses . . . . .	27
SECTION	11.00	ADMINISTRATION AND ENFORCEMENT	
	11.01	. . . . .	28
	11.02	. . . . .	28
	11.03	Building Permits . . . . .	28
	11.04	Compliance Certificate . . . . .	29
SECTION	12.00	BOARD OF APPEALS	
	12.01	Board of Appeals . . . . .	29
	12.02	Personnel of Board of Appeals . . . . .	29
	12.03	Meetings of Board of Appeals . . . . .	30
	12.04	Jurisdiction and Appeals . . . . .	30
SECTION	13.00	TOWNSHIP ZONING BOARD	
	13.01	. . . . .	31

13.02	.....	31
13.03	.....	32
SECTION 14.00	VALIDITY .....	32
SECTION 15.00	AMENDMENTS .....	32
SECTION 15.01	PENALTIES .....	32
Report of the Bay Mills Township Zoning Commission	.....	34

## BAY MILLS TOWNSHIP ZONING ORDINANCE

An ORDINANCE to establish zoning districts and regulations in Bay Mills 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; to provide for a Township Zoning Board and to provide for a Board of Appeals.

THE TOWNSHIP BOARD OF THE TOWNSHIP OF BAY MILLS, CHIPPEWA COUNTY, MICHIGAN, ORDAINS:

### ARTICLE I - PREAMBLE

#### SECTION 1.01 SHORT TITLE

This ordinance shall be known as the Bay Mills 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 land 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, 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 resources, 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 uses 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

For the purpose of this ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory.

### SECTION 2.02 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.

### SECTION 2.03 ACCESSORY USE

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

### SECTION 2.04 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.

### SECTION 2.05 ALTERATIONS

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

### SECTION 2.06 BASEMENT AND CELLAR

- A. A basement is that portion of a building partly below the grade but so located that the vertical distance from 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.

### SECTION 2.07 BED & BREAKFAST

Primarily a family dwelling where lodging with or without meals is furnished for compensation chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.

## SECTION 2.08 BOARDING HOUSE

A dwelling where meals, or lodging and meals, are provided for compensation to three or more persons by prearrangement for definite periods of not less than one week. A boarding house is to be distinguished from a hotel, motel, rooming house, tourist home, a convalescent or nursing home, or a state licensed or state approved residential facility.

## SECTION 2.09 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. This shall include tents, awnings, vehicles whether mounted or not on wheels and situated on private property and used for purpose of a building.

## SECTION 2.10 BUILDING, HEIGHT OF

The vertical distance measured from the grade of the building to the highest point of the roof for flat roofs; to the deck line for mansard roofs; and to the mean height level (between eaves and ridges) for gable, hip and gambrel roofs. Where a building is located upon a terrace, the height may be measured from the average ground level of the terrace at the building wall. No building shall exceed 30' in height.

## SECTION 2.11 CABIN

Any building or structure which is maintained, offered or used for overnight sleeping quarters, temporary occupancy by transients, or for temporary quarters for purposes of hunting and recreation.

## SECTION 2.12 CABIN CAMP OR RESORT

Any site, lot, tract or parcel of land on which two (2) or more cabins for temporary living arrangements.

## SECTION 2.13 CONDOMINIUM, RESIDENTIAL

Individual ownership of a dwelling unit in a multiple-family development.

## SECTION 2.14 DWELLING UNIT

A house or a building or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one family, either permanently or transiently, but in no case shall a travel trailer coach, automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings.



## SECTION 2.15 DWELLING, SINGLE-FAMILY

A single-family dwelling means a building containing not more than one dwelling unit designed for residential use, complying with the following standards:

- A. It complies with the minimum square footage requirements of this chapter for the zone in which it is located.
- B. It complies with all building code requirements.
- C. It is firmly attached to a permanent foundation constructed on the site in accordance with the building code. If the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the state mobile home commission.
- D. If the dwelling unit is a mobile home it shall be installed with the wheels removed and no towing mechanism, undercarriage or chassis shall be exposed.
- E. The dwelling is connected to the public sewer and water system or to such private facilities approved by the local health department.
- F. The dwelling is aesthetically compatible in design and appearance with other residences in the area and shall have two exterior doors with the second one being in either the rear or side of the dwelling.
- G. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to the mobile home shall be of a type and quality conforming to the Mobile Home Construction and Safety Standards as promulgated by the United States Department of Housing and Urban Development (being 24 CFR, 3280), and as from time to time such standards may be amended. Additionally, all dwelling shall meet or exceed all applicable roof snow load and strength requirements.
- H. All construction required in this chapter shall be commenced only after a building permit has been obtained in accordance with all applicable building codes provisions and regulations.

## SECTION 2.16 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.

## SECTION 2.17 ESSENTIAL SERVICES

The erection, construction, alteration or maintenance of public utilities or municipal departments or commissions, of underground or overhead, gas, electrical, steam or water transmission or distribution system, collection, communication, supply or disposal system,

including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

#### SECTION 2.18 FAMILY

- A. One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single nonprofit housekeeping unit, plus no more than two additional persons such as "boarders."
- B. A collective body of persons living together as a household, whose relationship is of a permanent and distinct domestic character based upon birth, marriage or other domestic bond and cooking in a single housekeeping unit. This definition shall not include a group of individuals whose association is temporary in character or nature, including a federation, group, coterie or organization. This definition also shall not include a group occupying a hotel, club, boarding house, rooming house, fraternity house, sorority house or foster care facility.

#### SECTION 2.19 FARM

All of the un-platted contiguous, neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm, hereunder shall include a contiguous un-platted parcel of not less than twenty (20) acres in area; provided, further, that greenhouses, nurseries, orchards, apiaries, chicken hatcheries, poultry farms and similar specialized agricultural enterprises may be considered as farms; but 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 hereunder unless combined with and constituting only a minor part of bona fide farm operations on the same continuous tract of land. Nor shall premises operated as fertilizer works, bone yards, or for the reduction of animal matter, or for the disposal of garbage, sewage, rubbish, offal or junk constitute a farm hereunder.

#### SECTION 2.20 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 the pursuit of agricultural activities.

#### SECTION 2.21 FARM DWELLING

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

#### SECTION 2.22 GARAGE, PRIVATE

A space or structure suitable for the storage of motor vehicles having no public shop or service in connection therewith, for the use solely of the owner or occupant of the principal building on a lot, or his family of domestic employees.

#### SECTION 2.23 GARAGE, PUBLIC

A space or structure other than a private garage for the storage, care, repair or refinishing of motor vehicles; provided, however, that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered as a public garage for the purpose of this chapter.

#### SECTION 2.24 HIGHWAY

Any public thoroughfare in the Township road system, including county, federal and state roads and highways.

#### SECTION 2.25 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 such as is produced by such home occupation, and provided further, that there is not external display of such articles. Clinics, hospitals, barber shops, tea rooms, tourist homes, animal hospitals, animal boarding establishments, or the production of any kind of livestock shall not be deemed home occupation.

#### SECTION 2.26 HOTEL

A building occupied as a more or less temporary abiding place for individuals who are lodged with or without meals in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan and in which there are more than five sleeping rooms.

#### SECTION 2.27 JUNK

Any motor vehicles, machinery, appliances, product, merchandise with parts missing, or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

#### SECTION 2.28 JUNK YARD

Automobile wrecking yards, salvage areas or any area of more than 200 square feet for the storage, keeping or abandonment of junk; including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof. The term does not include uses established entirely within enclosed buildings.

SECTION 2.29 LOT

The parcel of land on which one (1) principal building and its accessory buildings are located or intended to be located together with any open spaces required by this ordinance.

SECTION 2.30 LOT AREA

The total horizontal area within the lot lines of a lot. For lots fronting or lying adjacent to private streets, lot area shall be interpreted to mean that area within lot lines separating the lot from the private street, and not the centerline of such street.

SECTION 2.31 LOT, CORNER

A lot of which at least two adjacent sides abut for their full length upon a street, provided that such two sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through the extreme point of the street line of such lot make an interior angle of not more than 135 degrees, it is a corner lot. In the case of a corner lot with curved street line, the corner is that point on the street lot line nearest to the point where the tangents described above intersect.

SECTION 2.32 LOT, COVERAGE

The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures.

SECTION 2.33 LOT, DEPTH

The mean horizontal distance from the center of the front street line to the center of the rear lot line.

SECTION 2.34 LOT, DOUBLE FRONTAGE

A lot other than a corner lot having frontage on two streets. In the case of a row of double frontage lots, one street will be designated as the front street for all lots in the plat and in the request for a building permit. If there are existing buildings in the same block fronting on one or both of the streets, the required minimum front yard setback shall be observed on those streets where buildings presently front. This is also known as a through lot.

SECTION 2.35 LOT, LINES

The boundary lines of a lot.

- A. Lot Line, Front. In the case on an interior lot abutting on one public or private street, the front lot line shall mean the line separating the lot from such street right-of-way. In the case of a corner or double frontage lot, the front line shall be that line separating such lot from the street which is designated as the front street in the plat and/or in the request for a building permit.

- B. Lot Line, Rear. The lot line which is opposite and most distant from the front lot line of the lot. In the case of an irregular lot, a line ten feet in length entirely within the lot parallel to and at the maximum distance from the front lot line of the lot shall be considered to be the rear lot line for the purpose of determining depth of the rear yard. In cases where none of these definitions are applicable, the planning commission shall designate the rear lot line.
- C. Lot Line, Side. Any lot line not a front lot line or 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.

#### Section 2.36 LOTS, RECORD

A lot which actually exists in a subdivision plat and as shown on the records of the county Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

#### SECTION 2.37 MOBILE HOME PARK

A parcel or tract of land under the control of a person upon which two or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a park.

#### SECTION 2.38 MOTEL

A series of attached, semidetached or detached rental units which may or may not be independently accessible from the outside parking area, containing bedroom, bathroom and closet space and designed for or occupied primarily for transients. No kitchen cooking facilities are to be provided without the approval of the Township planning commission, with the exception of units for use of the manager and/or caretaker.

#### SECTION 2.39 NONCONFORMING USE OR BUILDING

- A. Nonconforming Use. A use which lawfully occupied a building or land at the effective date of this chapter, or amendments thereto, and that does not conform to the use regulations of the zoning district in which it is located.
- B. Nonconforming Building. A building or portion thereof lawfully existing at the effective date of this chapter, or amendments thereto, and which does not conform to the provisions, e.g., setbacks, height, lot coverage, parking, of this chapter in the zoning district in which it is located.

#### SECTION 2.40 PUBLIC UTILITY

Any person, firm, corporation, municipal department or board duly authorized to furnish and furnishing under municipal regulation to the public, transportation, water, gas, electricity, telephone, steam, telegraph, or sewage disposal and other services.

## SECTION 2.41 RECREATIONAL VEHICLES

- A. Travel Trailer: A vehicular, portable structure built on a chassis, designed as a temporary dwelling for travel, recreation and vacation, having body width not exceeding eight (8) feet and its body length does not exceed thirty-two (32) feet.
- B. Pick-up Camper: A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.
- C. Motor Home: A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- D. Camping Trailer: A canvas or hard shell folding structure, mounted on wheels and designed for travel, recreation and vacation use.

## SECTION 2.42 RECREATIONAL VEHICLE PARK

Any site, lot, field, tract or parcel of land which is utilized by two (2) or more occupied RV either free of charge, or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as a part of the equipment of such recreational vehicle park.

## SECTION 2.43 RESTAURANT

A business located in a building wherein 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 connected therewith 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 food.

## SECTION 2.44 RETAIL COMMERCIAL ESTABLISHMENT

A store, market or shop in which commodities 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.

## SECTION 2.45 ROADSIDE STAND

A 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.

## SECTION 2.46 SETBACK LINES

The minimum horizontal distance required to exist between the front line of the building, excluding steps or unenclosed porches, and the front street or right-of-way line.

#### SECTION 2.47 SIGN, IDENTIFICATION

A sign limited to carrying any or all of the following: name, address, major enterprise or principal product or service offered.

#### SECTION 2.48 SIGN, OFF PREMISE

Any sign which directs attention to a message, or business, commodity, activity, service or product not conducted, sold, or offered upon the premises where the sign is located. These signs may also be known as location signs, billboards, outdoor advertising signs, or general advertising signs.

#### SECTION 2.49 SIGN, OUTDOOR ADVERTISING

Any card, cloth, paper, metal, glass, wood, plaster, stone or sign of other material of any kind, placed for outdoor advertising purposes on the ground or on any tree, wall bush, rock, post, fence, building, structure, or thing whatsoever. The term "placed" as used in the definition of "outdoor advertising sign," and "outdoor advertising structure" shall include erecting, construction, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or other fastening, affixing or making visible in any manner whatsoever. The following shall be excluded from this definition:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations.
- B. Flags and insignia of any government.
- C. Legal notices, identification, informational, or directional signs erected or required by governmental bodies.
- D. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.
- E. Signs directing and guiding traffic and parking on private property but bearing no advertising matter.

#### SECTION 2.50 STORY

That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" shall be deemed a full story when it covers more than 50 percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is 24 feet or more. A basement or cellar shall be counted as a story if more than 50 percent of its height is above the level from which the height of the building is measured, or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servant employed in the building or a member of a family occupying the building.

#### SECTION 2.51 STORY, HALF

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

#### SECTION 2.52 STREET

A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, land, boulevard, highway, road, and other thoroughfare, except an alley.

#### SECTION 2.53 STRUCTURE

Anything constructed or erected which requires permanent location on the ground or attachment to something having such location.

#### SECTION 2.54 TAVERN

Any place where alcoholic beverages are sold for consumption on the premises is defined as a tavern for the purpose of this ordinance.

#### SECTION 2.55 TENT

As employed by this ordinance, the term "tent" shall not include any tent used solely for children's recreational purposes.

#### SECTION 2.56 USE

The purpose for which land or a building thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied or maintained.

#### SECTION 2.57 YARD

A space open to the sky and unoccupied or unobstructed, except by encroachments permitted by this ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

- A. Front Yard: A front extending across the full width of the lot between the front lot line and the nearest line of the main building.
- B. Rear Yard: A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.
- C. Side Yard: 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.



## 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 pertaining thereof.

### SECTION 3.02 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 the section lines indicated on the United States Land Office Survey Maps, or lines of customary subdivision of such sections 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 or legal records on the date of enactment of this ordinance; or the extension of said lines.

### SECTION 3.03 CONFLICTING LAWS, ORDINANCES, REGULATIONS AND RESTRICTIONS

It is not intended by this ordinance to repeal, abolish, 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 intended by 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 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 USE OF NON-CONFORMING LAND, BUILDINGS AND STRUCTURES

- A. At the discretion of the owner, the lawful use of any building, structure, land or premises existing prior to the effective date of this ordinance, although the use does not conform to the provisions of this ordinance, may be continued, and such use of any building may be extended throughout said building, provided no structural changes be made therein, except those required for safety.
- B. Wherever the non-conforming use of any building, structure, land or premises is changed in whole or in part to a conforming use, such use shall not thereafter be reverted to any non-conforming use.

- C. If the non-conforming use of any building, structure, land or premises or part thereof is discontinued through vacancy, lack of operations or otherwise for a continuous period of twelve (12) months, then any future use of said building, structure, land or premises shall conform, in its entirety, to the provisions of this ordinance.
- D. Non-conforming lots of record shall be deemed buildable in accordance with all setback and lot coverage requirements.

#### SECTION 3.05 RECONSTRUCTION OF DAMAGED NON-CONFORMING BUILDINGS AND STRUCTURES

Nothing in this ordinance shall prevent the reconstruction, repair or restoration and the continued use of any non-conforming building or structure damaged by fire, collapse, explosion, acts of God, or acts of the public enemy, subsequent to the effective date of this ordinance, wherein the expense of such reconstruction does not exceed sixty (60) percent of the fair market valuation of the building or structure at the time such damage occurred; as recorded for in the county equalization records, provided that such valuation be approved by the Zoning Board of the property, and provided, further, that said use be identical with the non-conforming use permitted and in effect at the time of said damage.

#### SECTION 3.06 REPAIR, ALTERATION AND COMPLETION OF NON-CONFORMING BUILDINGS AND STRUCTURES

- A. 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.
- B. Nor shall anything in this ordinance require any change in the plans, construction or intended use of a building for which plans have been prepared heretofore and the construction of which shall have been diligently prosecuted within one (1) month of the date of passage of this ordinance, and which the exterior has been completed within twelve (12) months after date of passage of this ordinance.
- C. In any case where plans and specifications for a building or structure have been filed which would conform with the zoning regulations effective at the date of such filing but not with the regulations of this chapter, and where a building permit for such building or structure has been issued and construction work started at the effective date of this chapter, such work may proceed provided it is completed within one year of such date.

#### SECTION 3.07 YARD AND AREA REQUIREMENTS - GENERAL

- A. Where a lot abuts upon an alley, one-half (½) of the width of said alley may be considered a part of such 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.

SECTION 3.08 LIMITATIONS OF DWELLING PER LOT

Only one seasonal or year-round dwelling shall be erected on a lot or parcel of land.

SECTION 3.09 VEHICULAR PARKING SPACE, ACCESS THERETO AND LIGHTING THEREOF

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishments hereafter erected or altered, and located on a public highway, road or street in the unincorporated portions of the Township, and including buildings 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 in general adequate for the parking or loading of vehicles in proportions shown on the following table and such space shall be provided with safe exit to and safe entrance from the public thoroughfare, but not to exceed one (1) such exit and entrance. Said exit and entrance may be combined or provided separately. Approval for the location of such exit and entrance shall be obtained from the Michigan Department of Transportation (MDOT) for all trunk line highways and from the County Road Commission for all other roads and highways in the Township, which approval shall also include the design and construction thereof in the interests of safety, adequate drainage, and other public requirements. A minimum of two-hundred (200) square feet, exclusive of drives, entrances and exits shall comprise one (1) automobile space. All parking space as required in this section, except that required for dwelling, shall be provided with adequate artificial lighting between any time extending from one-half (½) hour before sunset when the use of such space is open to the public.

<u>USE</u>	<u>MINIMUM NUMBER OF SPACES PER UNIT</u>
A. Banks, business offices, and professional offices of architects, engineers, lawyers and similar professionals.	One for each three hundred (300) square feet of usable space.
B. Barber shops and beauty parlors.	One for each beauty or barber shop chair.
C. Bowling alleys.	Four for each bowling lane.
D. Churches, theatres, auditoria.	One for each four (4) seats.
E. Community clubs, dance hall, fraternal organizations, private clubs.	One for each two hundred (200) square feet of usable floor space.
F. Dwellings.	Two for each family.
G. Hospitals, clinics, and similar establishments.	One for each four (4) beds, and one for each two (2) employees and/or staff members.

- H. Laundromats. One for each two (2) wash machines.
- I. Professional offices: doctors, dentists, and similar professions (Cf. Section 4.08). One for each two hundred (200) square feet of usable floor area, and not less than four (4) spaces, whichever is greater.
- J. Restaurants, taverns and similar establishments for sale and service of food and drinks. One for each two hundred (200) square feet of usable floor space.
- K. Retail stores. One for each two hundred fifty (250) square feet of usable floor space.
- L. Tourist, boarding and lodging homes. One for each guest room.

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, as hereinbefore provided, to avoid undue interference with public use of the public highway.

### 3.10 TEMPORARY DWELLING STRUCTURES

A. No building, recreational vehicle, tent, garage, cellar, basement or other structure which does not conform to the provisions of this ordinance relative to dwellings shall be erected, altered or moved upon any premises and used for dwelling purpose except under the following applicable limitations.

1. Such use of any such building, garage, cellar, basement, or other structure shall not be hazardous to health, safety or the public welfare.
2. The location of each such building, garage, cellar, basement, or other structure shall conform to the regulations governing the yard requirements, 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 six (6) months beginning with the date of issuance of the permit thereof.
4. Application for the erection, movement, alternation and use of such building, recreational vehicle, tent, garage, basement, or other structure shall be made to the Township as provided by Section 11.03 of this ordinance. Upon the filing of such application, the Township shall refer the application to the zoning Board for approval under the procedures and provisions of Article X of this ordinance for the granting of non-conforming use permits. 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 penalty pertaining thereto. No permit shall be transferable to any other person.

Appropriate application forms for such permits will be furnished by the Township upon the payment of a fee as set by the Township which fee is not subject to refund.

### 3.11 CABINS AND CABIN CAMPS

No parcel of land or premises shall be used for cabin camps, and no cabin shall be erected, altered or moved upon any land or premises without compliance with the following regulations.

- A. The location and operation of such camp shall not tend to produce noise or annoyance or prove otherwise injurious to the surrounding area nor threaten to the public health, safety or general welfare of the community, nor be contrary to the purposes of this ordinance.
- B. Each cabin shall provide no less than sixty (60) square feet of floor area for each occupant, but no cabin shall contain less than one hundred twenty (120) square feet of floor area for sleeping quarters exclusive of any space for indoor toilets or other facilities. Said area may be based upon overall dimensions at the cabin floor level exclusive of porches or other attached structures.
- C. Each cabin shall abut or face on a driveway or unoccupied space of not less than twenty-five (25) feet in width, which space shall have unobstructed access to a public thoroughfare. There shall be a space of no less than ten (10) feet between every cabin and any other cabin and any property line of the parcel of land or premises in which the cabin is located.
- D. Cabins will conform to County Health Regulations.
- E. Applications for a permit to erect such a camp shall be made to the Township as provided by Section 11.03 of this ordinance, who shall refer the same to the Zoning board for approval under the procedures and provisions of Article X of this ordinance for the granting of non-conforming use permits. The application shall show the location and extent of the proposed camp, the size, location and yard space for each cabin and other building or structure to be erected on the land or premises, and such additional information as the Zoning Board may deem essential to take proper action on the application.

### 3.12 RECREATIONAL VEHICLE PARK

No parcel of land or premises shall be used for a recreational vehicle park without compliance with the following regulations:

- A. The location and operation of such a park shall not produce noise or annoyance or prove otherwise injurious to the surrounding area, nor threaten the public health, safety, or general welfare of the community, nor be contrary to the purposes of this ordinance.
- B. Application for a conditional use permit to erect such a park shall be made to the Township as provided by Section 12.04 of this ordinance who shall refer the same to the Zoning Board for approval under the procedures and provisions of Article X of this ordinance for the granting of non-conforming use permits. The application shall show the location and extent of the proposed parks, and such additional information as the Zoning Board may deem essential to take proper action on the application. The proposed recreational vehicle park shall conform to State and County Health Department Regulations.

### SECTION 3.13 COMBINATION BUSINESS USES AND STRUCTURES

No parcel of land or premises shall be used for a combination recreational vehicle and cabin camp without compliance with the applicable regulations of 3.11 and 3.12 of this ordinance.

### SECTION 3.14 COMBINATION BUSINESS AND DWELLING BUILDINGS AND STRUCTURES

Each building or structure used for combined dwelling and business purposes shall provide an area of not less than four hundred eighty (480) square feet for that part used for dwelling purposes.

### SECTION 3.15 WATER SUPPLY

Every living unit shall have available supply of water obtained from an approved public or municipal supply, if available, if not, an approved well. Recreational vehicles, tents and cabins need not have water supply, but if such exists, it must be approved.

### SECTION 3.16 GENERAL STANDARDS

- A. Sewage Disposal: Every building or structure hereafter erected on any premises and used in whole or in part for human occupancy shall be provided with an approved system of sewage and waste disposal.
- B. Inadequate Soil Conditions: Where soil conditions are inadequate for the erection and maintenance of a safe sewage disposal system, special means shall be provided to safeguard health conditions, which means shall be approved by the Chippewa County Health Department.
- C. Interior Plumbing: The installation of all interior plumbing work shall comply with Articles 1 to 11 inclusive of the Michigan State Plumbing Code.

### SECTION 3.17 LOCATION OF HIGHWAY SETBACK LINES

- A. Setback lines on highways on the effective date of this ordinance shall be twenty-five (25) feet from the right-of-way of the highway.
- B. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard setback line of either road.

### SECTION 3.18 BUILDINGS AND STRUCTURES RELATIVE TO SETBACK AREAS

- A. No building of any kind, shall be hereafter constructed, erected or moved into the space within such setback lines. Except as herein provided, no building presently existing with such setback lines, shall be renewed or replaced hereafter in any way, except outside the setback lines.

- B. When any highway or part thereof is officially adopted into the Chippewa County road or the Michigan State trunk line system, lands adjoining such highways shall automatically be subject to the provisions of this ordinance.

## **ARTICLE IV - DISTRICTS**

### **SECTION 4.01 ZONING DISTRICTS**

- A. For the purpose of this ordinance, BAY MILLS Township is hereby divided into four (4) zoning districts to be known as Residential District; Waterfront Residential; Agricultural, Forest and Recreation District; and General Business District, the locations of which are shown upon the attached zoning map.
- B. If all or any portion of any public street, alley, right-of-way easement or land which is not included in any area shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zoning district immediately adjacent thereto, or within the most restricted of the immediately adjacent areas, if there be more than one.

### **SECTION 4.02 DISTRICT MAPS**

The areas assigned to these districts, the designation of same and the boundaries of said districts shown upon the map hereto attached and made a part of this ordinance, are hereby established, said map being designated as the "Zoning Map of Bay Mills, Chippewa County, Michigan," and said map and the proper notations, references and other information shown thereon, shall be as much a part of this ordinance as if the matters and information set forth by said map were fully described herein.

## **ARTICLE V - RESIDENTIAL DISTRICT**

The following regulations shall apply to Residential District.

### **SECTION 5.01 USES PERMITTED**

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

- A. Detached one-family and two-family dwellings.
- B. Recreational vehicle or tent temporarily located on the property by the owner, for owners use for recreational purposes.



- C. Cabins as defined in Section 2.11, Article II.
- D. Home occupations; provided, however, that there be no external evidence of such occupation except a name plate not exceeding four (4) square feet in area and provided, further, that the occupation does not require or effect any change in the external character of the dwelling.
- E. Churches; schools; publicly-owned buildings, public utility buildings, telephone exchanges and substations without service or storage yards; community clubs, country clubs, fraternal lodges and similar civic or social organizations when not operated for profit; land for privately owned and operated parks, picnic groves, golf courses, or similar facility for outdoor exercise and recreation which may not be operated for profit; provided, however, that the use of any such structure or land does not tend to produce objectionable noise or annoyance or prove otherwise injurious to the surrounding neighborhood and is not contrary to the spirit of this ordinance. Application for the location, erection, alteration or use of such land, building or structure shall be made to the Township as provided in Section 12.04 who shall refer the application to the Zoning Board for its recommendation and approval by the Township Board under the provisions and procedures of Article X of this ordinance for the granting of non-conforming use permits.
- F. Accessory uses, buildings, and structures customarily incidental to any of the above permitted uses located on same lot or parcel of land.

#### SECTION 5.02 SIZE OF DWELLING LOTS

Every lot upon which a dwelling is hereafter erected shall be not less than twenty thousand (20,000) square feet in area, with at least three (3) sides having a width of one hundred (100) feet or more. For lots recorded before the effective date of this ordinance, variance may be granted after Health Department requirements are fulfilled.

#### SECTION 5.03 YARD SETBACKS

- A. Front Yard: Setback lines on highways on the effective date of this ordinance shall be twenty-five (25) feet from the right-of-way of the highway. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard setback line of either road.
- B. Side Yard: There shall be a side yard having width of not less than ten (10) feet, except where adjoining a highway in which case Front Yard Regulations shall prevail.
- C. Back Yard: There shall be a back yard setback of not less than twenty-five (25) feet.

#### SECTION 5.04 FLOOR AREA OF DWELLINGS

No dwellings, except accessory dwellings, shall be erected or altered which provides less than four hundred eighty (480) square feet of floor area at the first floor level, exclusive of any garage areas or area in any accessory building.

SECTION 5.05 HEIGHT REGULATIONS

No other building hereafter erected or altered shall exceed thirty (30) feet in height overall.

SECTION 5.06 SIGNS, OFF PREMISE

Off premise signs are not permitted in the Residential District

**ARTICLE VI - WATERFRONT RESIDENTIAL DISTRICT**

The following regulations shall apply to the Waterfront Residential District.

SECTION 6.01 WATER FRONT RESIDENTIAL DISTRICTS

- A. Plans for any structure permitted under this section proposed to be erected within one hundred (100) feet of the water, defined as elevation six hundred (600) feet according to the International Great Lakes Datum for Lake Superior, shall be submitted to the Zoning Board for approval before issuance of building permit.
- B. The plans for any structure permitted under this Article proposed to be placed at a minimum distance of less than 50 feet from the established shoreline of an inland lake shall be submitted to the Zoning Board for approval as provided in Article X prior to the issuance of the building permit.

SECTION 6.02 USES PERMITTED

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

- A. Detached single family dwelling.
- B. Recreational vehicle or tent temporarily located on the property by the owner, for owners use for recreational purposes.
- C. One cabin per parcel.
- D. Home occupations; provided, however, that there be no external evidence of such occupation except a name plate not exceeding four (4) square feet in area and provided, further, that the occupation does not require or effect any change in the external character of the dwelling.
- E. Churches; schools; publicly-owned buildings, public utility buildings, telephone exchanges and substations without service or storage yards; community clubs, country clubs, fraternal lodges and similar civic or social organizations when not operated for profit; land for privately owned and operated parks, picnic groves, golf courses, or similar facility for outdoor exercise and recreation which may not be operated for

profit; provided, however, that the use of any such structure or land does not tend to produce objectionable noise or annoyance or prove otherwise injurious to the surrounding neighborhood and is not contrary to the spirit of this ordinance. Application for the location, erection, alteration or use of such land, building or structure shall be made to the Township as provided in Section 12.04 who shall refer the application to the Zoning Board for its recommendation and approval by the Township Board under the provisions and procedures of Article X of this ordinance for the granting of non-conforming use permits.

- F. Accessory uses, buildings, and structures customarily incidental to any of the above permitted uses.

#### SECTION 6.03 SIZE OF DWELLING LOT

Lots upon which a dwelling and/or cabin are erected shall not be less than twenty-five thousand square feet in area, with the waterfront side having at a minimum of 100 feet along the waters edge.

#### SECTION 6.04 SETBACKS

- A. Front Yard: Setback lines on highways on the effective date of this ordinance shall be twenty-five (25) feet from the right-of-way of the highway. Where a lot is located at the intersection of two or more roads or highways, there shall be a front yard setback on each road or highway side of each corner lot. No accessory building shall project beyond the front yard setback line of either road.
- B. Side Yard: There shall be a side yard having width of not less than ten (10) feet, except where adjoining a highway in which case Front Yard Regulations shall prevail.
- C. Back Yard: There shall be a back yard setback of not less than twenty-five (25) feet.

#### SECTION 6.05 LOT COVERAGE

Maximum lot coverage of all structures in the Waterfront Residential District shall not exceed 25 percent of the lot/parcel.

#### SECTION 6.06 FLOOR AREA OF DWELLINGS

No dwellings, except accessory dwellings, shall be erected or altered which provides less than seven hundred (700) square feet of floor area at the first floor level, exclusive of any garage areas or area in any accessory building.

#### SECTION 6.07 SIGNS, OFF PREMISE

Off premise signs are not permitted in the Waterfront Residential District.

## ARTICLE VII -AGRICULTURAL, FOREST, RECREATION DISTRICTS

The following regulations shall apply to all Agricultural, Forest, Recreation Districts.

### SECTION 7.01 USES PERMITTED

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

- A. Farms, farm dwellings, farm buildings and structure, including roadside stands, home occupations, and portable sawmills, including roadside signs not larger than eight (8) square feet in area advertising the products or services of said premises.
- B. Tourist homes, boarding houses, lodging houses, cabins, cabin camps, recreational vehicle park, campgrounds, and motels.
- C. All structures permitted in Article V.
- D. Fire control structures, airfields and ports, stone quarries, gravel or sand pits, churches, schools, publicly-owned buildings, hospitals and institutions of similar nature, telephone exchanges and substations, community clubs, country clubs, fraternal lodges, and similar civic or social organizations when not operated for profit, land for parks, picnic groves, golf courses, and similar facility for outdoor exercise and recreation; provided, however, that the use of any such building, structure or land does not tend to produce noise or annoyance or prove otherwise injurious to the surrounding neighborhood and is not contrary to the purpose of this ordinance as set forth in the Preamble. Application for the location, erection, alteration, or use of such land, building or structure shall be made to the Township as provided in Section 11.03 who shall refer the application to the Zoning Board for its recommendation and approval by the Township Board under the provisions and procedures of Article X of this ordinance for the granting of non-conforming use permits.
- E. Accessory uses, buildings and structures incidental to any of the above permitted uses, including dwellings for the use of domestic employees, farm labor, or tenants of the owner or lessee of the principal dwelling on the lot or farm.

### SECTION 7.02 FLOOR AREA OF DWELLINGS AND REQUIRED LOT SIZE

- A. No permanent dwelling shall be erected or altered which provides less than six hundred (600) square feet or floor area at first floor level, exclusive of any garage area, or area of any accessory or attached structure.
- B. Every lot upon which a dwelling is hereafter erected shall be not less than five acres in area.

SECTION 7.03 SIGNS, OFF PREMISE

Off premise signs are not permitted in the Agricultural District.

**ARTICLE VIII - GENERAL BUSINESS DISTRICT**

SECTION 8.01 REGULATIONS

The following regulations shall apply to industrial areas. Industrial uses will be considered by the Zoning Board on an individual basis as provided in Article X.

SECTION 8.02 USES PERMITTED

- A. All uses permitted in Residential Districts and in Agricultural, Forest, Recreation Districts.
- B. Stores and shops for the conducting of retail business.
- C. Offices, offices and showroom of a plumber, electrician, decorator or similar trade.
- D. Personal service shop.
- E. Banks, hotels, restaurants, catering establishments, recreation facilities, and public-owned facilities.
- F. Gasoline and oil service stations and garages upon approval of the Zoning Board.
- G. Public utility buildings.
- H. Establishments within a building or structure for the repair, alteration, finishing, assembling, fabrication, or storage of goods primarily for the residents of the locality or for sale at retail on the premises, provided there is not in connection therewith the operation of any activity or the storage or display of goods in such manner as to be obnoxious or offensive by reason of the emission of odors, fumes, dust, smoke, waste, noise or vibration.
- I. Recreational Vehicle Park as Conditional Use.
- J. Lumber and building material storage provided such use is entirely enclosed within a building.
- K. Advertising signs only when pertaining to the sale, rental or use of the premises on which it is located or to goods sold or activities conducted thereon or when serving primarily as a directional sign or legal notice. Only one such sign is permitted on a lot when not attached to a building. Such signs shall not exceed thirty-five (35) square feet in area of display surface, and shall not exceed seven feet in length.

- L. New and used automobile sales and showrooms totally enclosed within a building.
- M. Automobile car wash establishments when completely included within a building; provided further that off-street parking space for at least five automobiles is provided.

SECTION 8.03 BUILDING HEIGHT

In General Business Districts there shall be no front yard required for business establishments. No building used exclusively as a dwelling shall be erected or altered on any lot in a General Business District unless the same shall comply with the requirements for Residential Districts as set forth in Section 3.17.

SECTION 8.04 REAR YARDS

In General Business Districts there shall be a rear yard of a depth of not less than ten feet.

SECTION 8.05 CORNER CLEARANCE

In General Business Districts no building or structure may be erected between the ROW lines of intersecting streets or roads and a line joining points on such lines ten feet distant from their point of intersection, or in the case of a rounded corner the point of intersection of their tangents.

SECTION 8.06 LOTS, NONCONFORMING

Nonconforming lots of record shall be deemed buildable in accordance with all setback and lot coverage requirements.

**ARTICLE IX - SITE PLAN REVIEW**

SECTION 9.01

In order to ensure the safe and efficient movement of traffic, promote the development of a well-ordered community, further the master plan, and best serve the interests of public health, safety and general welfare, no public, professional, commercial, industrial or nonresidential structure or use of land and no multi-family dwelling use shall be permitted, nor shall any zoning permit required to be issued under this Zoning Ordinance for such uses be issued, until the following procedure has been complied with:

- A. Upon application to the Township for a zoning permit, the applicant shall submit a complete set of site plans, which may be schematic preliminary plans. The plans shall be drawn to scale of not less than one (1") equals (50) feet, showing the size, shape and location of existing and proposed buildings, accessory buildings and structures, location and layout of parking areas, pedestrian walks, driveways, grades, drains, landscaping, fences, and any other information deemed necessary by the Planning Commission, the dimensions and acreage of each lot to be built upon, and other such information as required and as may be necessary to enable the Planning Commission

to determine whether the proposed structure and use of land will conform to the provisions of this Zoning Ordinance.

- B. The Planning Commission shall, within sixty (60) days of receipt of the site plans deny, approve, or approve with conditions.
- C. The absence of action on the part of the Planning Commission within the specified time shall constitute approval of the site plan, and the Township shall proceed on the basis of such approval provided all other requirements of this Zoning Ordinance and other local and State laws.

#### SECTION 9.02 SITE DESIGN STANDARDS

The Planning Commission in reviewing consideration of site plans shall utilize the following standards. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements and are not intended to discourage creativity, invention and innovation.

- A. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance on neighboring developed areas.
- B. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity.
- C. With respect to vehicular and pedestrian circulation, including walkways, interior drives and parking, special attention shall be given to location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of proposed buildings and structures and the neighboring properties.
- D. Special attention shall be given to proper site surface drainage so that the removal of surface waters will not adversely affect neighboring or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an efficient and approved manner. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas.
- E. Electric and telephone lines shall be underground where practicable. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighboring properties and the site.
- F. The size, location, lighting and materials of all signage and outdoor advertising structures or features shall not detract from the design of the proposed buildings and structures and the surrounding properties.

- G. The standards of review outlined above shall also apply to all accessory buildings, structures, freestanding signs and other site features, however, related to the major buildings and structures.

#### SECTION 9.03 ESCROW AGREEMENT

An Escrow Account shall be established for site plan review costs, charging expenses of professionals (planners, engineers, environmental, attorney, etc.) to the developer's Escrow account; initial Escrow Account deposit of \$2,000 for all commercial new development, mobile home parks, residential subdivisions of ten units or more, and industrial projects. If expenses are less than deposit, then refund of principal (excluding interest, if any) will be made after the Site Plan is approved and complete; if the expenses exceed the initial deposit, then additional deposit sums shall be required when necessary. Site Plan approval shall not be granted until all expenses are paid.

Intent: Taxpayers of the Township of Bay Mills should not have to bear the professional fees to establish a developer's Site Plan; whatever costs that are encumbered by the Township for review of the developer's Site Plan(s) should be paid for by the developer.

### **ARTICLE X - NON-CONFORMING USES**

#### SECTION 10.01

The use of any building, structure or land not otherwise permitted under the provisions of this ordinance for non-conforming use which does not tend to constitute a nuisance or prove otherwise injurious to the surrounding neighborhood, and is not contrary to the purpose of this ordinance as set forth in the Preamble or as required in Section 3.06 may be permitted upon proper application and approval as hereinafter provided. Application to permit the location, erection, alteration or use of such land, building or structure shall be made as provided in Section 12.04 to the Township who shall refer the application to the Township Board for its recommendation. The Township Zoning Board shall fix a time for hearing such application and shall give notice thereof by two (2) publications in a newspaper of general circulation; the first to be published 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 such hearing. Upon the hearing, any party may appear in person or by agent or attorney. The Township Zoning Board shall thereupon make written recommendation to the Township Board to grant or to deny the permit or to modify the application as in its opinion ought to be made in the premises. The Township Board at its next regular meeting or special meeting called for that purpose shall either approve or deny the application, and in the event of approval shall authorize the issuance of the permit.



## ARTICLE XI - ADMINISTRATION AND ENFORCEMENT

### SECTION 11.01

The provisions of this ordinance shall be administered by the Township Zoning Administrator.

### SECTION 11.02

The Township Clerk shall prepare and file an annual report with the Township Board on the operation of the Zoning Ordinance including recommendations as to the enactment of any amendments or supplements thereto.

### SECTION 11.03 BUILDING PERMITS

- A. 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 County 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.
- B. All applications for permits shall be submitted in duplicate to the County not less than fifteen (15) 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, altered or moved upon the premises; and the front yard dimensions for the nearest building on both sides of the proposed dwelling or building.
- C. 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 sewage disposal facilities on such adjoining premises.
- D. 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.
- E. Within fifteen (15) days after the receipt of the application, the County shall issue a building 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 this ordinance, and when such permit is refused, he shall state such refusal in writing with cause. The Township Clerk 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.

- F. 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 building permit. Accessory buildings of twenty-five (25) square feet or less are permitted without securing a building permit or land use permit provided that all yard and building requirements are met.
- G. The Township 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 revocation or cancellation in writing by certified mail.
- H. In applicable cases, application shall have been granted by the Chippewa County Health Department for all required sanitary permits prior to the issuance of a permit under this section.

#### SECTION 11.04 COMPLIANCE CERTIFICATE

No dwelling or building, subject to the provisions of this ordinance shall be occupied or used until the Township shall have issued a Certificate of Compliance to the owner or his duly authorized agent. Such certificate shall be applied for at the same time as the application for a building 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. A record of this action, including the date, on the copy of the application retained on file as a record.

### ARTICLE XII - BOARD OF APPEALS

#### SECTION 12.01 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 welfare and safety secured and substantial justice done.

#### SECTION 12.02 PERSONNEL OF BOARD OF APPEALS

As provided by said Act, the Board of Appeals shall consist of three (3) members, the first (1<sup>st</sup>) member of such board shall be the Chairman of the township Zoning Board; the second (2<sup>nd</sup>) member shall be a member of the Township Board appointed by the Township Board; and the third (3<sup>rd</sup>) shall be selected and appointed by the township Board from electors residing in the unincorporated area of the Township, provided, that no elected officer of the Township nor any employee of the Board of Appeals may be members of the Board of Appeals. The Township Board may provide that the Board of Appeals shall have five (5) members, the additional members shall be selected and appointed by the Township Board from among the

electors residing in the unincorporated area of the Township. An additional member shall not be an employee of the Township Board. The member who is a member of the Township Board, appointed by the Township Board shall not serve as Chairman 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 provided 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.

#### SECTION 12.03 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. A minimum of two regular meetings shall be held and open to the public each calendar year. The Board shall maintain a record of its proceedings which shall be filed in the office of the Township Clerk and shall be a public record.

#### SECTION 12.04 JURISDICTION AND APPEALS

- A. The Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning maps, 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 Zoning Board, the Township Board, the Township Clerk 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 decide in favor of the applicant any matter upon which they are required to pass or to effect any variation in this ordinance. Such appeal may be made 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 in writing.
- B. 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 of Appeals, all the papers constituting the record upon which the action appealed from was taken.
- C. An appeal stays all proceedings in furtherance of the action appealed from 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.

- D. The Board of appeals shall fix a reasonable time for the hearing of the appeal and given 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 the powers of the officer from whom the appeal was taken, and may issue or direct the issuance of a permit. When 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.
- E. As a condition for granting variances and permits for special exception uses the Zoning Board of Appeal is hereby granted the authority to prescribe reasonable conditions.

## **ARTICLE XIII - TOWNSHIP ZONING BOARD**

### **SECTION 13.01**

There shall be a Township Zoning Board of five (5) members appointed by the Township Board. The members of said board shall be selected upon the basis of their respective qualifications and fitness to serve as members of a Zoning Board without consideration for their political activities. Of the members first appointed, three (3) shall be appointed for terms of two (2) years each. The other two (2) members shall be appointed for terms of four (4) years each. Each member of said Board shall serve until his successor is appointed and has qualified. Upon the expiration of the terms of the members first appointed, successors shall be appointed in like manner, for terms of four (4) years each. Vacancies shall be filled in the same manner as is provided for the appointment in the first instance for the remainder of the unexpired term. No elected officer of the Township nor any employees of the Township Board shall serve simultaneously as a member or as an employee of the Zoning Board, and no less than a majority of members of such Board shall be electors who reside in and have property assessed for taxes in the unincorporated portions of the Township. Members of the zoning Board shall be removable for non-performance of duty or misconduct in office by the township Board upon written charges and after public hearing.

### **SECTION 13.02**

The Township Zoning Board shall hold a minimum of two (2) regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in such

Township not more than fifteen (15) days nor less than eight (8) prior thereto at which meetings any person having interest in the Township, or their duly appointed representatives, shall be heard relative to any matters that should properly come before the Zoning Board. The Zoning Board shall elect from its members a chairman, a secretary, and any such officers of committees as it may deem necessary, and may engage such employees including technical assistance for periods of one (1) year or less as it may require. The election of officers shall take place every two years.

#### SECTION 13.03

Any necessary expenditures by members of the Township Zoning Board shall be made only after approval by the Township Board.

### **ARTICLE XIV - 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 thereof irrespective of the fact that any one or more sections, subsections, phrases, sentences or clauses be declared invalid.

### **ARTICLE XV - AMENDMENTS**

Amendments or supplements to this ordinance may be made from time to time in the same manner provided in Act 184 of Public Acts of 1943, for the enactment of this ordinance in the first instance.

### **ARTICLE XVI - PENALTIES**

#### SECTION 16.01

Any building or structure which is erected, constructed, reconstructed, altered, converted, maintained or used, or any use of the land or premises which is begun, maintained or changed in violation of any provision of this ordinance are hereby declared to be a nuisance per se. Any person, firm or corporation or the agent in charge of such building or land who violates, omits, neglects or refuses to comply with, or resists the enforcement of any provisions of this ordinance, or any amendment thereof shall be fined upon conviction not more than one hundred dollars (\$100.00) together with the costs of prosecution, or shall be punished by imprisonment in the county jail for not more than thirty (30) days or both such fine and

imprisonment in the discretion of the Court. Each and every day during which an illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. The Township Board or the Township clerk, the Board of Appeals, the Prosecuting Attorney of the County, or any owner or owners of real estate within the district in which such building, structure or land is situated may institute injunction, mandamus or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove any said unlawful erection, construction, alternation, reconstruction, maintenance or use. The rights and remedies provided herein are cumulative and in addition to all other remedies provided by law.

# **BAY MILLS TOWNSHIP ZONING ORDINANCE**

## **Amendment I**

Approved as of February 4, 2002

### **SECTION 2.13 CONDOMINIUM**

That portion of a condominium subdivision 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 a parcel as those terms are used in this ordinance.