Burt Township

Zoning Ordinance

DRAFT

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ZONING ORDINANCE
BURT TOWNSHIP, MICHIGAN

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PREAMBLE

An ordinance to establish Zoning Districts for Burt Township, Michigan; to establish regulations for those Districts; to encourage and regulate the proper use of land; to provide for the administration, enforcement, and penalties for violation; to establish a Board of Appeals and to provide duties for the Board of Appeals and Planning Commission pursuant to the Planning Enabling Act, Public Act 33 of 2008, as amended, which incorporate the powers and duties of a zoning commission pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, and to repeal all inconsistent ordinances.

After careful study of this Ordinance, the Burt Township Planning Commission recommends its adoption to the Burt Township Board and, the Township Board does ordain:

Article 1
TITLE, LEGAL BASIS, PURPOSES, INTERPRETATION AND APPLICATION

Section 1.1 TITLE, LEGAL BASIS, HISTORY & JURISDICTION

1.1.1 Title: This Ordinance shall be known as the Zoning Ordinance of Burt Township or the Burt Township Zoning Ordinance. All Article, Section and other topical headings are for reference only.

1.1.2 Legal Basis: This Ordinance is adopted pursuant to the authority and requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006.

1.1.3 History: The original Zoning Ordinance of Burt Township was adopted October 10, 1995. It was subsequently revised and updated by amendments between 1995 and July 13, 2015.

1.1.4 Jurisdiction: This Ordinance shall apply to all land and water within the unincorporated areas of Burt Township.

Section 1.2 PURPOSES

1.2.1 General Purposes: The Districts and other provisions of this Ordinance are based upon the Master Plan, particularly as it applies to Burt Township. That Master Plan and this Zoning Ordinance are designed to: 1) promote the public health, safety, and general welfare; 2) provide adequate light and air, and protect air and water quality; 3) encourage the use of lands in accordance with their character and adaptability; 4) limit the improper use of land; 5) conserve natural resources and energy; 6) meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; 7) ensure that uses of land are situated in appropriate locations and relationships; 8) avoid population overcrowding; 9) lessen congestion on public streets and highways; 10) reduce hazards to life and property due to fire, flooding, erosion, pollution, or excessive dust, fumes, smoke, noise, vibration, noxious odors or other hazards; 11) prevent the overburdening of public services and utilities; 12) facilitate the provision of adequate systems of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public requirements; 13) conserve the expenditure of funds for public improvements and services; 14) provide advantageous uses of land, resources and properties; 15) conserve land, community character and property values; and 16) prevent nuisances.

1.2.2 Other Purposes: It is not the intent of this Ordinance to legitimize activities which are prohibited by local ordinance, state or federal law. If any portion of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends that portion to be disregarded, reduced and/or revised so as to be consistent with the purposes of this Ordinance to the fullest extent allowed by law.

Section 1.3 INTERPRETATION & APPLICATION

1.3.1 Introduction: In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

A. Authority for Interpretation: The Zoning Administrator is responsible for interpreting the text of this Ordinance in accordance with the standards set forth in this Section and applicable Ordinance standards and requirements, and applicable state law. Interpretations made by the Zoning Administrator may be appealed to the Zoning Board of Appeals pursuant to the requirements of Article 19.
B. Meaning and Intent: All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent, and applicable state and federal law.
C. Text Controls: In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.
D. Statutory References: All references to state law in this Ordinance refer to the Michigan Compiled Laws (MCL), as amended.
E. Computation of Time: In computing a period of time prescribed or allowed by this Ordinance, the following rules apply:
    1. The day of the act or event after which the designated period of time begins to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, or holiday on which the Burt Township Hall is closed for business; in that event, the period runs until the end of the next day that is not a Saturday, Sunday, or holiday on which Burt Township Hall is closed for business.
    2. If a period is measured by a period of weeks, the last day of the period is the same day of the week as the day on which the period begins.
    3. If a period is measured by months or years, the last day of the period is the same day of the month as the day on which the period began. If what would otherwise be the final month does not include that day, the last day of the period is the last day of that month. For example, "2 months" after January 31 is March 31, and "3 months" after January 31 is April 30.
F. Delegation of Authority: Whenever a provision requires the head of a department or another officer or employee of the Township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

1.3.2 Relationship to Other Regulations and Restrictions:

A. This Ordinance is not intended to interfere with or abrogate or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of land, buildings, structures or premises, and not in conflict with this Ordinance.
B. This Ordinance is not intended to interfere with or abrogate or annul any easements, covenants, deeds or other agreements between parties, provided however, that where this Ordinance imposes a more stringent restriction upon the use of land, buildings, structures or

other premises, or upon height of buildings, or requires larger open spaces, or larger lots, or requires mitigating measures or other limitations on a property different from those imposed or required by an easement, covenant, deed or other agreement, then the provisions of this Ordinance shall control in addition to all non-conflicting requirements of an easement, covenant, deed or other agreement.

C. In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed are more stringent than any other law, rule, regulation or ordinance, then the provisions of this Ordinance shall govern. However, if the requirements of any other law, rule, regulation or ordinance impose more stringent requirements than are imposed by this Ordinance, then the provisions of such other law or ordinance shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal law or regulation. Provisions of this Ordinance are not intended to take precedence over Federal laws or over State of Michigan laws if applicable which pre-empt local government ordinances including applicable provisions of the USA RLUIPA, the Michigan Right to Farm Act 93 of 1981 as amended and the Michigan Right to Forest Act 676 of 2002.
D. In the event that the combined effect of the requirements of this Ordinance and any other law, rule, regulation or ordinance so severely limit the use of property subject to this Ordinance that no economically viable use of the property remains and a claim of taking under the Fifth Amendment to the U.S. Constitution could be made, then prior to seeking any redress in a court of law, the property owner shall file a petition with the Township Board for a Practical Difficulty Planned Unit Development under Article 12 of this Ordinance.
E. Meetings of the Burt Township Board, Planning Commission and Zoning Board of Appeals under this Ordinance are subject to the Open Meetings Act, P.A. 267 of 1976, and documents prepared for or retained associated with the administration of this Ordinance are subject to the Freedom of Information Act, P.A. 442 of 1976.

1.3.3 Definitions: Many words, terms and phrases within this Ordinance have a meaning that may be different from their everyday use. Article 2 presents definitions of words, terms, and phrases used within this Ordinance. Section 2.2 presents rules for the interpretation of words and phrases in the Ordinance. Section 4.4 presents definitions of use classes and lists examples of permitted uses. Some Articles have their own set of definitions which apply only in that Article.

Article 2 DEFINITIONS

Section 2.1 PURPOSE

The purpose of this Article is to clarify the meaning of any term used within this Ordinance for which the common definition may not serve the purpose of this Ordinance, or which is not a commonly used term outside of the context of this Ordinance.

Section 2.2 RULES OF CONSTRUCTION

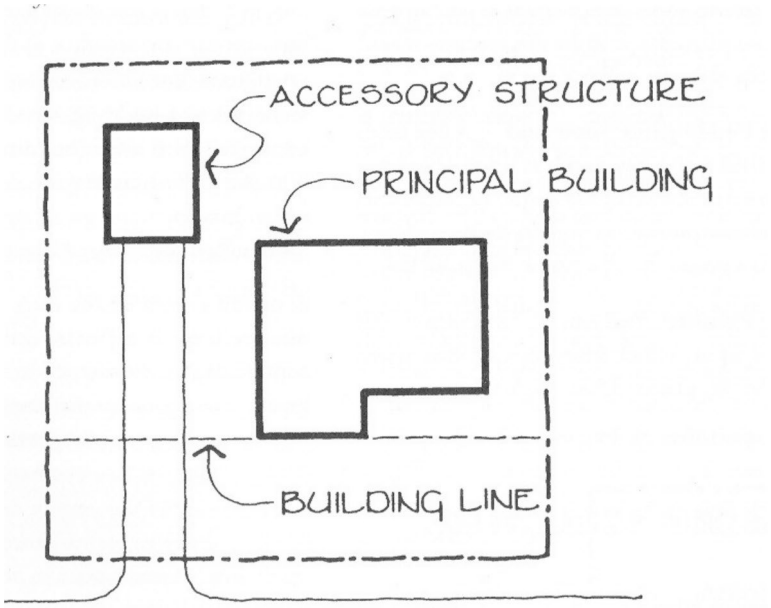
The following rules of construction apply to the text, tables and illustrations of this Ordinance:

A. The particular shall control the general.
B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
E. A "building" or "structure" includes any part thereof.
F. The phrase "used for" or “occupied” includes "arranged for," "designed for," "intended for," "maintained for," or “occupied for."
G. The word "person" includes an individual, a corporation, a limited liability corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either…or," the conjunction shall be interpreted as follows:
    1. "And" indicates that all the connected items, conditions, provisions or events shall apply.
    2. ”Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
    3. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
I. Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language as found in dictionaries, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a particular meaning in law shall be construed and understood according to such meaning.
J. The word “lot” includes the word “plot”, “tract”, or “parcel”.
K. The words “this Ordinance” means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended. The “Township” is Burt Township, State of Michigan; the “Township Board” is the Burt Township Board of Burt Township; the “Planning Commission” is the Planning Commission of Burt Township; the “Board of Appeals” is the Zoning Board of Appeals, or Board of Zoning Appeals of Burt Township.
L. In computing a period of days, see Section 1.3.1(E).
M. All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

Section 2.3 DEFINITIONS

Accessory Building, Structure, Semi -tractor/trailer or portable Storage Container: A temporary or permanent building, structure, customarily incidental and subordinate to the principal building and located on the same lot as the principal building. See Figure 2-1.

Figure 2-1
ACCESSORY STRUCTURE & PRINCIPAL BUILDING RELATIVE TO BUILDING LINE



Accessory Dwelling Unit: An accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (ie, detached) single-family home.

Accessory Use: A use which is clearly incidental to, customarily found in connection with, and (except in the case of some accessory off-street parking spaces or loading) located on the same lot as, the principal use to which it is related. For example, a retail business is not considered customarily incidental to a residential use.

Adult Care: see Community Residential Care Facilities.

Agriculture: Means the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program.

Alley: A dedicated public way, which is not a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

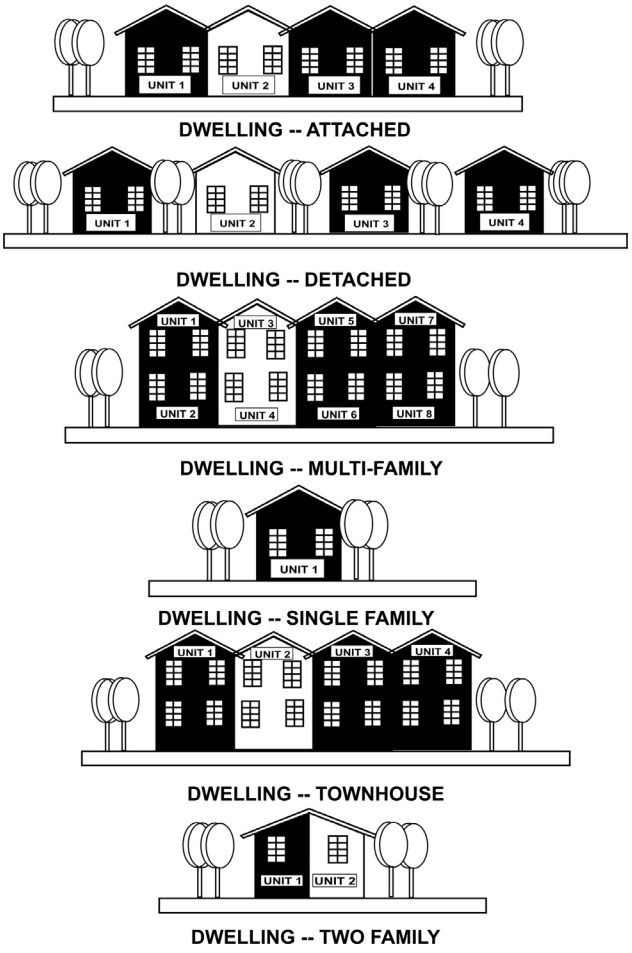
Antenna: A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures for the purpose of communication.

Apartment: A suite of rooms or a room in a multiple-family building, including bath and kitchen facilities, arranged and intended as a place of residence for a single-family.

Applicant: A person who submits an application under one of the procedures set forth in this Ordinance.

Attached Dwelling: A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls. A townhouse is an attached dwelling. See Figure 2-2.

Figure 2-2
DWELLING TYPES



Attic: That part of a building that is immediately below and wholly or partly within the roof framing.

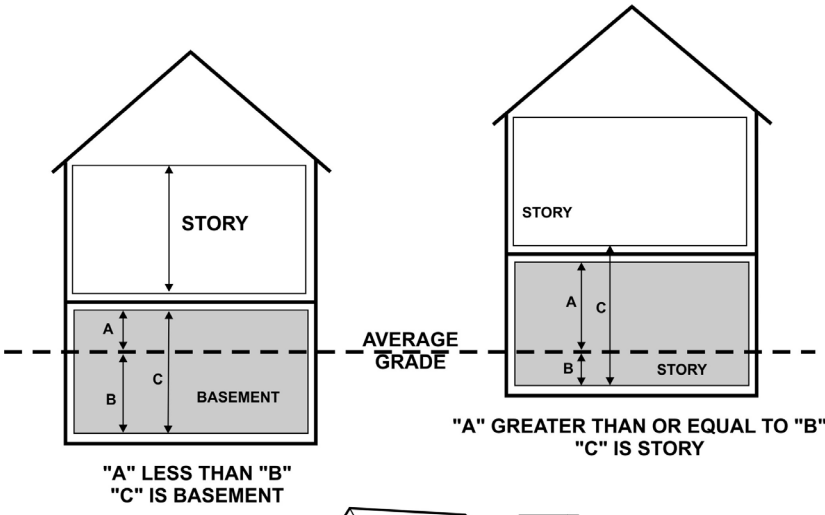
Auto Court: (see Motel).

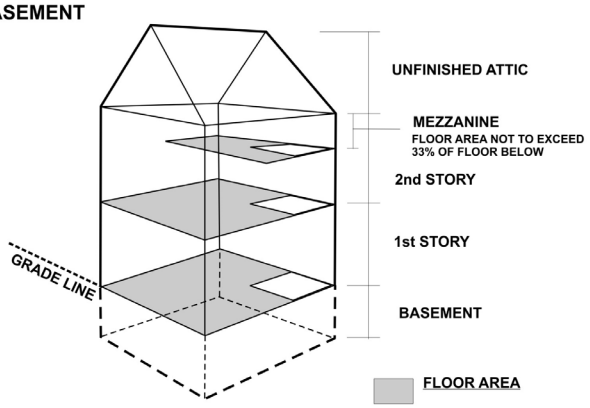
Back Country Shelter (BCS): A single building available for public use, which is associated with trails as provided for in 10.12.35, for providing transient temporary shelter and service for people using the trails. It is a building which is designed only for temporary human occupancy associated with trails and trail easements for outdoor recreation and/or sport, and is not

considered a single-family dwelling unit, which if constructed after the effective date of this Ordinance shall be subject to the conditions and requirements provided for in Article 7, under 7.13.1-A.

Basement: That portion of a building which is partly or wholly below finished 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. A basement shall not be counted as a story (see Figure 2-3). A cellar is a basement. See also definition of “story”. However, any walk-out basement, regardless of average grade, shall be considered a story.

Figure 2-3
BASEMENT AND STORY





BASIC STRUCTURAL TERMS

Bed and Breakfast: A commercial use which is subordinate to the principal use of a building as a single-family dwelling unit, and in which transient guests are provided a sleeping room in return for remuneration. Meals also may be provided.

Bedroom: A room intended for sleeping or placement of a bed separated from other spaces in a dwelling and having a door for ingress with egress meeting applicable egress standards. The following spaces designed to serve another purpose do not qualify as a bedroom: kitchen, dining area, family room, living room, closets and storage areas. Attics or basements without egress meeting applicable egress standards may not be considered a bedroom.

Berm: A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

Boarding House: A commercial use which is subordinate to the principal use of a building as a single-family dwelling unit in which furnished rooms and meals are provided to lodgers on a temporary basis.

Buffer Strip: A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts.

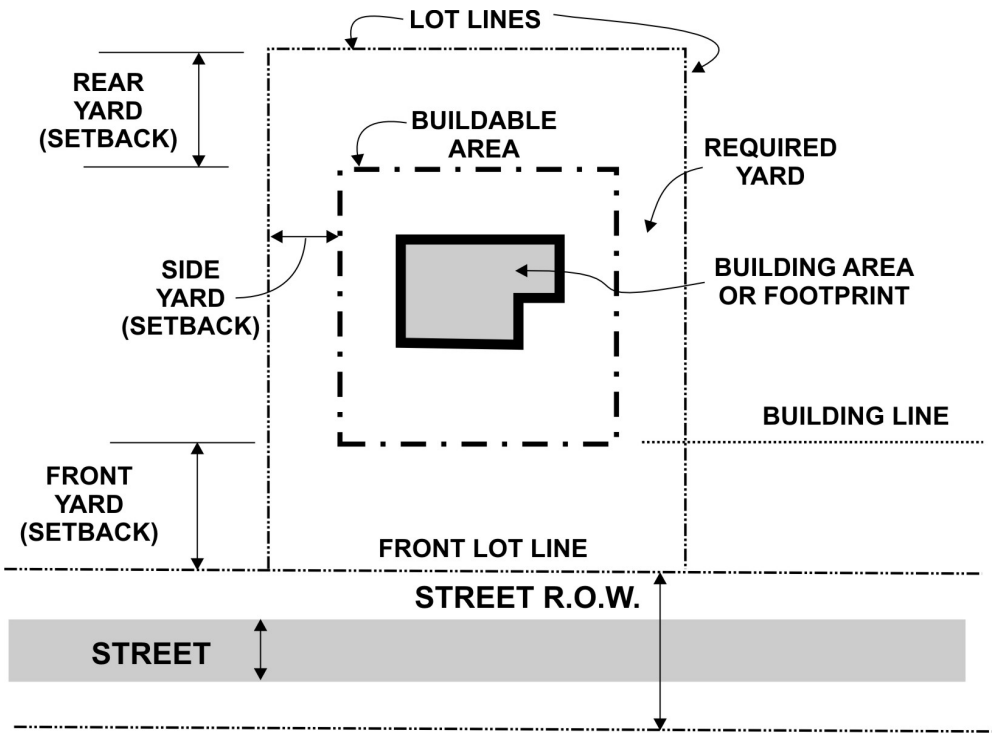
Building Addition to an Existing Building: An enclosed permanent add-on building attachment to an existing permanent building. See Article 7, Section 7.32.

Buildable Area: The portion of a lot remaining after the minimum yard and setback requirements of this Ordinance have been met. See Figure 2-4. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements.

Building: Any structure, either temporary or permanent, having a fixed location and a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of persons, animals, or property of any kind or for the conduct of business. This shall include but is not limited to awnings, mobile homes, inflatable structures, fabric or membrane structures, sheds, garages, greenhouses and other similar structures.

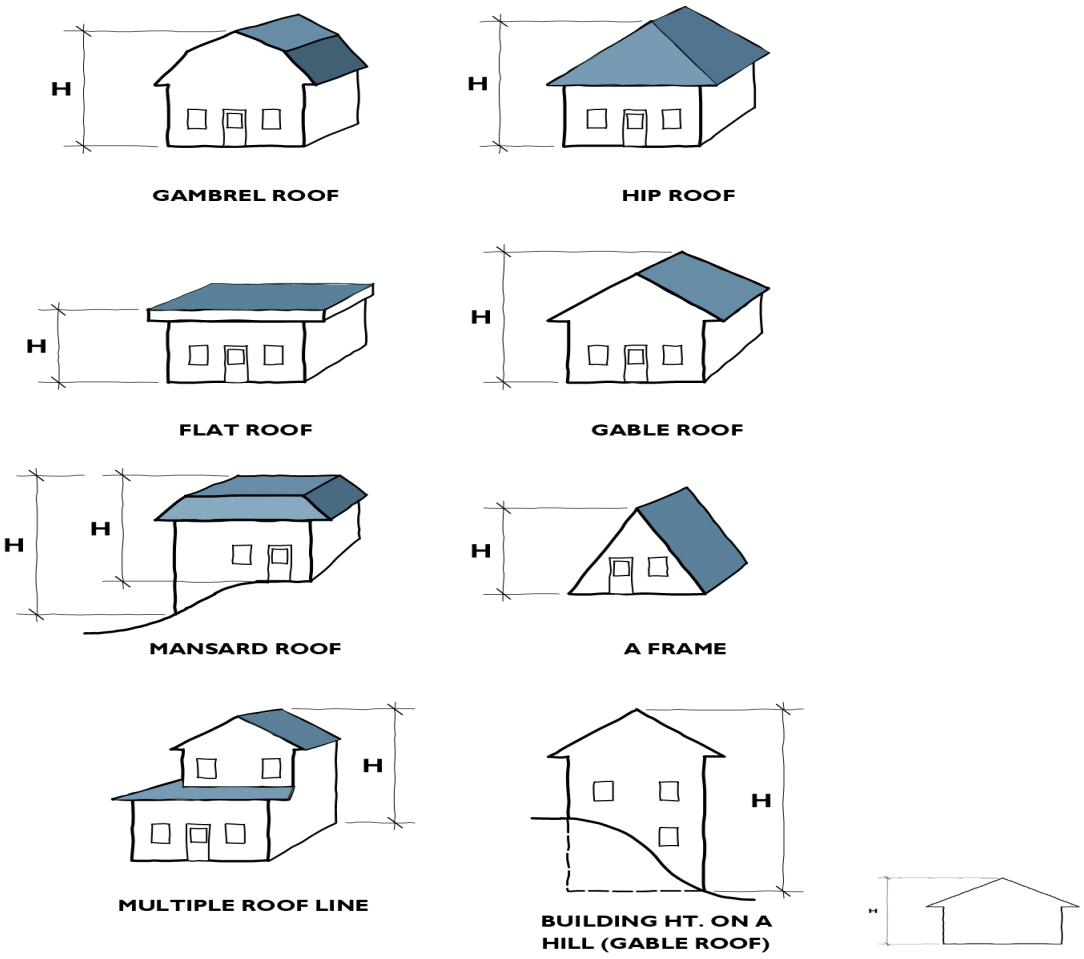
Building Area or Building Footprint: The total horizontal area of the largest story of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, patios and steps. The Pre-existing Permanent Building Footprint (PPBF Option) may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements.

Figure 2-4
BUILDABLE AREA



BUILDING HEIGHT: The vertical distance measured from the highest point of the roof surface of the gable roof ridge line, the parapet height of a flat roof or an A-Frame structure to the average exterior grade of the structure (see fig. 2-5 and fig. 2-6). A cupola, widow's watch, tower or parapet wall that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. See sections 7.10 and 7.11 concerning building height exceptions and building grades. The preexisting permanent building footprint (PPBF option) may allow an extension.

Figure 2-5
BUILDING



HEIGHT

Building Applied Photovoltaics (BAVP): Photovoltaics that are installed onto an existing building or new construction.

Building Integrated Photovoltaics (BIVP): Photovoltaic materials are used to replace conventional building materials in parts of a building envelope, such as the roof, skylights, windows, or facades. These can be a principal or an ancillary source of electric power.

Building Line or Setback Line: A line parallel to a front, side or rear lot line, established for the purpose of prohibiting the erection of a structure between such line and the corresponding lot line. See Figures 2-1 and 2-4. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements. Also see Setback.**Building, Principal:** A building in which the principal use of a lot is conducted. See Figure 2-1.

Bus Shelter: A temporary structure not to exceed 40 square feet on a bus route used only to shelter school children waiting for a school bus.

By Right: A use permitted in a district by action of the Zoning Administrator, without any special review and approval process, or special standards, provided the application demonstrates conformance with all the applicable nondiscretionary standards for that use in that district.

Cabin (Cottage): See Dwelling, Single Family.

Camp or Hunting Camp: A single building designed only for temporary human occupancy that is not considered a single-family dwelling which if constructed after the effective date of this Ordinance, having an approved waste disposal system and with or without pressurized water.

Camp, Organized: A parcel or tract of land with one or more buildings under the control of an organization or business which has buildings that provide meeting spaces, dining facilities, sleeping quarters, and recreational and educational facilities. Organized camps include hunting lodges, ski hill lodges, retreat centers, religious retreats and therapeutic camps and have waste disposal and pressurized water systems approved by the Health Department.

Campground: (includes RV Park): A parcel or tract of land under the control of a person, which has established campsites for two (2) or more recreational units such as tents, camper trailers, travel trailers, recreational vehicles, motor homes, or temporary sleeping quarters of any kind. Campsites may be advertised to the public as available either free of charge or for a fee. A campground does not include a seasonal mobile home park, mobile home park, or manufactured housing community licensed under the Mobile Home Commission Act, P.A. 96 of 1987.

Carport: A partially open structure intended to shelter one or more vehicles. Such structures shall comply with all setback requirements applicable to garages.

Change of Use: A use of a building, structure or parcel of land, or portion thereof which differs from the previous use in the way it is classified in this Ordinance.

Child Care: see Community Residential Care Facilities.

Church: A building wherein persons 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 primary purpose.

Clear Vision Area: Corner areas at intersecting streets, alleys and driveways in which unobstructed vision of motor vehicle operators is maintained.

Commercial: A use or facility providing building area, parking area, service area, screen plantings and traffic areas designed for the conduct of commerce.

Commercial Solar Energy System (SES): Solar power systems operated by a power utility company or intended to be integrated with a power grid.

Common Land: A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development or condominium project.

Common Open Space: - Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.

Community Residential Care Facilities: Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings or in larger facilities. These are all state-regulated facilities.

A. Adult Foster Care Facilities defined in PA 218 of 1979, MCL 400.703, Section 3:
   1. Adult foster care facility: a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1), adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
   2. Adult foster care camp (adult camp): an adult foster care facility with the capacity to receive more than 4 adults to be provided foster care and is located in a natural or rural environment.
   3. Adult foster care congregate facility: an adult foster care facility with the capacity to receive more than 20 adults to be provided with foster care.
   4. Adult foster care family home: a private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and 2 or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
   5. Adult foster care large group home: an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
   6. Adult foster care small group home: an adult foster care facility with the approved capacity to receive at least 12 or fewer adults to be provided with foster care.

B. Child Care Organizations defined in PA 116 of 1973, MCL 722.111, Section 1:
   1. Child Care Organization: a governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Includes child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or day care homes, but not to organizations exclusively for emancipated minors or 18 years of age or older.
   2. Child caring institution: a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the entire year. It may include an educational program. It includes a maternity home for minor unmarried mothers, an agency group home which is a small child caring institution for more than 4 but less than 13 minor children, and institutions for mentally retarded or emotionally disturbed minor children. Does not include a licensed hospital, nursing home or home for the aged, a facility under the mental health code, an adult foster care family home or an adult foster care small group home.
   3. Child placing agency: a governmental organization or nonprofit agency for receiving children for placement in private family homes for foster care or for adoption.

4. Children's camp: a residential, day, troop, or travel camp that provides care and supervision and is conducted in a natural environment for more than 4 children, apart from the children's parents, relatives, or guardians, for 5 or more days in a 14-day period.
5. Child care center(day care center): a facility , other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, and where parents or guardians are nor immediately available to the child. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before – or after-school program, or drop-in center but not a Sunday school, religious facility, school aged child focused training program or a program that is primarily an incident of sponsored group athletic or social activities.
6. Private home: a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home a follows.
   a. Foster family home: a private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage or are not placed there under the Michigan adoption code PA 288 of 1939, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or guardian.
   b. Foster family group home: a private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage or are not placed there under the Michigan adoption code PA 288 of 1939, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or guardian.
   c. Family day care home: a private home or licensed Family Child Care home 1-6 kids in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Includes a home where care is given to an unrelated minor child for more than 4 weeks during a calendar year.
   d. Group day care home: a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Includes a home where care is given to an unrelated minor child for more than 4 weeks during a calendar year.

Communication Tower: A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Conditional Use: A use not essentially incompatible with uses permitted in a zoning district, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. A conditional use is permitted by right in a particular district, provided that the use complies with the nondiscretionary standards of Article 10 of this Ordinance.

Condominium Master Deed: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

Condominium Project: A plan or project including not less than two (2) condominium units established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

Condominium Subdivision: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is subject to the provisions of the Land Division Act of 1967, Public Act 288 of 1967, as amended. Also known as a site condominium or site condo. As used in reference to a "Condominium Subdivision" in this Ordinance, the terms below are defined as follows:

A. Condominium Unit: That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" or “building site”, for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.
B. General Common Area: That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the Master Deed.
C. Limited Common Area: That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.
D. Building Envelope: The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the Master Deed.
E. Building Site: That portion of a condominium project that shall include the condominium unit and that may also include limited common elements as described in the Master Deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, "building site" shall be considered to be the equivalent of a "lot."
F. Limited Common Element: That portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the condominium unit.

Condominium Subdivision Plan: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

Conservation Easement: The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 when applied to a cluster development or open space development as provided in Section 10.12.30.

Convalescent Home (Nursing Home): A building having a principal purpose of providing sleeping, eating and gathering rooms where infirm persons are housed, often for extended periods of time, and furnished with meals and nursing care.

Data Center: A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data. Data centers include commercial cryptocurrency mining facilities, AI centers, cloud storage, and other similar uses.

Day Care: see Community Residential Care Facilities.

Deck: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which is more than six (6) inches above the finished grade.

Deed Restriction: A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

Detached Dwelling: A dwelling that is not attached to any other dwelling by any means. See Figure 2-2.

District (or Zone): A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

Drive-In Establishment: An establishment providing parking while the service is being provided to a person(s) in a vehicle as opposed to drive-through service where parking is not provided for the service.

Drive-Through Establishment: An establishment which does not provide parking while the service is being provided to a person(s) in a vehicle as opposed to drive-In service where parking is provided for the service in the vehicle.

Driveway: A means of access for vehicles from a street or alley to a parking or loading area, garage, dwelling or other structure or area.

Dwelling: Any building intended for human habitation; for living, sleeping, cooking and eating purposes.

Dwelling, Single-Family: A detached residential building containing only one (1) dwelling unit.

Dwelling, Two-Family: A detached residential building containing two (2) dwelling units.

Dwelling, Multiple-Family: A residential building containing three (3) or more dwelling units.

Dwelling Unit: A room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other dwelling units in the same structure, and containing independent cooking, bathroom, and sleeping facilities.

Dwelling Unit, Accessory: see Accesory Dwelling Unit

Entity: An individual, a group of individuals or an association, firm, partnership, corporation, or other organization, public or private.

Family: An individual or two or more persons related by blood (1st degree: children, siblings) or adoption, by marriage, or two adults living together and cooperating in the care and rearing of their children, or a group not to exceed six (6) persons, whether or not related by blood (1st degree: children, siblings) or marriage or adoption, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

Family Care: see Community Residential Care Facilities.

Farm Animal: See Livestock

Fence: An unroofed structure erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, or mark a boundary for all or any part of a lot.

Footprint, Building: See building area.

Foster Care: see Community Residential Care Facilities.

Frontage: The total continuous length of the front lot line. (See Figures 2-7 and 2-9).

Garage: An accessory building or portion of the principal building used for storage by the occupant of the principal building.

Garage Sale or Yard Sale: The sale or offering for sale to the general public of items of personal property by the owner or tenant of a lot on which a dwelling unit is located, whether within or outside the dwelling unit, a garage or other accessory building.

General Regulations: Standards and/or requirements found in Article 7 for lots, uses and activities that relate to accessory uses, various exceptions, and aspects of land use and design that are not addressed in other Articles of the Zoning Ordinance.

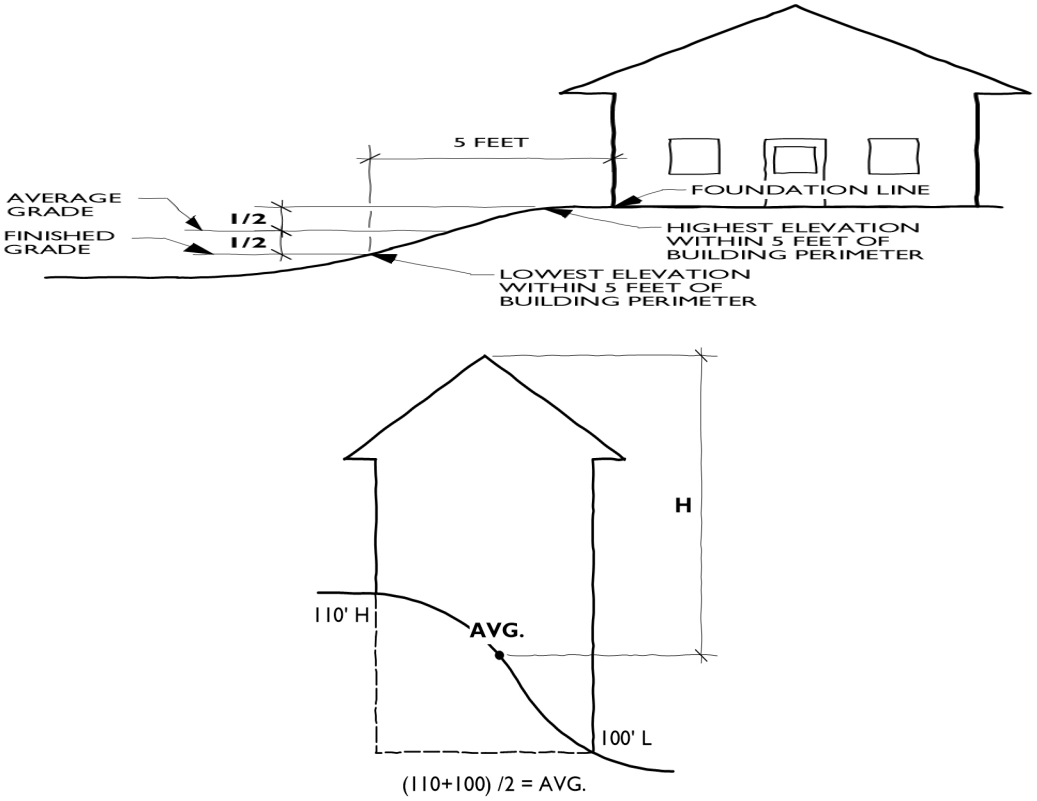
Good Neighbor Guide: Materials prepared and provided by the Burt Township Board to the owner of a Short-Term Rental (STR), required for prominent display within the STR unit.

Grade, Average: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure not including window wells or required basement egress (see Figure 2-6).

Grade, Finished: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure, not including window wells or required basement egress. See Figure 2-6.

Grade, Natural: The elevation of the ground surface in its natural state, before man-made alterations.

Figure 2-6
AVERAGE GRADE AND FINISHED GRADE



Ground Mounted System: A self-supported Solar Energy System (SES) system on the ground.

Group Care: see Community Residential Care Facilities.

Hazardous Substance:

A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
C. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103.
D. "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).

Historic Site: A structure, place, natural object, or configuration, or portion thereof, of historical, archaeological, cultural, or architectural significance and designated as such by federal, state, county, township or municipal government.

Home Occupation: A commercial activity, whether for profit or otherwise, carried on by an occupant of a dwelling unit as a secondary use which is clearly subordinate and incidental to the use of the dwelling unit as a residence.

Hotel: see Motel.

Hunting Camp: see Camp.

Improvements: Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project area, including, but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

Inland Buffer Zone: The Inland Buffer Zone (IBZ) of the Pictured Rocks National Lakeshore as established by Public Law 89-668.

Junk Yard: Any land or building where waste, used, recycled or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

Kennel, Commercial: Any lot or premise on which three (3) or more dogs, cats, or other household pets, are confined or kept for lodging, sale, breeding, or training purposes for remuneration.

Livestock: Any hoofed animal including but not limited to cows, horses, donkeys, goats, sheep and swine; poultry/birds; and any animals raised for meat, dairy products, eggs, fur and/or replenishment of wild stocks (e.g. fish, pheasants). This does not include pets or service animals as defined in this Ordinance.

Living Fence: A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a lot.

Local Contact Person: A local property manager, owner or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this Ordinance.

Lodge: Total building footprint including all associated buildings is less than 10,000 square feet. See camp, organized, and ski hill lodge.

Logging, Commercial: Harvesting of timber which is done under an MDNRE approved forest management plan or process on timberland in designated districts where commercial forestry is permitted.

Logging, Illegal: Harvesting of timber not permitted under this Ordinance, nor under Federal Laws or State of Michigan laws.

Lot or Parcel: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance and all other Ordinances, unless the PPBF option is applicable and chosen, and having its principal frontage upon a public street or on an approved or legal nonconforming private road or approved access easement. Such lot may consist of a) a single lot of record; b) a portion of a lot of record; c) a combination of contiguous lots of record or portions of contiguous lots of record; or d) a parcel of land described by metes and bounds. If an accessory building is built on a contiguous lot, then for zoning purposes both lots will be considered to be one lot.

On new lots established after the effective date of this ordinance, only the area on the side of a public road or approved private road or approved access easement, where building is planned, can be applied to buildable lot site size requirements.

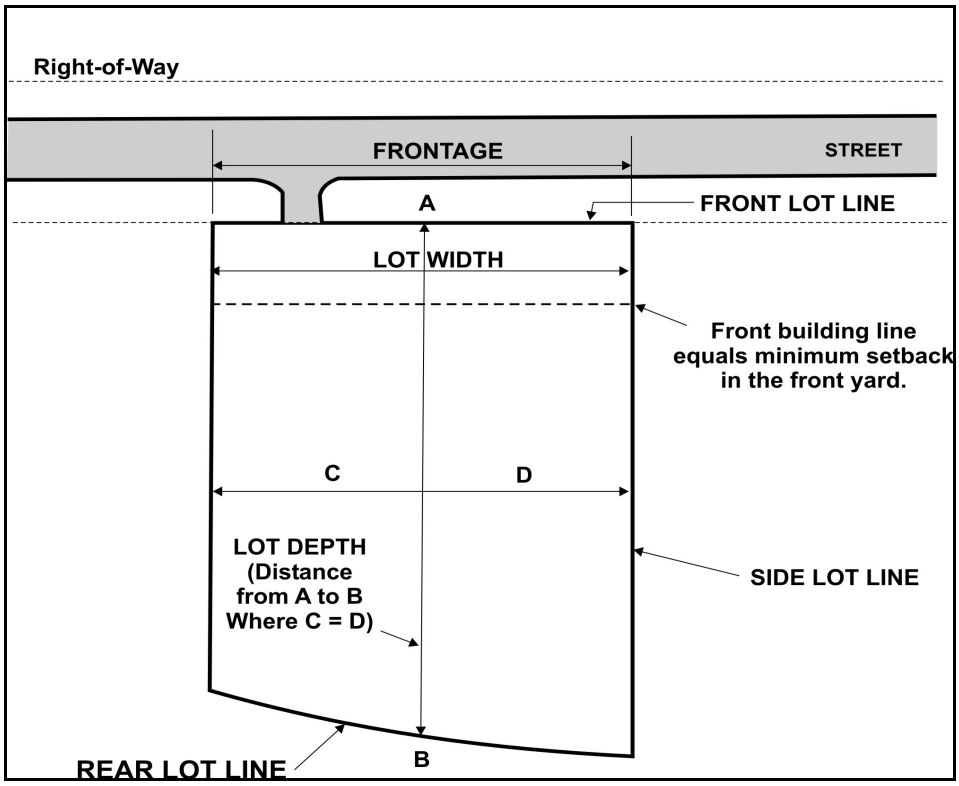
Lot Area: The area contained within the lot lines or property boundary.

Lot, Corner: A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees (see Figure 2-8).

Lot Coverage: The amount of a lot, stated in terms of percentage, that is covered by all buildings and/or structures located thereon. This shall include all buildings and roofed (whether a partial roof, such as a pergola or trellis, or a full roof) structures such as porches, arbors, breezeways, but shall not include fences, walls, or hedges used as fences, unroofed structures such as decks, patios, swimming pools, or uncovered parking lots. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

Lot, Depth of: The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. (See Figure 2-7).

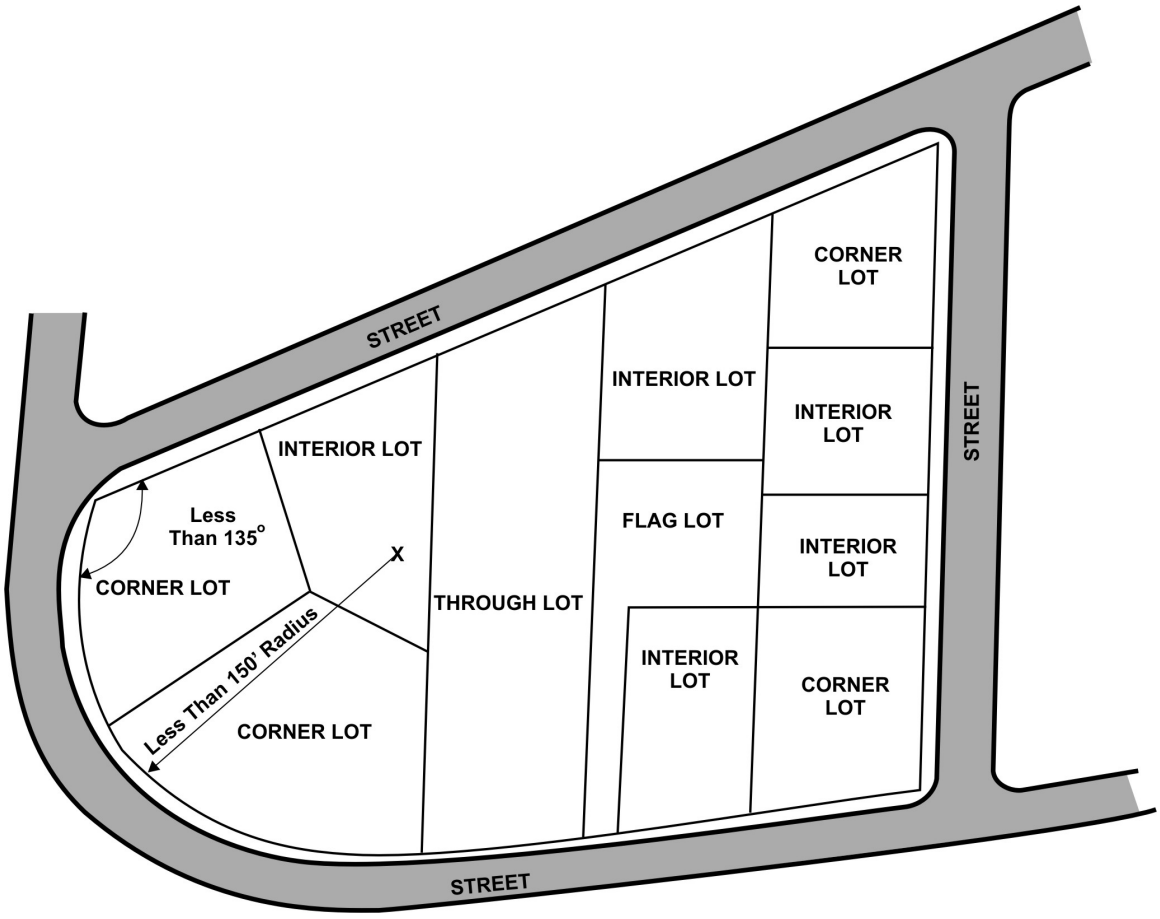
Figure 2-7
LOT FRONTAGE, WIDTH, & DEPTH



Lot, Flag: A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. Flag lots are discouraged. See Figures 2-7 and 2-8.

Lot, Interior: Any lot other than a corner lot which has only one lot line fronting on a street. For this purpose, an alley is not considered a street unless the lot has no lot line fronting on a street. See Figure 2-8.

Figure 2-8
LOT TYPES



Lot Line:

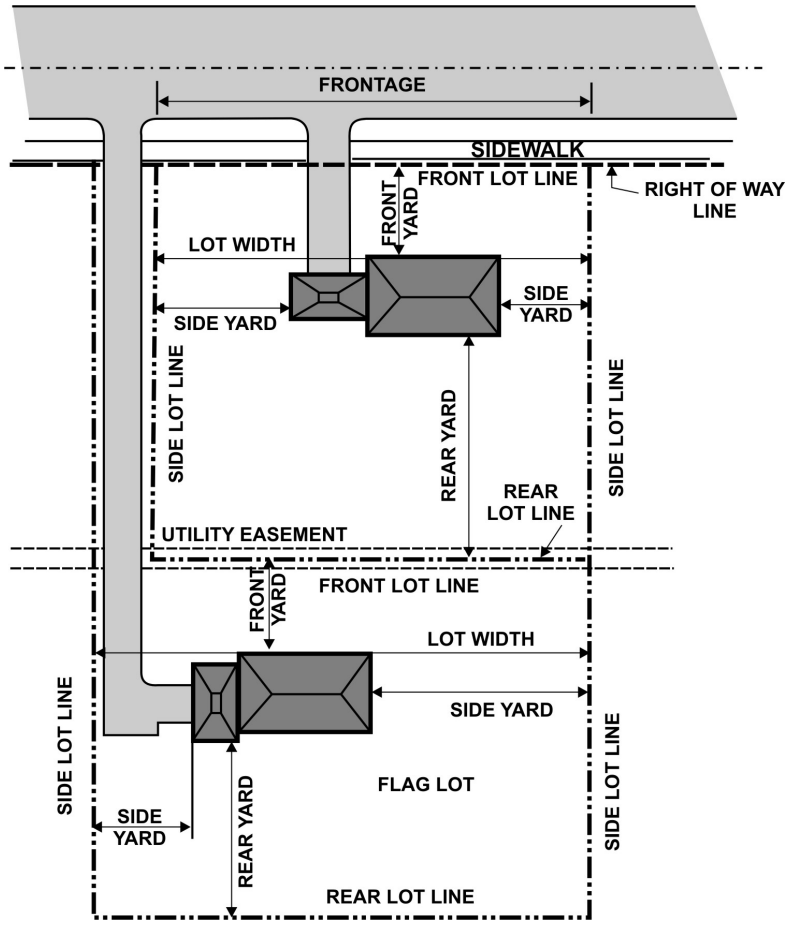
Front: In the case of an interior lot, the line separating that lot from the street, a private road, or other access easement. In the case of a corner lot or through lot, the line separating that lot from either the street, a private road, or other access easement, and bearing the assigned street address for that lot. In the case of a flag lot, the line parallel and nearest to the main roadway. See Figures 2-7 and 2-9. If a lot extends across a public road or approved private road or approved access easement, then there is another front yard fronting on the opposite side of that public road or approved private road or approved access easement.

Rear: The line opposite the front lot line. In the case of a corner lot or through lot, the line which is opposite the street address. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figures 2-7 and 2-9). On a waterfront lot, the rear lot line is on the water side parallel to the front lot line unless otherwise provided for in this Ordinance.

Side: Any lot line other than the front lot line or rear lot line. (See Figures 2-7 and 2-9).

Side Street: A side lot line separating a lot from a street.

Figure 2-9
LOT LINES AND YARDS



Lot of Record: A lot in a map recorded with the Alger County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.

Lot, Through: A lot which is not a corner lot, and with frontage on two or more streets. For this purpose, an alley is not considered a street. On a through lot, all street lines shall be deemed front lot lines for setback purposes. (See Figure 2-8.)

Lot, Waterfront: A lot which borders on a water body. The owners of existing legal waterfront lots including those crossed by a public street or on an approved private road or approved access easement existing as of the effective date of this Ordinance, where lot depth is too shallow, may elect to meet rear lot requirements for the portion of the lot which fronts on a public street or on an approved private road or approved access easement providing access.

Lot, Width of: The horizontal straight-line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard (also known as the front building line) intersects the side lot lines. (See Figures 2-7 and 2-9).

Managing agency or agent: A person, firm or agency representing the owner of the property or portion thereof used for a Short-Term Rental (STR), or a person, firm or agency owning the property or portion thereof used for a STR if they do not designate a representative.

Manufactured Home and Manufactured Housing Community: Dwelling units prefabricated in part or total which meet the HUD Code (42 USC Sec 5401), and are transported to the building site for long-term use.

Manufactured Housing Community: A private community of single family homes on individual lots owned by the owner of the manufactured home that resides upon it, that are built in accordance with the Federal Manufactured Home Construction and Safety Standards Act, and transported, sited and installed in compliance with the act and state requirements in the Michigan Mobile Home Commission Act.

Marina: A boat basin with facilities for berthing and securing recreational craft, which may also provide supplies, provisions, service and fueling facilities, and repair and storage of boats.

Marine Terminal: A dock, pier, landing, structure or property which provides access from land to a water based business.

Master Plan: The Burt Township Master Plan, which for the purposes of this Ordinance is also referred to as "The Plan", adopted by the Burt Township Planning Commission pursuant to Public Act 33 of 2008, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof, particularly as it relates to Burt Township needs in the Burt Township Zoning Ordinance, and land use needs and changes as shown on the Burt Township Zoning Map.

Mezzanine: An intermediate floor in any story occupying not more than one-third (1/3) of the floor area of such story. See Figure 2-3.

Micro Wind Turbine Energy System: Refers to a small-scale wind turbine designed to generate electricity for individual homes, businesses, or other localized applications, typically producing power in the range of 20 to 500 watts, considered significantly smaller than large-scale wind farms, and often installed on rooftops or in urban environments to supplement power needs from the grid; essentially, a system that harnesses wind energy on a micro-level using a compact turbine

Mineral: Substances that can be extracted from the earth for profit whether they are solid, as rock, fire clay, the various metals, and coal, or fluid as mineral waters. For this ordinance it only includes those substances and/or quantities of them which State of Michigan law does not pre-empt local governments from zoning and/or regulating, For example it does not refer to or include oil or gas.

Mining: The extraction by excavation of earth material or disturbing the land in the regular operation of a business for the purpose of extracting a natural resource from the land.

Mining Operations: Any mining and/or mineral extraction operation and/or associated mining activities, or any mining related buildings, structures, roads, processing equipment or tailing ponds, basins or mounds which are or may be built, operated or maintained.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include a recreational vehicle.

Mobile Home Park: A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home, or as otherwise defined in Michigan Public Act 96 of the Public Acts of 1987, as amended.

Motel (Auto Court, Tourist Court, Motor Court, Motel Hotel, Hotel): A building or group of buildings, whether detached or in connecting units, used or designed as individual sleeping units for transient travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designed as "auto courts," "tourist courts," "motor courts," "motel hotels," and similar identification of integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

Motel Hotel: see Motel.

Motor Court: see Motel.

Natural Resource: Materials that occur naturally within environments that exist relatively undisturbed by mankind in a natural form.

Nonconforming Building: A building lawfully existing on the effective date of this Ordinance or subsequent amendment, and which does not conform to the requirements of this Ordinance.

Nonconforming Lot: Any lot of record which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the dimensional or proportional lot requirements of this Ordinance or subsequent amendment.

Nonconforming Structure: Any structure other than a sign, lawfully existing on the effective date of this Ordinance or subsequent amendment and which fails to meet the requirements of this Ordinance.

Nonconforming Use: An activity using land, buildings and/or structures for purposes which were lawfully established prior to the effective date of this Ordinance or subsequent amendment and that fails to meet the requirements of this Ordinance.

Nonconformity: Any nonconforming use, nonconforming building, nonconforming structure or nonconforming lot as defined in this Ordinance.

Nuisance: Any act, thing, condition, land, building or premises which annoys, injures or endangers the public health, safety, comfort, offends public decency, or in any way renders the public insecure in life or property.

Nursery: A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or

landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

Off-Street Parking Lot: A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

Open Space: Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Ordinary High Water Mark: 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 surface of the soil, and the vegetation. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Superior is 602.6 feet above sea level, International Great Lakes Datum of 1985.

Organized Camp: see Camp, organized.

Outdoor Furnace: The words “outdoor furnace” shall mean any device, appliance, equipment apparatus or structure that is designed, intended and/or used to provide heat and/or hot water to any associated structure or dwelling; operates by burning wood or any other solid fuel, and is not located within the structure to be heated.

Overlay District or Overlay Zone: A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone. See Article.6.

Owner: The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

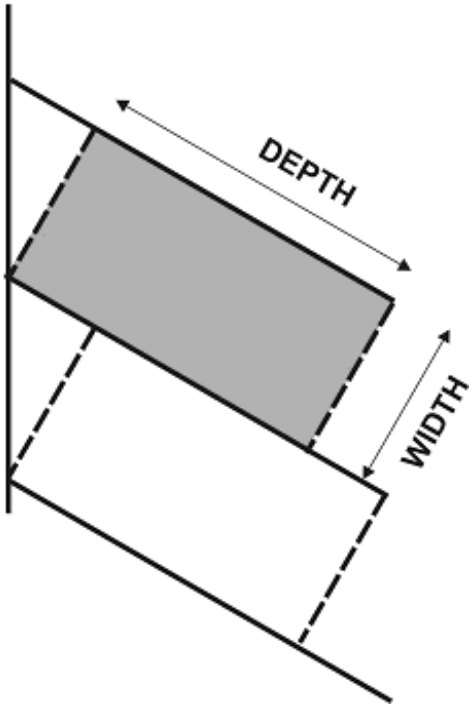
Parcel: See Lot.

Park: A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

Parking Space: A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of permitted vehicles and so located as to be readily accessible to a public street or alley. See Figure 2-10.

Performance Guarantee: Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the Township as assurance that required improvements or conditions associated with project approval are properly built or conformed with.

Figure 2-10
PARKING SPACE DIMENSIONS



Permitted Use: Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.

Person: Means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

Pets: Animals that are commonly kept in a dwelling for pleasure.

Planned Unit Development: A parcel or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

Plat: A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

Plat Dedication: Means the dedication of private property for public use either on the face of an approved plat or by a separate legal instrument.

Porch: A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

Portable Storage /Shipping Container: Temporary container used for transportation and storage.

Poultry: Non-commercial Small numbers of poultry maintained in residential districts for the production of eggs and/or meat for the personal use of the residence.

Practical Difficulty – See Section 19. 5.

Pre-existing Permanent Building Footprint (PPBF) size and site location:

A. If destroyed by any means, a non-conforming structure shall not be reconstructed except in conformity with the provisions of this Ordinance, unless it is impractical to do, in which case it shall be rebuilt on not more than the building footprint which existed at the time of destruction and in compliance with Section 9.4.A.
B. The original and visible outline formed by the remains of a permanent building foundation of a pre-existing building that was situated on the permanent foundation outline at the time and on the date of the adoption of this Ordinance is referred to herein as the PPBF Outline.
C. The PPBF Outline has to be in reasonable evidence (measurable so that the size and site location can be determined) to the Zoning Administrator at the time of application and site inspection.
D. Health Department sewage and water requirements, including section 7.6; and floodplain and environmental requirements, including any applicable parts of Article 6, and any requirements of this Ordinance for new accessory buildings/ structures other than those to which the PPBF size, yard and set back option apply, must be met and complied with.
E. For purposes of PPBF, a mobile home in place at the time of adoption of this Ordinance is considered to be a permanent building if it was attached to or placed on the permanent foundation for support so that it could not be moved by simply putting wheels on it and towing it away.
F. The PPBF option cannot be used for either an illegal lot or illegal building or illegal use.
G. Unless otherwise provided for in this Ordinance, a non-conforming building may be enlarged as long as the portion that constitutes the enlargement does not increase the non-conformity of the building and otherwise complies with the present requirements of this Ordinance.

Premises: A lot, parcel, tract or plot of land together with the buildings and structures thereon.

Principal Use: The primary or predominant use of any lot or parcel of land.

Principal-Use (Large) Energy Facility: A large, principal-use energy storage system (ESS), solar energy system (SES), or wind energy system (WES).

Private Solar Energy System (SES): Solar power systems designed to provide electric energy to a residence or business.

Public Utility: A person, firm or corporation, municipal department, board or commission, duly authorized to furnish and furnishing under federal, state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telephone, telegraph, transportation, or water.

R or "R": see **By Right.**

Ramp: A sloping walkway, roadway or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat launching site.

RC or "RC": Right of Conditional Use. **s**ee **Conditional Use.**

Recreational Equipment: Utility trailers, boat trailers, boats, and similar, excluding recreational vehicles (RV's).

Recreational Vehicle or RV (Travel Trailer/Coach)**:** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or something mounted on or drawn by another vehicle.

Recreational Structure: See Structure, Recreational.

Repair: The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

Residence Hotel/Residence Inn: A multiple family dwelling which regularly houses people for compensation for longer term living with an average length of stay of 30 days or more

Residential Care: see Community Residential Care Facilities.

Resort: A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts as regulated by the PUD sections of this Ordinance. Total building footprint including all associated buildings is ten thousand (10,000) square feet or more.

Restaurant: A building in which food is prepared and sold for consumption within the building as opposed to a drive-in establishment where food may be taken outside of the building for consumption either on or off the premises.

Restoration: The reconstruction or replication of an existing building's original architectural features.

Restrictive Covenant: In the case of a cluster or open space development under Section 10.12.30, it means a legal written agreement which runs with the land establishing not less than fifty percent (50 %) of the land to be developed will remain perpetually in an undeveloped state.

Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Road, Private: A private way or means of approach to provide access to two (2) or more abutting lots, which is constructed and maintained by the owner or owners and is not dedicated for general public use. Road means the Right of Way of the road unless otherwise stated in this Ordinance. Paths, trails, two tracks, logging roads and similar means of access that are not named in the Alger County 911 system at the time of adoption of this revision are not considered existing private roads.

Road, Public: A road dedicated to the public, such dedication having been accepted by the appropriate public Road Commission or Department of Transportation, which meets the minimum construction standards of said Road Commission or the Michigan Department of Transportation. Road means the Right of Way of the road unless otherwise stated in this Ordinance.

RV Park: see Campground.

S or "S": see **Special Use.**

Semi: A semi-truck or semi-trailer either as a separate or combined unit.

Service Animals: Guide or leader dogs for blind, hearing dog for deaf or audibly impaired, service dog for physically limited or service dog in training as provided for in State of Michigan law MCL 287.291 and/or police dogs, police horses and search & rescue dogs as provided for under MCL.750.50c.

Setback: The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements. Also see Building Line and Yard Setback.

Setback Line: See Building Line. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements.

Sexually Oriented Businesses (SOBS): Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character. SOBS include but are not limited to adult book or video store, adult entertainment establishment, adult mini-theater, adult motion picture theater, and adult novelty business as defined below.

A. Adult Book or Video Store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, films, computer software or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.
B. Adult Entertainment Establishment: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances presented for the enjoyment of the audience which has paid or promised to pay an admission fee and which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
C. Adult Mini-Theater: A commercial establishment where, for any form of consideration, in an enclosed area with a capacity of less than ten (10) persons, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".
D. Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," as defined herein.
E. Adult Novelty Business: A business that has as a substantial or significant portion of its activity in the sale of devices which stimulate human genitals or devices designed for sexual stimulation.

F. Nudity or State of Nudity: The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if complete and opaquely covered.
G. Specified Anatomical Areas Includes:
   1. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
   2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
H. Specified Sexual Activities Includes:
   1. Acts of human masturbation, sexual intercourse, or sodomy;
   2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
   3. Human genitals in a state of sexual stimulation or arousal.
I. Substantial or Significant Portion: A SOBS business will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:
   1. Thirty-five (35) percent or more of the stock, materials, or services provided describes or relates to specified sexual activities, specified anatomical areas, or both.
   2. Thirty-five (35) percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both.
   3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business, describes or relates to specified sexual activities, specified anatomical areas, or both.

Shoreland: The land, water and land beneath the water, which is in close proximity to the shoreline of Lake Superior, or other water body in the Township.

Shoreline: That area of shorelands where land and water meet.

Short Term Rental (STR): A commercial use which is subordinate to the principal use of a dwelling unit, as defined by the Burt Township Zoning Ordinance, in which transient guests rent the entire dwelling unit for up to, or less than, thirty (30) consecutive days at a time. Meals are not provided with the rental but kitchen and/or dining facilities may be available for guests to prepare their own meals.

Sign: See definitions in Section 16, 16.2.

Site Plan: A plan showing all salient features of a proposed development, so that it may be evaluated in order to determine whether it meets the provisions of this Ordinance.

Solar Energy System (SES): A system designed to collect direct sunlight and convert it into electricity and/or heat for private or commercial use.

Solar Power: The conversion of energy from sunlight into electricity, either directly using photovoltaics (PV), indirectly, using concentrated solar power, or a combination of both.

Special Use / Special Land Use: A special use “S” is a use on Table 4-1, Section 4.4.3 that is not essentially incompatible with the uses permitted in a zoning district, but possesses characteristics which require individual review and discretion in order to avoid incompatibility

with the character of the surrounding area, public services and facilities, and/or adjacent uses of land. A special use is permitted in a particular district only after review by the Planning Commission and issuance of a permit by the Township Board, in accordance with the standards set forth in this Ordinance. A special use is referred to as a special land use in the zoning enabling act.

Special Use Permit / Special Land Use Permit: A permit issued by the Zoning Administrator to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special use pursuant to standards and procedures established in Article 7 General Provisions and Article 10 Special Use and Conditional Use Regulations.

Stock-in-Trade: A commercial product or item purchased or obtained off-site of a premise for resale on-site of the premises. Includes specific commercial products or items which must be assembled or re-assembled or reconstituted on site.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. A basement shall not be counted as a story unless it is a walkout basement (see Figure 2-3). However, any walk-out basement, regardless of average grade, shall be considered a story.

Street: A thoroughfare for vehicular traffic, including all area within the right-of-way. Also see Road, Public.

Structure: Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. A paved, uncovered parking lot is not considered a structure.

Structure Height: For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure. For buildings, see building height.

Structure, Recreational: Recreational structure means a structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, and emergency purposes, and may include yurts, cabins, fabric structures or similar structures.

Subdivision: The division of a lot, tract, or parcel of land into one or more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, this Ordinance and the requirements of any adopted subdivision control or land division ordinance of Burt Township.

Swimming Pool: Any structure, container, or pool, portable or non-portable, having a depth of one foot or more at any point and designed or used for swimming, wading, or bathing.

Temporary Use or Building: A use, building or structure permitted by Section 7.13 of this Ordinance, to exist during a specified period of time.

Tent: A temporary movable fabric or membrane shelter or enclosure used for transient recreational activities.

Thoroughfare, Major: A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a Township primary, county primary, state trunkline, or interstate highway

Tiny House: a dwelling that has a floor area of 400 square feet or less, excluding lofts.

Travel Trailer/Coach: see Recreational Vehicle.

Underground Storage Tank: A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

Use: The principal purpose or activity for which the land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained as permitted in the zoning district in which it is located.

Use/Use Class Definitions, other examples: See Article 4 Zoning Districts and Permitted Uses including Table 4-1; and Article 7 General Provisions of this Ordinance.

Use, Permitted: A use which may be lawfully established in a particular zoning district or districts provided it conforms with all the requirements, regulations, and performance standards, if any, of such districts. Also known as a use by right ("R"), or a use by right with conditions ("RC").

Use, Principal: The main use of land or a building as distinguished from a subordinate or accessory use. It may be either a permitted ("R" or "RC") or a special ("S") use.

Variance: A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when standards established in Article 7 and Article 19 of this Ordinance have been met. These standards seek to ensure that no variance is granted unless: (a) strict enforcement of the Zoning Ordinance would cause practical difficulty, (b) doing so would not be contrary to the public interest, (c) there are circumstances unique to the individual property on which the variance is granted, and (d) the variance request is not due to actions of the applicant.

Vehicle: The term vehicle includes motorcycles, cars, trucks, buses, mobility scooters.

Vernal Pond or Stream: See Waterbody, Seasonal.

Waterbody: Any body of water, including any creek, stream, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot or any seasonal body of water which is not identified by a name or number on a current USGS map with a scale of 1:24000.

Waterbody, Seasonal: A waterbody which does not have any surface water in it for at least 2 months of the entire calendar year. An unnamed seasonal water body is one which is not identified by a name or number on a current USGS map with a scale of 1:24000.

Watercraft Rental: A watercraft used for a fee meeting any applicable state regulations and licensing without providing a captain on board. The renter is responsible for operation of the watercraft.

WECS: Shall be the approved form of abbreviation of "small wind energy conversion system".

Wetland: Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and, that is commonly referred to as a bog, swamp, or marsh.

Yard: An open space on the same lot with a building, unoccupied and unobstructed by a structure from the ground upward, except as otherwise provided herein. See Figures 2-4 and 2-9. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements.

Front: A yard extending across the front of a lot between the front line of the lot and the nearest point of the main building or land use, projected to the side lines of the lot; except on a waterfront lot.

Rear: An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

Side: An open, unoccupied space on the same lot with the building, situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a sideline or side lot line.

Yard Setback: The distance between a lot line and the buildable area. Also See Building Line and Setback. See Figure 2-4.

Yurt: A round domed building constructed of a membrane on a frame.

Zoning Administrator: The Burt Township Zoning Administrator is hired for the purposes of carrying out certain duties and responsibilities as defined in this Ordinance.

Zoning Board of Appeals: The body appointed by the Township Board to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties.

Zoning Permit: A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, and/or other zoning application or request for special zoning approval or variance for a structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance therefrom, or has been granted a planned unit development approval or a Special Use Permit.

Section 2.4 WORDS NOT DEFINED

Any words requiring special interpretation and not listed above shall be used as defined in the dictionary maintained in the office of the Zoning Administrator, unless defined by specific action of the Zoning Board of Appeals.

Section 2.5 ACRONYMS

The following acronyms are used in this Ordinance:
ADU -Accessory Housing Unit
ATV – All terrain vehicle
BAVP - Building Applied Photovoltaics
BIVP - Building Integrated Photovoltaics
BII – basic utility airports as regulated by MAC
BIII – commercial airports as regulated by MAC
BCS – Back Country Shelter
CFA – Commercial Forest ACT
CFR – Congressional Federal Register or Commercial Forest Reserve as appropriate.
DU/AC – Dwelling Unit/Apartment Complex
EPA or USEPA – United States Environmental Protection Agency
FAA – Federal Aviation Administration
FEMA – Federal Emergency Management Authority
FIRM – Flood Insurance Rate Map
FP – Floodplain District
HVAC – Heating, ventilation, air conditioning units
IBZ - Inland Buffer Zone, Pictured Rocks National Lakeshore, established by Public Law 89-668
kv – kilovolt
MAC –Michigan Aeronautics Commission
MCL – Michigan Compiled Laws
MDNR – Michigan Department of Natural Resources, or current acronym for this department.
MEGLE or EGLE - Michigan Department of Environment, Great Lakes and Energy or current acronym for this department.
MDOT – Michigan Department of Transportation
MHP – Mobile Home Park or Manufactured Housing Park
P.A. –Public Act
PPBF – Pre-existing Permanent Building Footprint
PUD – Planned Unit Development. See definition in Section 2.3
R – Use permitted by right
RE – Recreational Equipment
RC – Use permitted by right with conditions
ROW – Right-of-Way
RE – Recreational Equipment
RV – Recreational Vehicle
RV Park – Recreational Vehicle Park
S – Special use
SLU – Special Land Use
SOBS – Sexually Oriented Business
STR - Short Term Rental
SES - Solar Energy System:
TR – Timber Resource District

USC – United States Code
W/GP – Wellhead/Groundwater Protection District
WECS – Wind Energy Conversion System

Article 3
OFFICIAL ZONING MAP

Section 3.1 PURPOSE

The purpose of this Article is to establish zoning districts within Burt Township, to establish and define the Official Zoning Map that shows the location of zoning districts, and to create a framework for the interpretation of the Official Zoning Map and related district boundaries. Furthermore, this Article delineates use classes, definitions, and permitted uses within each zoning district.

Section 3.2 ZONING DISTRICTS & MAPS

3.2.1 Establishment of Districts: To achieve the purposes of this Ordinance, Burt Township, Michigan, is hereby divided into the following zoning districts:

NR NEIGHBORHOOD RESIDENTIAL DISTRICT
R-1 RESIDENTIAL
RR RURAL RESIDENTIAL DISTRICT
BAY BAY DISTRICT
LS/R LAKESHORE AND RIVER DISTRICT
FR FOX RIVER NATURAL RIVER DISTRICT
DD DOWNTOWN DISTRICT
GC GENERAL COMMERCIAL DISTRICT
RF RECREATIONAL/FOREST DISTRICT
RP RESOURCE PRODUCTION DISTRICT
IBZ INLAND BUFFER ZONE
PL PUBLIC LAND

3.2.2 Official Zoning Map: The boundaries of the respective zoning districts are defined and established as depicted on the map entitled "Burt Township Zoning Map," which is an integral part of this Ordinance, and which, with the accompanying explanatory notes, shall be published as part of this Section and is incorporated by reference at the end of the Zoning Ordinance.

A. The Official Zoning Map shall be identified by the signature of the Chairperson of the Township Board, attested by the Township Clerk, and bearing the seal of the Township under the following words: “This is to certify that this is the Official Zoning Map referred to in Article 3, Section 3.2.2, of the Zoning Ordinance of Burt Township, Michigan” together with the date of adoption of this Ordinance.
B. If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Board. No amendment to this Ordinance which involves matters portrayed on the Official Zoning Map shall become effective until such change and entry has been made on the map.
C. If amendments are made in district boundaries or other matters depicted on the Official Zoning Map, such changes shall not be considered final, and building permits shall not be issued until the appropriate amendments have been made on the Official Zoning Map. Such amendments shall be made within ten (10) normal working days after the effective date of the amendment. One (1) copy of the Official Zoning Map shall be maintained and kept up-to-

date in the office of the Zoning Administrator of Burt Township, along with a chronological file of the official actions taken.

D. Any unauthorized change on or defacing of the Official Zoning Map by any person or persons shall be considered a violation of this Ordinance.
E. Regardless of the existence of copies of the Official Zoning Map which may be made or published, the Official Zoning Map retained in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

3.2.3 Replacement of Official Zoning Map: In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board, hereinafter also referred to as “Legislative Body," may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairperson of the Township Board, attested by the Township Clerk, bearing the seal of the Township under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of Burt Township, Michigan" together with the date of adoption of this resolution. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts that remain, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 3.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

3.3.1 Interpretation of District Boundaries: Where a question arises with respect to the boundary of any district the following shall govern:

A. Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow the center lines.
B. Where boundaries follow the shore line of a stream, lake or other body of water, the boundaries shall follow such shoreline, and in the event of change in the shoreline, the boundaries shall be the actual shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
C. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel (such as a section or quarter-section line) shall be construed as following the lot line.
D. A boundary indicated as following the municipal boundary line of a city, village, or township shall be construed as following the boundary line.
E. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the right-of-way if the tracks have been removed.
F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A-E above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot.
G. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Board of Appeals shall interpret the district boundaries.

Should the above rules not fully explain a question of boundaries, the Zoning Board of Appeals shall have the authority to make an interpretation on appeal based upon the aforementioned standards. See Article 19.

Article 4
ZONING DISTRICTS & PERMITTED USES

Section 4.1 PURPOSE & PERMITTED USES

This Article describes the scope of the district provisions, presents the purpose of each district and defines the use classes of permitted and special land uses. Examples of each class are presented, along with the districts in which each use class is allowed.

Section 4.2 SCOPE OF DISTRICT PROVISIONS

4.2.1 Land Uses, Buildings, Structures and Premises Subject to Regulation:

A. Every building or structure erected, any use of land, building, structure or premises, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building, structure or premises occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building, structure or premises shall be located.
B. Only uses permitted per the provisions of this Article may be established on a parcel. All other uses may be permitted only if this Ordinance has been amended to permit them, unless authorized by means of approval of a Planned Unit Development by the Township Board pursuant to Article 12.
C. A change in use group under the Stille-DeRossett-Hale Single State Construction Code Act, PA 230 of 1972, such as from “storage” or “business” to “mercantile” or “assembly” is a change of use which also requires review and approval under this Ordinance.
D. All zoning approvals granted under this Ordinance run with the land. All future owners are subject to the terms and conditions of any permit issued under this Ordinance prior to their ownership, unless such a permit is no longer valid as determined by the Zoning Administrator.
E. No lot, yard, parking area, building area, or other required space shall be reduced in area or dimensions so as not to meet the requirements of this Ordinance. No part of any lot, yard, parking area, or other space required for a building or use, shall be used for any other structure or use.

4.2.2 Categories of Permitted Uses: The principal and accessory uses permitted by zone are listed on tables in Sections 4.4.3 and 4.4.4.

A. Uses listed as "R" on Table 4-1, Section 4.4.3 are permitted by right. Uses listed as "RC" on Table 4-1, Section 4.4.3 are permitted by right if the nondiscretionary conditions associated with that use, as set forth in Article 10, are met.
B. Accessory uses are permitted as indicated with a “YES” on Table 4-2, Section 4.4.4 for the various zoning districts, if such uses are clearly incidental to the permitted principal uses. See Article 7 and Article 10.
C. Uses listed as "S" on Table 4-1, Section 4.4.3 are permitted by Special Use Permit if the required discretionary and nondiscretionary standards associated with that use, as set forth in Article 10, are met, as reviewed by the Planning Commission and considered by the Township Board.
D. Any of the uses permitted in a district can be combined in a Planned Unit Development per the requirements of Article 12.

4.2.3 Unlisted Uses: Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request the Planning Commission to consider the proposed use, and if deemed appropriate, to then initiate the necessary amendment to this Ordinance to provide for the requested use in appropriate districts and according to standards recommended by the Planning Commission. Following adoption of the amendment by the Township Board, an application may be made to the Zoning Administrator to establish that use on a parcel in a district in which that use is permitted.

4.2.4 Required Open Spaces: No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building or structure, for the purpose of complying with this Ordinance shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure, except as provided for joint use of parking in Section 14.2.5.

4.2.5 Site Plan Review Requirements: No use of land, buildings, structures or portions thereof of a size or character greater than as provided in Section 18.23 of this Ordinance, shall be erected or utilized without the prior approval of the site plan in accordance with Article 18 of this Ordinance.

4.2.6 Public Land, Buildings, Structures and Premises Are Subject to this Ordinance: All land within the territory subject to this Zoning Ordinance which is owned by Burt Township, shall be subject to the provisions of this Ordinance. All land within the Township which is owned by the State or Federal governments, or other local agencies, including public schools and universities, or by any other public or quasi-public entity is subject to the requirements of this Ordinance, except as exempted or varied herein (see e.g., Essential Services Section 7.5 in Article 7), or as specifically exempted by State or Federal law (such as military establishments), or by action of a judge in a court of law.

4.2.7 Zoning of Vacated Areas: Whenever any street, alley or other public way within Burt Township shall be vacated by official action, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

4.2.8 Other Applicable Regulations: Every use must comply with all applicable regulations in this Ordinance. All relevant Sections must be consulted to understand the scope of regulations that apply in a particular case. The most common applicable regulations in addition to the use regulations of this Article, are Articles 5 Schedule of District Regulations, Article 10 Special Uses and Conditional Uses, Article 6 Special Districts & Environmental Provisions; Article 7 General Provisions; Article 14 Off-Street Parking and Loading; Article 15 Landscaping, Buffering & Fencing; and Article 16, Signs.

Section 4.3 INTENT & PURPOSE OF ZONING DISTRICTS

4.3.1 Intent and Purpose of Zoning Districts: The Burt Township Zoning Ordinance is based upon, and is intended to help implement the Master Plan. The following is a description of the purpose and intent of each of the Zoning Districts.

4.3.2 NEIGHBORHOOD RESIDENTIAL (NR) DISTRICT

The Neighborhood Residential District is intended to preserve the quiet neighborhood atmosphere free from other uses except for those which are compatible and convenient to the residents in the District. It is primarily located within the heart of Grand Marais and is comprised of single family dwellings with garages laid out in a grid pattern with small lots. The area may include duplexes or other forms of two-family dwellings including an accessory dwelling unit.

4.3.3 RESIDENTIAL (R-1) DISTRICT

The R-1, Residential One, District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District. The R-1 District is designed to accommodate residential opportunities for those who are willing to assume the costs of providing their own services, insuring a safe, potable water supply and treatment of wastewater on same lot.

4.3.4 RURAL RESIDENTIAL (RR) DISTRICT

This district is composed of single family housing on larger lots with lower density than that of the Neighborhood Residential District. This District supports not only single-family residences but also multi-family housing developments located along highway M-77.

4.3.5 BAY (BAY) DISTRICT

The Bay district is intended to protect the fragile eco-system in the coastal area, while at the same time permitting residential, and recreational development and limiting other uses that are compatible with the area. Any development in the Bay District must be accomplished in a manner that preserves the qualities found within the Lake Superior coastline as well as protecting the Piping Plover, a listed endangered species.

4.3.6 Reserved for Future Use.

4.3.7 LAKESHORE AND RIVER (LS/R) DISTRICT

The Lakeshore/River (LS/R) District is established and maintained for residential and recreational use to those areas with frontage on inland lakes and the rivers, which because of their natural characteristics and accessibility, are suitable for development and to preserve the visual appearance and accessibility of the water area but still permit development along the shoreline. The lot requirements are intended, among other things, to reduce the spread of fire in the event of conflagration and to provide safe conditions for on-site water supply and on-site sewage disposal

4.3.8 FOX RIVER NATURAL RIVER (FR) DISTRICT

The Fox River Natural River (FR) District is to preserve, protect and enhance the Fox River environment and to keep it in a natural state for the use and enjoyment of the populace. Burt Township hereby incorporates the adopted "Fox River Natural River Plan" into and as part of its Township Zoning Ordinance. The width of the natural River District is 400 feet of the Ordinary

High Water Mark on either side of the river. The Fox River Natural Plan was adopted by the Michigan Natural Resources Commission on November 3, 1988, under authority of the Natural River Act, P.A. 231 of 1970. A copy of the Fox River Plan is available for public review at the Burt Township offices during normal business hours.

4.3.9 DOWNTOWN (DD) DISTRICT
The Downtown District features a variety of small retail shops, residences, government uses, and mixed use historic buildings along the northernmost segment of M-77 in Grand Marais.

4.3.10 GENERAL COMMERCIAL (GC) DISTRICT
The GC District may include light industrial, commercial and residential mixed-use developments.

4.3.11 RECREATIONAL/FOREST (RF) DISTRICT
This district is designed to promote the proper use, enjoyment and conservation of the forest, water, land, topographic, geologic, historic, and other resources of the Township peculiarly adapted to recreational uses and/or forest industries. To facilitate such uses, certain commercial and other services may be authorized through the Special Use permit process.

4.3.12 RESOURCE PRODUCTION (RP) DISTRICT
The Resource Production (RP) District is established to maintain low density rural areas which because of their rural character and location, accessibility, natural characteristics and the potentially high cost of providing public services for intensive uses, are more suitable for a wide range of forestry, agriculture, natural resources and recreational uses.

4.3.13 INLAND BUFFER ZONE (IBZ) DISTRICT
To establish and maintain for low intensity and seasonal use those areas within the Inland Buffer Zone of the Pictured Rocks National Lakeshore as established by Public Law 89-668, which because of their location, accessibility, soils, and other characteristics are permitted for timber production, year-round and seasonal dwellings, and outdoor recreational uses.

4.3.14 PUBLIC LANDS (PL) DISTRICT
The Public Lands District will continue to be preserved and maintained for low-intensity activities and public enjoyment and ecological conservation. This District now incorporates the Department of Natural Resources property and the Pictured Rocks National Lakeshore, as established by Public Law 89-668.

Section 4.4 DEFINITIONS OF USE CLASSES AND PERMITTED USES

4.4.1 Definitions of Use Classes:
A. Use classes arrange land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
B. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, delicatessen and bakery, for example, would be classified in the Food and Drink Service Establishments category, because all of the development's principal uses are in that

category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category. A mail order facility may simply be a call center or it may have warehouse or storage facilities on site. The Zoning Administrator shall classify the facility into the proper zoning district based on the characteristics of the use.

C. Accessory uses are permitted in conjunction with a principal use subject to any special regulations applicable to it, and to the regulations applicable to the principal use if there are no special regulations. See also Article 7 for additional accessory use regulations.
D. The list of examples of permitted uses on Table 4-1, Section 4.4.3, lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the General Retail Establishments category rather than the Wholesale Trade Establishments category. This is because the actual activity on the site matches the description of the General Retail Establishments category.
E. Many uncategorized uses are Special Uses for which particular standards are provided in Article 10. Others are basic uses permitted by right. Some uses are listed in more than one category (e.g. drugstores as Convenience Retail and also as Medical Service Establishments).

4.4.2 Similar Use Interpretations:

A. The following considerations are examples of the factors that may be evaluated by the Zoning Administrator in making similar use interpretations (see also Section 19.7 on an appeal):
    1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.
    2. The relative amount of site area or floor space and equipment devoted to the activity.
    3. Relative amounts of sales from each activity.
    4. The customer type for each activity (retail or wholesale).
    5. The relative number of employees in each activity.
    6. Hours of operation.
    7. Building and site arrangement.
    8. Vehicles used with the activity.
    9. The relative number of vehicle trips generated by the use.
    10. How the use advertises itself.
    11. Any other relevant considerations.

The Zoning Administrator shall keep a log of all use interpretations indicating the use, the options considered and the selection made, along with the reasons for that decision.

Section 4.4.3 Classes, Definitions & Examples of Uses Permitted: Table 4-1 presents land use classes, definitions and examples of uses permitted.

Table 4-1
DISTRICTS, CLASSES, DEFINITIONS & EXAMPLES OF USES PERMITTED

DISTRICT NAME	ACRONYM
NEIGHBORHOOD RESIDENTIAL	NR
RESIDENTIAL	R-1
RURAL RESIDENTIAL	RR
BAY	BAY
LAKESHORE AND RIVER	LS/R
FOX RIVER NATURAL RIVER	FR
DOWNTOWN	DD
GENERAL COMMERCIAL	GC
RECREATIONAL/FOREST	RF
RESOURCE PRODUCTION	RP
INLAND BUFFER ZONE	IBZ
PUBLIC LANDS	PL

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Agricultural Service Establishments Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.	Sawmills.	"S" in GC, "S" in RP
	Commercial nursery, greenhouse facilities	"R" in GC and RP
	Animal hospitals, animal shelters, commercial kennels and veterinary services.	"R" in GC
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"S" or "R" as appropriate
Airports		"S" in RR, RF and RP

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Business Service Establishments Establishments primarily engaged in rendering services to business establishments on a fee or contract basis.	Advertising and mailing; stenographic services; temporary personnel services; duplicating and copying services; building maintenance; employment services; commercial food catering management and consulting services; protective services; equipment rental and leasing; commercial research; photo finishing; data processing; telemarketing sales; vending machine service; and office supply services. Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" in DD and GC
Commercial Agriculture or Horticulture The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as "farm" is defined in the Michigan Right to Farm Act, Public Act 93 of 1981; as amended.	Field crop and fruit farming; truck farming; nurseries; greenhouses; Agricultural produce stands, turf/sod farms; apiaries; annelid farms; equine breeding and grazing; mushrooms; aquaculture; similar agricultural enterprises; and the usual farm buildings associated with such uses. A cervidae livestock operation as defined and regulated by Act No, 191 of the Public Acts of 2000. Other agricultural uses similar to and compatible with the above uses, as first determined by the zoning administrator.	"R" in RR, R1, RF,RP, and GC
Community Residential Care Facilities Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings or in larger facilities. These are all state-regulated facilities as defined in Article 2 under Community Residential Care Facilities and in PA 116 and PA 218.	Child care organization as defined in PA116 of 1973, MCL 722.111, Section 1 and Article 2 of this Ordinance; and Adult Foster Care Facilities as defined in PA 218 of 1979, MCL 400.703, Section 3 and in Article 2 of this ordinance; except group day care homes; except adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions; and except Family Child Care home licenced 1-6 children	"R" in NR, R-1, RR, BAY, LS/R, RP, DD & GC (not on street level/first floor unless in the back of the building and not on more than 50% of total floor area in R-1, DD and GC.)
	Group day care homes as defined in PA116 of 1973, MCL 722.111, Section 1 and Article 2 of this Ordinance that meet the provisions of the Michigan Enabling Act Standards in subsection (4) as provided for in 10.12.7.	"RC" in NR, RR and GC.
	Adult foster care facilities as defined in PA 218 of 1979, MCL 400.703, Section 3, and in Article 2 of this ordinance, licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.	"S" in NR, RR, and GC

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" or "RC" or "S" as appropriate
Convenience Retail Establishments A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station. Drive-through establishments are not convenience retail establishments.	Party stores; drug stores; grocery stores; bakeries; delicatessens; magazine and newspaper stands. Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" in DD and GC
Data Center	A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data. Data centers include commercial cryptocurrency mining facilities, AI centers, cloud storage, and other similar uses.	"S" in GC Southern most GC along M-77 and County Line
Dangerous Chemicals and Fuels: Manufacturing, Storage and/or Distribution Manufacturing or storage establishments which produce or store flammable, explosive or corrosive substances subject to state or federal regulation.	Manufacture and/or storage of fireworks, petroleum products, propane, bottled gas storage, industrial acids or similar substances; refineries. Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"S" in GC
	Temporary storage under Fire Department supervision.	GC
Drive-through Establishments An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided.	Drive-through fast food restaurants, banks, drug stores, photo shops, grocery or party stores, car washes, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use. Other retail and business service establishments similar to and compatible with the above uses, as first determined by the zoning administrator.	"S" in GC

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Educational Institutions An educational institution is any government or privately-owned and/or operated facility, building or part thereof which is designed, constructed, or used for education or instruction at the primary or secondary level. Educational institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.	Governmentally or privately owned and operated elementary and secondary schools. Other institutions similar to and compatible with the above uses, including research and development establishments when associated with an educational institution. See “research and development establishments”.	“R” in NR, R-1, RR, and GC
Essential Services The erection, construction, alteration or maintenance of materials and/or equipment needed to provide adequate service supporting the health, safety, convenience and well-being of the general public by public utilities, government departments or commissions.	Transmission systems, collection, disposal or supply systems including: Mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, street lighting, hydrants, towers, poles, and other similar pieces of equipment. Overhead, surface, and/or underground lines that link homes, schools, businesses and other buildings to utility and public service structures including: Telephone, television, and electrical lines Sanitary sewer, storm sewer, and water lines Gas and oil lines Steam, fuel, gas, or water distribution lines Railroad right-of-way and uses related thereto. Anything more than a pole, box and basic lines are classified as utility and public service installations. Also includes public roads and road rights-of way. Note: Excludes structures that exceed 10 sq. ft. (See Utility and Public Service Installations)	“R” in all districts
Extractive Industries Excavating and removing rock, stone, ore, soil, gravel, sand, minerals, and similar materials from the surface and/or subsurface.	Sand and gravel extraction processing and transport including manufacture of cement and cement products. Subject to Article X, Section 12, Subsection 12. Underground mining, processing and transport.	“S” in All Districts

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Food and Drink Service Establishments An establishment where food and drink are prepared, served and consumed primarily on the premises.	Restaurants (eat-in or take-out, but not drive-through); bakeries; cafes; bars and taverns; brewpubs (allowed only in conjunction with and as part of a restaurant); coffee shops; delicatessens; diners; soup kitchens; and related uses similar to and compatible with the above uses.	"R" in DD and GC
	Microbreweries as defined by MCL436.1109 (2), Nightclubs and Cabarets.	"R" in DD and GC
	Food Trucks, Mobile Food Service	See separate Burt Township Merchant Ordinance
Forest Management The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services. Usually done in accordance with a forest management plan establishing best conservation and management practices, including schedules and responsible entities.	Tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities are permitted uses. Sawmills, whether mobile or permanent, are common uses. The processing of wood products is an industrial activity (see Manufacturing Establishments).	"R" in RR, IBZ, RF and RP
General Retail Establishments The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises.	Stores selling, leasing, or renting new or used consumer, home and business goods including but not limited to: apothecary and pharmaceutical goods; appliances; art and art supplies; antiques; bicycles; books, magazines, newspapers and stationery; clothing; furs; dry goods; electronic equipment; fabric; flea market; furniture; lawn and garden supplies, plants and flowers; gifts and novelties; groceries; hardware; home improvements; household products; jewelry; packaged liquor sales; lumber and building materials and incidental millwork; music and instruments; office supplies; pets and pet food; sporting goods; tableware; toys; and videos, prepackaged and fresh food.	"R" in DD and GC
	Gift shops, handicraft shops, candy, baked goods, pottery, furniture and other handcrafted enterprises. Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" in DD and GC
	Medical and Recreational Cannabis dispensaries	"S" in GC
Group Housing Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of	Fraternity, sorority or other housing similar to and compatible with the above housing. Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care.	"S" in R-1, NR and RR

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. There is usually a common eating area for residents. Occupancy rate not to exceed PUD Standards.		
Indoor Entertainment Establishments Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments. Additional state regulations apply to indoor entertainment establishments that serve alcohol.	Athletic/fitness/exercise establishments; bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; amusement centers and game arcades; bingo parlors; casinos; pool or billiard halls; dance halls; theaters; membership clubs; saunas, hot tubs swimming pools/clubs and similar establishments; Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. Indoor archery and shooting ranges only in GC.	"R" in DD and GC
Industrial Service Establishments Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. "Light": fully enclosed; no outdoor operations or storage of materials or vehicles. "Medium": same uses identified in "light", but with some outdoor operations or temporary storage of materials or vehicles except recycling operations. "Heavy": same uses as light or medium, but at a greater scale or volume of activity plus other uses with greater nuisance characteristics.	Light/Medium: Welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; auto and small truck engine, radiator, transmission, body and frame repair; towing and vehicle storage; building, heating, plumbing or electrical contractors; general building contractors; exterminators; recycling operations (other than vehicles); janitorial and building maintenance services; fuel oil distributors, solid fuel yards, propane storage and distribution; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; diaper services; linen supply services; lawn and garden services; mini-warehouse and photo-finishing laboratories.	Light and Medium: "RC" in GC
	Heavy: Sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; auto and truck salvage and wrecking; junkyards; heavy truck servicing and repair; tire retreading or recapping; truck stops; asphalt and cement batching and redi-mix; contractors with large equipment stored on site; heavy equipment trade schools; meat and poultry processing and packing (wholesale); and sawmills.	"S" in GC
	Other establishments similar to and compatible with the above establishments. The scale or volume of an otherwise light industrial activity may result in classification as a medium or heavy industrial activity.	"S" in GC

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Institutions for Human Care and Habitation Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.	Nursing or convalescent homes; homes for the aged; assisted living facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; homeless shelters. Other institutions similar to and compatible with the above uses, as first determined by the zoning administrator.	"R" in GC
Lodging/Accommodations A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.	Hotels, motels, auto courts, and other transient lodging facilities (not lodges) with an average length of stay under 30 days. Other establishments similar to and compatible with the above uses, as first determined by the zoning administrator.	"R" in DD, GC, "S" in BAY
	Organized camps, and RV Parks and campgrounds for tents or RVs as permitted in Section 10.12.4.	"S" in GC, LS/R, FR AND IBZ ←JON CHECK WITH TOWNSHIP ATTORNEY
	Boarding Houses and Bed & Breakfast establishments.	"RC" in BAY, R-1, DD, NR, GC, LS/R, FR, RR
	Resorts	"S in BAY, LS/R, NR, GC
	Short-term Rentals	"RC" in BAY, R-1, DD, GC FR, NR, RR, LS/R, RF, IBZ
Manufacturing Establishments Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.	Light: Creameries; bottling works; bakery goods; candy; food products; ice making; greenhouses and nurseries; taxidermists; printing, publishing and engraving shops; automotive products; vehicle and machinery assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; processing of machine parts; musical instruments; toys; novelties; metal or rubber stamps; molded rubber products; monument and art stone production; industrial laundry operations; furniture and related wood products processing facility; assembly of electrical appliances, electronic instruments and devices; radios and phonographs.	Light: "R" in GC

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
	Heavy: Wood products manufacture involving extensive use of glues and other chemicals, such as sheet boards and chip boards; drop forging; heavy stamping; punch pressing; heat treating, plating, hammering; or other similar activities; automobile, truck, farm or other large equipment assembly; manufacture of metallurgical products; and heavy machinery fabrication; dry bulk blending plant or handling of liquid nitrogen fertilizer and/or anhydrous ammonia.	"S" in GC
	Other manufacturing establishments similar to and compatible with the above establishments in each class. The scale or volume of any otherwise light manufacturing activity may result in a classification as a heavy manufacturing activity.	"S" in GC
Medical Service Establishments Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories for research and testing, medical suppliers and service establishments.	Small: Medical or dental clinics; doctor or dentist offices; medical or dental labs; blood collection facilities; x-ray and related scanning facilities; emergency medical care facilities; sales of medical supplies and prosthetics; drug stores; pharmacies; therapeutic massage by licensed massage therapists, physical therapists, rehabilitation therapists, nurses, or physicians; veterinary clinics.	"R' in GC, BAY, DD, NR, RR, R-1, and LS/R
	Medical and Recreational Cannabis dispensaries and growing facilities/nurseries	"S" in GC
	Large: Hospitals.	Large: "S" in GC
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" as appropriate
Manufactured Housing Park and Community	Manufactured Housing Park and manufactured housing communities.	"RC" in GC, RR
Multiple Family Dwellings A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.	Apartment building, townhouses, and row houses, garden apartments, and condominiums residence inns, residence hotels, when considering the entire structure (not the individual dwelling units). Open spaces and rural cluster development. Other housing similar to and compatible with the above housing.	"RC" in GC, RR
Office Establishments Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.	Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; government offices; public utility offices; and telemarketing sales offices. Other office establishments similar to and compatible with the above establishments.	"R" in DD, GC

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Outdoor Commercial Recreation & Entertainment Establishments Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses. Additional regulations apply to outdoor entertainment establishments that serve alcohol.	Amusement and water parks; theme parks; fairgrounds; zoos; miniature golf facilities; golf courses and country clubs; amphitheaters; air gun or survival games; batting cages; riding stables; swimming clubs, tennis clubs; skate board parks and drive-in establishments.	"R" in GC
	Archery, rifle, skeet, trap shooting ranges	"S" in GC
	Animal racing; automobile, snowmobile, and motorcycle race tracks.	'S" in GC
	Trails, trail easements (motorized and non-motorized).	"RC" in all Districts
	Other uses similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R", "RC" or "S" as appropriate.
Personal Service Establishments Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.	Laundry pick-up stations; dry cleaning establishments performing the cleaning processes on site; self-service laundries; nails, beauty and barber shops and salons; shoeshine and shoe repair; tattoo parlors; tanning, steam baths, reducing salons and health clubs; tailor and dressmaker shops; tuxedo rental; photographic studios; animal grooming; and domestic services. Other personal service establishments similar to and compatible with the above establishments. Does not include massage services except as accessory to a beauty shop or salon.	"R" in DD, GC
	Funeral services and crematoria.	"R" in GC
Planned Unit Development (PUD) A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land or prescribed minimum area and approved by the Township after site plan review. A PUD may include such concepts as cluster development, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this Ordinance	Single family or multiple family developments with cluster units around common open space; mixed use developments such as golf course communities surrounded by residences; ski resorts with common lodging, detached and/or attached single family residences; neotraditional or new urbanist developments mixing single family homes around a traditional small town commercial area with a common public open space; research and small manufacturing facilities in a campus like setting. NOTE: Rural cluster developments are <u>not</u> PUDs or PDDs. They are exclusively single-family residential developments permitted as an "RC" use pursuant to Section 10.12.31.	"R" in RR, GC, LS/R

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.		
Public Buildings & Related Facilities Buildings housing public services of cities, villages, townships, counties, state and federal government, usually in offices, including publicly-owned "Utility and Public Service Installations" and "Educational and Social Institutions".	Libraries, museums, township hall, county courthouse, police station, fire station, public works, schools, publicly owned tourist information centers, public boat launches/marinas, and other public buildings similar to and compatible with the above uses, and any publicly-owned "Utility and Public Service Installations".	"S" in all districts
	Trails, trail easements (motorized and non-motorized).	"RC" in all Districts
	Roadside parks and all other public parks.	"R" in all districts
	Cemetery.	"R" in all districts
Religious Institutions Religious institutions primarily provide meeting areas for religious activities.	Churches, synagogues, temples, mosques, monasteries, seminaries, convents including the associated religious activities which are directly related to and expressive of the basic tenets of the religion represented; for example, making or selling those items that are directly connected to the basic tenets. Other institutions similar to and compatible with the above establishments, as first determined by the zoning administrator. NOTE: Schools, day care centers, homeless shelters, soup kitchens and other commercial activities and other uses sometimes associated with religious institutions are separate principal uses that are permitted only if the district allows them.	"R" in NR, RR, GC, DD
Rental, Repair and Sales Services Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls. Motorized and non-motorized watercraft are under "Watercraft Sales and Service."	Light: Rental, sales and repair of televisions, bicycles, clocks, watches, cameras, shoes, guns, appliances and office equipment; clothing; locks, and upholstery. Rental, sales and service of non-motorized recreational equipment such as snow ski, bicycle, kayak, canoe, and other rentals.	Light: "R" in DD, GC
	Medium: Rental, sales and repair of small engines like lawn motors and small electric motors, E bikes, snowmobiles, boat motors, ATV, trail groomers.	Medium: "R" in GC
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. Does not include repair of motor vehicles.	"R" or "S" as appropriate

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Research and Development Establishments An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.	Laboratories, research park, computer and related development and testing facility, software development. Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. See "industrial service establishments".	"R" in GC
Sexually Oriented Businesses Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.	Adult bookstore, adult club, adult massage parlor, adult model studio, adult motel, adult theater or escort agency.	"RC" in GC
Single Family and Two Family Dwellings A building containing not more than two dwelling units used, each unit intended or designed to be used as the home, residence or sleeping place of one-family. Includes site constructed, modular mobile home and other manufactured dwellings for a single family.	Single-family and Two-family dwellings, site condominium, mobile or manufactured home on an individual lot.	"R" in, RR, BAY, LS/R, NR, GC RF, RP, IBZ
	Single-family dwellings only	R-1
	Other housing similar to and compatible with the above housing.	"R" or "RC" as appropriate
	Open space and rural cluster developments	"RC" in RR, LS/R, FR, IBZ
	Community Residential Care Facilities in single family dwellings: – see previous listing in this Table 4-1 and in Article 2 under Community Residential Care Facilities.	As provided for earlier in this Table 4-1.
	Short-Term Rentals	"RC" in BAY, NR, R-1, DD, GC, FR, RF, RR, LS/R, IBZ
	An Accessory Dwelling Unit (ADU) unit (also known as mother-in-law flat) approved pursuant to Section 10.12.11 does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance.	"S" in BAY, NR, R-1, DD, GC, FR, RF, RR, LS/R, IBZ
	Tiny House (a dwelling that has a floor area of 400 square feet or less, excluding lofts).	"S" in BAY, NR, R-1, DD, GC, LS/R, FR, RF, RR, IBZ

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Social Institutions A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions include privately owned or operated facilities which provide education or instruction in any branch of knowledge. Social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.	Facilities to house charitable, or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers; military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large vehicles); institutions for higher education; auditoriums and other places for public assembly.	"R" in GC
Solar Energy Systems		RC in all districts

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
Utility and Public Service Installations A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare is provided to the public by an entity under public franchise or ownership Accessory uses may include offices, truck and large equipment parking, fueling and/or maintenance.	Heavy: Water and sewage treatment facilities; water towers; large scale artificially constructed storm water retention and detention facilities; recycling collection centers; solid waste; road maintenance and other public works garages.	"R" in GC "S" in all other districts
	Light: Electrical substations, gas regulator stations; satellite antennas larger than ten feet in diameter and telephone exchanges.	"S" in all districts
	Communication towers: radio, television, cellular and microwave transmitter towers or other communication towers	"S" in RR, R-1 LS/R, FR, GC, RF, RP
	345kv or larger overhead electric transmission lines and towers constructed after the effective date of this Ordinance are prohibited in Burt Township. Buried 345kv or larger electric transmission lines are permitted by special use permit.	"S" in all nonresidential districts
	Public airports, harbors, and rail yards.	Airports "S" in RR and RP. Harbors and Marinas "S" in BAY
	One WECS wind tower up to 80 feet in height is allowed for each single-family dwelling, for each camp/hunting camp and each cabin/cottage/yurt dwelling, and for each ED parcel.	"RC" in all districts except NP, BAY, and DD
	Principal Use (Large) Renewable Energy Systems, including Wind, Solar, and Energy Storage Systems	"S" in RP
	Other utility and public service structures similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R", "RC" and "S" as appropriate
Vehicle Sales and Service Establishments Retail sales and service of motorized land and water vehicles. Except for filling vehicles with gasoline or diesel, or for an oil change, generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.	Sales or rental of new and used automobiles, light and medium trucks; mobile homes; boats; campers and other recreational vehicles; trailers; motorcycles, snowmobiles, ATV's, personal watercraft and other motorized sporting goods.	"R" in GC
	Gasoline and auto service station and automobile service stations where fuel is dispensed. Electric vehicle charging station. Service and repair of the above vehicles including: car wash, engine or transmission repair, muffler, brakes and windshield repair or replacement; upholstery repair; tire sales, alignment and mounting; auto detailing; vehicle wash; oil change, lubrication and related services, towing and short-term vehicle storage.	"S" in DD "RC" in GC

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. Does not include: auto body shop; frame reconstruction; repair and service of industrial vehicles and heavy trucks. See also Industrial Services Use Class.	"R" or "S" as appropriate.
Warehousing and Wholesale Trade Establishments A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time to persons and businesses. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.	Self-service storage facilities, also known as: mini-warehouses, and rental storage units.	"RC" in GC
	Warehousing, storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals; bus barns; cold storage facilities; parcel services, fertilizer sales, seed sales; lumber companies selling at wholesale; stockpiling of sand, gravel or other aggregate materials.	"RC" in GC
	Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R", "RC", or "S" as appropriate
Water Based Business and Watercraft Sales and Services: Any business in which the proprietor, employee(s) or customer(s) physically board a ship, boat, barge or vessel at a marine terminal. Activities that may or may not be directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. Includes land-based intense commercial and recreational uses and boat-related services and sales where the potential for development attracts the public for its nautical ambience and amenity.	Dinner boats, charter boats, passenger service, ferries, boat tours, motorized watercraft rental and commercial fisheries. Marinas, with or without a ships store with related supplies and services; boat sales, rental, service and storage.	"RC" in BAY
	Non-motorized water craft rental.	"R" in GC "RC" in BAY,

Section 4.4.4 Accessory Use Table: Table 4-2 presents accessory uses, structures and buildings by district and the type of approval required.

Table 4-2
COMMON ACCESSORY USES, BUILDINGS & STRUCTURES PERMITTED

Accessory Uses, Buildings & Structures	NR	RR	R-1	DD	BAY	GC	LS/R	FR	RF	RP	IBZ	Special Standards Section #
Airport, private										YES		10.12.2
Amateur Radio, and TV Antennae	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.10.D
Boathouses and hoists					YES		YES	YES	YES	YES		6.2.3G 7.8
Decks and patios	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.8.67.85
Dog Shelter/Dog House	YES	YES	YES		YES	YES	YES	YES	YES	YES	YES	
Electric Vehicle Charging Station (residential use)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9
Exterior lighting	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	15.2, and others
Fences, walls, and Berms	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	15.4, 15.5, 15.6
Flagpoles	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.10.E
Garages and small sheds[1.]	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.8
Garage sales	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.13.J
Gazebos, fireplaces, and other outdoor appurtenances	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.8.5.A
Greenhouses	YES	YES	YES		YES	YES	YES	YES	YES	YES	YES	7.8.1
HVAC units	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9.E, 15.5.2
Home Occupations	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.15
Off-street loading and unloading	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES		14.3, 14.4
Off-street parking	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	Article 14

[1.] Garages and sheds must be located off the alley if one is present.

Accessory Uses, Buildings & Structures	NR	RR	R-1	DD	BAY	GC	LS/R	FR	RF	RP	IBZ	Special Standards Section #
Open storage	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.8.3
Outdoor tennis courts	YES	YES	YES		YES	YES	YES	YES	YES	YES		7.8.5.C
Outdoor walkways and stairways	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9.C
Outdoor Furnace	YES	YES	YES		YES	YES	YES	YES	YES	YES	YES	7.8.7
Pole Barn		YES	YES	YES		YES	YES	YES	YES	YES	YES	7.8
Pumphouses	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	6.2.
Sauna	YES	YES	YES		YES	YES	YES	YES	YES	YES	YES	7.8
Satellite dishes	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9, 7.10
Security Station						YES	YES	YES	YES	YES	YES	7.8
Signs and name plates	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	Article 16
Swimming Pools	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.8.6
Swing sets, play sets, tree houses and other playground equipment	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.8
WECS, Private up to eighty (80) feet[2]		YES	YES			YES		YES	YES	YES	YES	10.12.39
Temporary Buildings, Structures & Uses												
Temporary contractor's Buildings	YES	YES		YES	YES	YES	YES	YES	YES	YES	YES	7.13.1.C
Temporary Buildings incidental to a School	YES	YES	YES			YES	YES	YES	YES	YES		7.13.1.E
Temporary Buildings incidental to a church	YES	YES	YES			YES	YES	YES	YES	YES		7.13.1E
Temporary Housing		YES				YES	YES	YES	YES	YES	YES	7.13.1.B
Temporary Real Estate or Property	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES		7.13.1D

2. Setback from parcel property line for WECS up to eighty (80) feet in height is the height of the tower.

3.

Accessory Uses, Buildings & Structures	NR	RR	R-1	DD	BAY	GC	LS/R	FR	RF	RP	IBZ	Special Standards Section #
Management Office												
Temporary Roadside Stand	YES	YES	YES	YES		YES	YES	YES	YES	YES	YES	7.13.1H
Tents,.Yurts, or RVs for Recreation							YES	YES	YES	YES	YES	7.13.1-A-3
Back Country Shelters							YES	YES	YES	YES	YES	7.13.1-A-2
Bus Shelter	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES		7.13.B.L
ADU Unit	YES	YES	YES		YES	YES	YES	YES	YES	YES	YES	10.12.10
Mobile Sawmills						YES	YES	YES	YES	YES		7.13.K

All provisions of this ordinance must be met for accessory structures.

Section 4.5 REGULATIONS SPECIFIC TO MANUFACTURING

4.5.1 The following regulations apply to all uses classified as manufacturing in the GC district

1. All processing shall be conducted within completely enclosed buildings.
2. Storage of materials, products, and goods is permitted within completely enclosed buildings.
3. Outdoor storage of uncontained bulk materials is prohibited.
4. Impact noises shall not exceed eighty (80) decibels at any point beyond a lot line of any lot in the GC District. Between the hours of 7:00 p. m. and 7:00 a. m., the decibel values tabulated above shall be reduced by six (6) decibels when measured in a residential district.

Article 5
SCHEDULE OF DISTRICT REGULATIONS

Section 5.1 PURPOSE

The purpose of this Article is to present the density and dimensional standards applicable to lots and parcels subject to regulation under the Burt Township Zoning Ordinance. These include minimum lot sizes, minimum lot width, minimum yard and setbacks, minimum floor area, maximum total lot area coverage, maximum height of buildings and special notes related to some of these standards. Other exceptions and special situation standards can be found in the regulations of Articles 6 through 10. The standards of this Article are presented as minimums and maximums to provide clear guidance as well as flexibility to landowners while still ensuring the long-term character of the individual districts is being maintained. The zoning districts are listed on each of the Schedules by their abbreviated names as defined in Article 3, Section 3.2.1.

Section 5.2 SCHEDULE OF DISTRICT REGULATIONS

A. Table 5-1 sets the density, lot and building dimension requirements for all districts.
B. See Section 7.8 for accessory structure regulations.

Article 5
SCHEDULE OF DISTRICT REGULATIONS

Table 5-1
Schedule of Regulations

District	New Lot Minimum Size	New Lot Width (Feet) (a)	Setback (Feet)			Maximum Height to Highest Point of Roof (Feet)
			Front	Side	Rear	
NR	20,000 sq ft	100	15	10	15	30 (d)
R-1	20,000 sq ft	100	15	10	15	30 (d)
RR	20,000 sq ft	100	15	10	15	30 (d)
BAY	20,000 sq ft	100	15	10	15	26 (d)
LS/R	30,625 sq ft	175	75 (LS)	15	15	30
FR (h)	5 acres	330	100 (g)	15	15	30
DD	20,000 sq ft	100	15	10	15	30
GC	20,000 sq ft	100	15	15	15	30
RF	10 acres	300	15	15	15	30
RP	10 acres	300	15	15	15	30
IBZ	20 acres	200	50	30	30	30

a. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
b. An accessory building or structure may be located 6 feet from a side lot line.
c. An accessory building or structure in the NR, R-1, RR, and BAY districts may be located twenty (20) feet from the rear lot line.
d. An accessory building or structure shall not exceed the maximum allowable height of the principal structure.
e. All structures shall be provided with access to their rear yard, with a minimum of thirty (30) feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits; and 10 feet for parking areas.
f. The front setback is measured from the Ordinary High Water Mark.
g. All structures must be setback at least 50 feet from the top of a bluff and outside of the floodplain.
h. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres; however, it will still conform to the 20 acre minimum lot size requirement.
i. The minimum landscaped open space ratio shall be twenty-five (25) percent in the GC district
j. Customary accessory buildings or structures shall be at least located thirty (30) feet from the rear lot line and water front. Rear setback for parcels not abutting water courses shall be thirty (30) feet from all structures.

k. Where the right-of-way is established under the McKnitt Act (P.A.130 of 1931 as amended) and varies from the standard sixty-six (66) feet of width, the setback shall not be less than sixty-three (63) feet from the centerline of the roadway.

Section 5.3 WATERFRONT DEVELOPMENT

1. Setbacks from Inland Waters and Rivers - All structures on lots abutting any body of water, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of seventy-five (75) feet as measured from the high-water mark or lot line. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of thirty (30) feet as measured from the high-water mark or lot line.

2. Setbacks on the Lake Superior Shoreline side of Coast Guard Point Rd. [Assessors Plat of Coast Guard Point, Part of Government Lot 1, Section 6, T.49N., R.13W., Burt Township, Alger County, Michigan] – the outermost point of any dwelling shall be a least fifty (50) feet behind (South) of the Traverse Line, as indicated on the Assessors Plat of Coast Guard Point – as referenced above, the Traverse Line is considered the rear buildable lot line on Lots 134 through 169 of this section of Burt Township.

Setbacks from Lake Superior Water - All structures on lots located within Erosion Control Districts shall be subject to the setbacks from the bluff line of Lake Superior. Within the designated Erosion Control District of Lake Superior as determined by the Michigan Department of Environment, Great Lakes and Energy (EGLE), no structure except an erosion control structure shall be erected within the required setbacks from the buff line of Lake Superior in accordance with the said regulations in force at the time of construction. Applicants for zoning permits must have a state permit issued by the Michigan Department of Environment, Great Lakes and Energy (EGLE) prior to making application for said zoning permit

3. Shore and Bank Area Alterations - The part of the setback which lies within thirty (30) feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space fifty (50) feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto no change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least fifteen (15) feet for each seventy-five (75) square feet of area thereof in wooded areas or sufficient natural ground cover in open areas. There shall be no commercial timber harvesting within seventy-five (75) feet of the water edge.

4. Limitation of "Funnel Development" - Any development in any zoning district which shares a common lake front or stream area may not permit more than one single family home, cottage, condominium or apartment unit to the use of each one-hundred (100) feet of lake or stream frontage in such common lake front or stream areas as measured along the water’s edge of normal high-water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.

Article 6
SPECIAL DISTRICTS & ENVIRONMENTAL PROTECTION PROVISIONS

Section 6.1 PURPOSE

The Special Districts in this Article are designed to protect and promote the public health, safety, and general welfare. They are all overlay districts which have regulations that apply in addition to those of the underlying district as illustrated on the Zoning Map. Most of the environmental protection provisions are designed to alert landowners to permit requirements administered by other county, state or federal authorities before seeking final approval under this Ordinance.

Section 6.2 WELLHEAD/GROUNDWATER PROTECTION DISTRICT

6.2.1 Purpose and Intent:

A. The purpose of the Wellhead/Groundwater Protection District is to protect public health and safety by minimizing contamination of shallow/surficial aquifers and preserving and protecting existing and potential sources of drinking water supplies. It is the intent to accomplish this through both public education and public cooperation, as well as by creating appropriate land use regulations that may be imposed in addition to those currently imposed by existing zoning districts or other Township regulations.
B. The Wellhead/Groundwater Protection District is superimposed on current zoning districts and shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses. Land uses allowed in the underlying zoning districts which fall within the Wellhead/Groundwater Protection District must additionally comply with the requirements of this district.

6.2.2 Designation and Duties of the Zoning Administrator:

The Zoning Administrator shall review all proposed applications for a Zoning Permit for areas with the Wellhead/Groundwater Protection Zone for risks associated with groundwater protection as identified in the Burt Township Wellhead Protection Plan and maintain a log of all Zoning Permits issued for areas within the Wellhead/Groundwater Protection Zone.

Section 6.3 NATURAL SHORELINE DISTRICT

6.3.1 Purpose: Most of those who enjoy the beauty of Burt Township from someplace other than the road, do so from the water. It is in the best interests of the residents and visitors of Burt Township to keep a shoreline that is as natural appearing as possible. The following provisions apply as an overlay district.

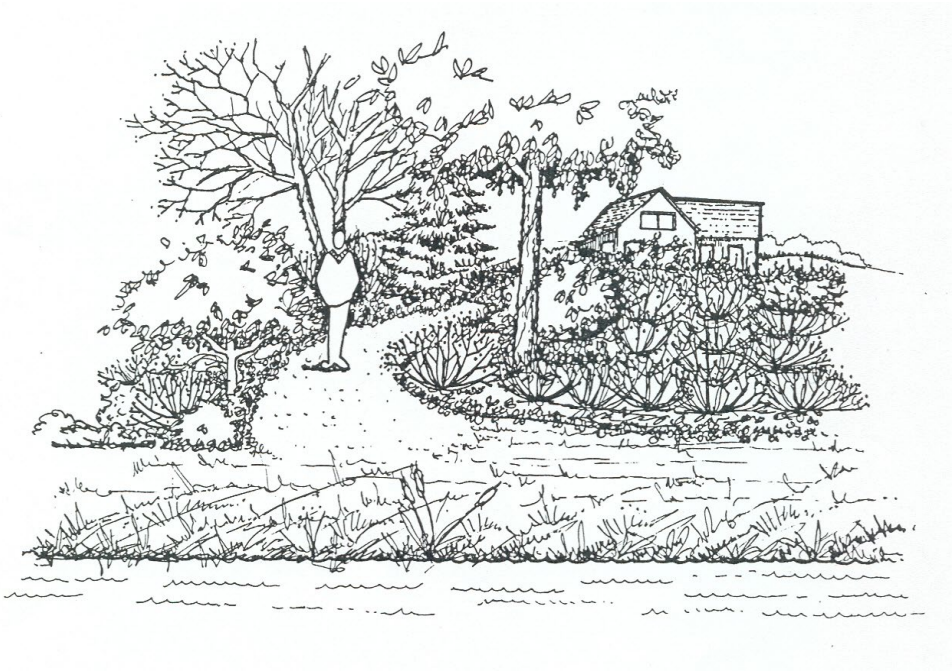
6.3.2 Recommended Actions: Following are recommended guidelines that are not mandatory, they are actions landowners can take to preserve a natural shoreline in Burt Township. All lots fronting on Lake Superior and all other shorelines of any waterbodies in Burt Township are encouraged to meet the following standards because of the aesthetic, water quality and fish habitat benefits:

A. On waterfront lots, a strip of land extending a minimum of thirty (30) horizontal feet from the ordinary high-water mark should be maintained and forested with native trees and shrubs, or retained in no less than its natural and undeveloped state. No further alteration, including

the removal of stumps below ground level, should be performed unless required in connection with a plan designed for erosion control, reforestation or bank stabilization with the intent of maintaining a root and vegetative barrier to keep nutrients from entering the water.

B. Dead, diseased, unsafe or fallen trees, shrubs, and noxious plants including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1941, as amended, may be removed.
C. Trees and shrubs may be pruned for a filtered view of a waterbody. See Figure 6-1

Figure 6-1
PRUNING TO MAINTAIN A FILTERED VIEW OF A WATERBODY



D. Clear cutting is strongly discouraged.
E. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soils and steep slopes exist. The Department of Natural Resources, the Department of Environmental Quality or the Alger Conservation District should be consulted for selection of plant species best suited for erosion control and/or screening of existing developments.
F. A six (6) foot wide foot path which is made to minimize erosion and run-off comparable to what a raised walk-way which is constructed of non-polluting and non-toxic materials, over the vegetation would do, and which is not enclosed, may be maintained for access, and shall not exceed one such footpath per lot for lots under 200 feet on a shoreline or one per each 200 feet of shoreline of a lot.
G. A dock which meets Dock Standards in Article 7.29.

Section 6.4 RESERVED FOR FUTURE USE

Section 6.5 RESERVED FOR FUTURE USE

Section 6.6 RESERVED FOR FUTURE USE

Section 6.7 ENVIRONMENTALLY SENSITIVE AREAS

Protecting and preserving Lake Superior and its tributaries and all other water bodies and their tributaries is critical to the economy, health, safety and quality of life in Burt Township. Lake Superior is a large body of fresh water bordering Alger County, and bordering a large part of the mainland shoreline of Burt Township. Like the inland lakes and other water bodies, Lake Superior is also sensitive to its watersheds which could be subject to flooding, erosion, or pollution.

The protection of areas of environmental concern, such as wetlands, high risk erosion, dunelands, floodplains, water bodies or steep slope areas, must be considered in conjunction with development and such areas must be developed in conformance with the following regulations of state, township and county agencies as applicable:

A. Dune Formations and High Risk Erosion Areas are sensitive sandy and clay areas under protection of the Michigan Natural Resources & Environmental Protection Act, PA 451 of 1994, Parts 353 and 323 respectively (formerly, the Sand Dunes Protection Act, PA 222 of 1976, as amended by Public Act 146 and 147 of 1989, and the Shorelands Protection and Management Act, Public Act 245 of 1970, as amended). The general areas subject to these regulations are indicated on the Zoning Map.
B. Wetlands are defined by degree of soil wetness, generally including those soils classified by the Michigan Natural Resources & Environmental Protection Act, PA 451 of 1994, Part 303, Section 324.30301 et seq (formerly, the Goemere-Anderson Wetlands Act , PA 203 of 1979) as being able to support aquatic vegetation regardless of whether it has standing water or not. No activity shall be permitted on a site with regulated wetlands, unless a wetlands permit has been obtained by the applicant from the Michigan Department of Environment, Great Lakes, and Energy (EGLE).
C. Sensitive Riverine Areas are defined as areas on each side of streams that could be subject to flooding or erosion and alterations of land may require a soil erosion and sedimentation control permit under Part 91, Section 324.9101 et seq of the Michigan Natural Resources & Environmental Protection Act, Public Act 451 of 1994, (formerly, PA 346 of 1972). See also E. below and Section 6.1.
D. Inland Lakes are sensitive to areas around the water body, including the watershed, which could be subject to flooding, erosion, or pollution per Part 301, Section 324.30101 et seq of the Michigan Natural Resources & Environmental Protection Act, Public Act 451 of 1994, (formerly, PA 345 of 1966).
E. Flood Plain Areas are low areas adjacent to inland lakes and streams subject to flooding according to the one hundred (100) year flood hazard boundary map as administered by the Federal Emergency Management Agency (FEMA) or an Intermediate Regional Flood map prepared by the Army Corps of Engineers (see Section 6.1). A structure proposed within a floodplain is not permitted to be erected until a permit from the Michigan Dept. of Environmental Quality is obtained pursuant to Part 31 of the Michigan Natural Resource & Environmental Protection Act, Public Act 451 of 1994 and Section 22.9 of this Article.
F. Steep Slopes When the proposed building site has slopes in excess of fifteen (15) percent, questionable soils stability or evidence of erosion, the Zoning Administrator shall require the

applicant to obtain a site analysis and conform with the applicable requirements of this Article.

G. Other environmentally sensitive areas defined on Burt Township Maps.

Section 6.8 RETAINING WALL PERMIT

No shoreline retaining wall shall be erected without first having obtained a permit from the Michigan Department of Environment, Great Lakes, and Energy (EGLE)

Section 6.9 GRADING AND FILLING OF PROPERTY AND STORMWATER DETENTION

A. When any land in the Township is developed or altered in any way which affects stormwater runoff, the owner shall detain such stormwater from runoff onto adjacent properties, including roads and other rights-of-way, in such a manner which shall result in the maximum amount of stormwater runoff not exceeding that which existed prior to the development or improvement of the property, and in accord with the requirements of the Michigan Natural Resources & Environmental Protection Act, PA 451 of 1994, Part 91, Section 324.9101 et.seq. formerly the Soil Erosion/Sedimentation Control Act, PA 347 of 1972, as amended. In addition, all development shall conform to the County Soil Erosion, Sedimentation and Stormwater Control Resolution and any general rules or administrative guidelines.

B. Special attention shall be given to proper site drainage so that runoff of stormwater will not adversely affect neighboring properties or the water quality of the Township's lakes and streams. Stormwater control mechanisms, such as retention/detention basins, vegetative buffers, swales, and infiltration trenches, shall be required to ensure that the peak rate of stormwater runoff after development does not exceed the rate prior to development.

C. The final grade surface of ground areas remaining after the construction of a building or structure, and any earth changes made in connection with use of land shall be designed and landscaped such that surface water flows away from the building or structure and is collected or managed in a manner which avoids any increase in surface water discharge onto adjacent properties or public roads, the erosion of or filling of any road ditch, the blockage of any natural or public watercourse, the creation of standing water over a private sewage disposal drainage field, and any unnecessary impoundment of surface water. The provisions of this section shall be administered and enforced pursuant to the site plan review provisions of Article 18, when applicable. In all other cases, the Zoning Administrator shall determine after consultation with the Soil Erosion, Sedimentation, and Stormwater Control administrator whether the provisions of this section are met. When it is determined that inadequate surface water control exists, no Zoning Permit shall be issued until the situation is corrected and approved by the Zoning Administrator.

D. Creation of Ponds: A manmade excavation or impoundment of surface water designed to retain or detain water with a surface area of at least one thousand (1000) square feet . A pond is permitted in all zoning districts subject to the following requirements:
   1. No person shall commence the excavation, dredging, or construction of a dam, that is designed, intended or results in the creation or enlargement of a pond without first making application for and receiving a Zoning Permit approving the specific plans for a pond.
   2. An application for a Zoning Permit for a pond shall be made pursuant to Article 18 of this Ordinance.
   3. Proposed ponds of less than one (1) acre in size shall be considered under a minor site plan.

4. Applications for ponds larger than one (1) acre and/or ponds which are located within five-hundred (500) feet of a lake, river, stream, or open Township drain shall be required to be submitted to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to determine the extent to which the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, apply to the proposal.
5. Ponds (or man made lakes) in excess of 5 acres shall be considered major site plans under Part IV of Article 18.
6. Plans for ponds shall indicate the size, depth, and proposed finished grade of the land both above and below water level, any proposed fencing location and specifications. In addition, the applicant shall indicate sources of water being used to supply the pond (such as stream impoundment, surface water runoff, springs, and wells).
7. No pond shall be closer than fifty (50) feet from any property line, easements for egress, dwelling units, septic drainage fields and domestic wells.
8. Ponds on parcels of less than 20 acres in size that are not enclosed by a four feet high fence shall be required to provide and maintain one or more safety stations in compliance with the following:
    a. U.S. Coast Guard approved ring buoys securely connected to forty feet of rope mounted on posts located at 500 feet intervals around the perimeter of the pond.
    b. A twelve feet long pole shall be attached to one safety station.
9. Ponds under five (5) acres are permitted without regard to the eight (8) previous subsections if:
    a. On a bonafide commercial agriculture or horticulture operation in an Agriculture (AG) District;
    b. The pond is approved by the National Resources Conservation Service as being in conformance with their existing pond design standards.

Section 6.10 GENERAL ENVIRONMENTAL PROTECTION & NUISANCE PREVENTION PROVISIONS

A. Every use shall be so conducted and operated so that it is not detrimental to the health, safety, or welfare of persons or property, or obnoxious by reason of heat, glare, fumes, odors, dust, noise, smoke, water runoff, light, ground vibration or other nuisance beyond the lot on which the use is located. It shall be unlawful to carry on or permit to be carried on any activity or operation of use of any land, building, or equipment that produces irritants to the sensory perceptions greater than the measures herein established which are hereby determined to be the maximum permissible hazards to humans or to human activity.
B. Dangerous Explosive and Flammable Materials:
    1. No use of a building or premises shall in any way represent a fire or explosion hazard to a use on adjacent property or to the public on a public street. All buildings, above or below ground storage and handling areas where dangerous chemicals, salts, flammable materials, or hazardous substances are regularly used, moved or stored shall conform to all applicable local, Township, State and Federal regulations and requirements; including the maintenance of any clear zone and/or containment structures required by government authorities. Failure to disclose such materials to fire, emergency services agencies and the Michigan Department of Environment, Great Lakes, and Energy (EGLE)as may be required by State or Federal laws, is also a violation of this Ordinance.
    2. All outdoor above or below ground handling areas and storage facilities for dangerous chemicals, explosive or flammable materials, fuels and other hazardous substances in excess of 50 gallons or 150 pounds per month, shall:
        a. Be constructed and maintained in compliance with:

1. All applicable Michigan Department of Environment, Great Lakes, and Energy (EGLE), Michigan Department of Agriculture, State Fire Marshal and U.S. EPA Standards;
2. The State Construction Code Act, Public Act 230 of 1972; and
3. All applicable County, Township, local Fire Code and "Right-to-Know" laws.
4. A Pollution Incidence Prevention Plan (PIPP) if required under state law.

b. Be located on a lot at least one-half (½) acre in size.

c. Not store fuel in above or below ground tanks closer than seventy-five (75) feet to a building unless it is liquefied petroleum gas or heating fuel in an approved tank, in which case it shall not be closer to a building than the distance allowed by the State Mechanical Code.

d. Secondary containment structures shall be required to protect the environment from accidental spills of all hazardous liquids. Hazardous liquids shall include all "hazardous wastes" as defined by Act 64 of 1979, that are in liquid form. Secondary containment structures shall include structures such as but not limited to dikes and berms surrounding transfer and storage areas, enclosed structures, and interior storage rooms with sills and no floor drains. All secondary containment structures shall be at least large enough to hold the capacity of the largest drum or tank in the transfer or storage area. Secondary containment structures shall be covered, but if flammable, not fully enclosed, with a satisfactory dewatering plan to prevent leaks and spills from entering drains, sewers, surface or groundwater.

e. No floor drains shall be permitted in any areas involving the transfer or disposal of hazardous liquids unless all hazardous liquids are collected and properly treated or disposed of off-site.

3. If the quantity of material in Section 16.10.B.2 above is less than the regulatory threshold of the Michigan Department of Environment, Great Lakes, and Energy (EGLE), the Michigan Department of Agriculture, State Fire Marshal or U.S. EPA Standards then the secondary containment structures required in subsection 2.d. above shall conform with standards prepared by the Zoning Administrator and adopted by the Planning Commission.
4. The owner shall supply the Zoning Administrator, Sheriff's Department and Emergency Services Coordinator with the name and phone number of persons responsible for materials on the site and who is available 24 hours in case of a leak or spill.

C. All proceedings of the Planning Commission, Zoning Board of Appeals, and Township Board shall be conducted, and all decisions shall be made with due consideration given to the maintenance of reasonable circumstances regarding: emission and transmission of injurious or obnoxious noise, fire or explosive hazard, liquid or solid waste disposal, vibration, gas fumes, smoke, dust, dirt, litter, odor, light, glare, traffic congestion, ingress and egress, ease of police and fire protection, drainage, lateral land support, blighting influence, effect on property values, adequate light and air, overcrowding of persons, sanitation, general appearance of the area, surface and groundwater quality, and other similar considerations having an effect on public health, safety and general welfare of the people of the surrounding area.

Article 7
GENERAL PROVISIONS

Section 7.1 PURPOSE

This Article is intended to establish general regulations for lots, uses, and activities that relate to accessory uses, various exceptions, and aspects of land use and design that are not addressed in other Articles of this Zoning Ordinance.

Section 7.2 THE EFFECT OF ZONING

Zoning applies to every building, structure or use within the Township. No use of land, buildings or structures is permitted without zoning approval as specified in this Ordinance. Zoning approval runs with the land, not with the property owner.

Section 7.3 RELATIONSHIP TO BUILDING PERMITS

No excavation for construction shall be commenced and no building or structure shall hereafter be erected, enlarged, altered or reconstructed until a Zoning Permit is obtained from the Zoning Administrator and a Building Permit has been issued by the Building Inspector, unless the Building Inspector determines the building or structure does not require a Building Permit. No Building Permit shall be issued until other permits required by this Ordinance have been obtained. A Zoning Permit is required before the issuance of a Building Permit. All barrier free requirements shall be enforced by the Building Inspector.

Section 7.4 RECOMMENDED BUILDING MATERIALS

New buildings are strongly encouraged to mimic designs and materials indigenous to the area and long recognized as part of the “northwoods” character of Burt Township. Except for buildings in industrial districts, extensive exterior areas of glass, metal or concrete are strongly discouraged.

Section 7.5 ESSENTIAL SERVICES AND MUNICIPAL FACILITIES

7.5.1 Essential Services:

The erection, construction, alteration or maintenance of materials and/or equipment needed to provide adequate service supporting the health, safety, convenience, and well-being of the general public by public utilities, governmental departments, or commissions is permitted in any zoning district. (See Table 4-1 for examples)

1. Electrical substations and/or gas regulator stations shall be enclosed with a fence or wall six (6) feet high and adequate to obstruct passage of persons or materials.
2. Public utility facilities in any zoning district are required to be constructed and maintained in a neat and orderly manner. Any building which is constructed shall be landscaped and shall conform with the general character of the surrounding neighborhood.
3. Communication towers are permitted only by Special Use Permit according to the standards of Section 10.12.5.

7.5.2 Governmental Facilities: Buildings, structures, facilities and/or uses owned or operated by Burt Township are subject to the provisions of this Ordinance. All buildings, structures and/or uses owned or operated by a local, state or federal agency require review and approval of a site plan by the Planning Commission prior to construction or alteration, except as provided elsewhere in this Ordinance, or by State or Federal Law.

Section 7.6 POTABLE WATER AND SEWAGE DISPOSAL

A. Any building erected for human occupancy after the effective date of this Ordinance and used for dwelling, business, industrial, recreational, institutional, mercantile or storage purposes shall not be erected, altered, used or moved upon any premises unless that structure shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of human, commercial, and industrial wastes.
B. All on site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the District Health Department as well as those of other applicable township, county, state, or federal agencies.

Section 7.7 LOTS OF RECORD AND DIVISION OF LOTS

7.7.1 Lots of Record: A lot of record may be used as specified in the zoning district in which it is located. Any structure shall be located on the lot in compliance with all yard and setback requirements for the zoning district in which the lot is located unless otherwise provided for in this Ordinance.

7.7.2 Division of Lots: No lot shall be divided except in conformance with the requirements of the Land Division Act, Public Act 288 of 1967, being MCL 560.101 et seq. as amended, and any applicable Township ordinances.

7.7.3 Combination of Lots: No lot shall be divided and combined with an abutting lot if the portion remaining following the division would not meet the minimum requirements for lots in the district, including the ability to support a septic system and well under the requirements of the District Health Department.

Section 7.8 ACCESSORY USES AND STRUCTURES

7.8.1 General Standards:

A. Subordinate to Principal Use: Except as set forth in Paragraph C. below accessory uses and structures must be subordinate to the principal use and structure on the subject lot in terms of area, extent and purpose.
B. Time of Establishment: Accessory structures must be constructed in conjunction with or after the principal building and may not be constructed prior to the construction of the principal building. Accessory uses may be established no earlier than the commencement of the principal use.
C. Accessory Structures may be built without a principle structure
    1. On parcels of 10 acres or more in RF and RP districts, accessory structures may be built without a principal structure provided the accessory structure is set back a

minimum of 200 feet from the road right of way and a minimum of 100 feet from all other property lot lines (except as required in 7.32). Such accessory buildings do not establish a principal use.

2. On lots with accessory buildings as allowed in 7.1.C.1, Open Storage is allowed with the same restrictions as specified in 7..4 with the side and rear yards established by the accessory building.
3. Docks may be constructed prior to construction of a principal structure in BAY, LS/R, FR, and RF districts subject to the requirements of Section 7.29.

D. Semi-trailers are not allowed as accessory structures in any district.

7.8.2 Height of Accessory Buildings: Unless otherwise expressly stated, no accessory building in a residential district and a nonresidential district may exceed the height of the principal building on the same lot.

7.8.3Open Storage:

A. Recreational equipment such as utility trailers, boat trailers, boats, and similar recreational equipment, excluding recreational vehicles (RV's), may be stored in the open on lots subject to all of the following:
   1. Dead storage only is allowable and no connection to any permanent power, water or sewer facilities is allowed.
   2. Such equipment shall not be used for human occupancy nor used as business, recreational or housekeeping purposes.
   3. Such equipment must be in usable and in safe condition for use except for periods when necessary repairs or alterations are being conducted.
   4. Said equipment shall be stored in the side or rear yard provided accessory building setbacks are met.
   5. No such equipment shall be parked or stored in such manner or in such location in the lot or parcel as to create a dangerous or unsafe condition.
B. One recreational vehicle (RV) may be stored in the open in all districts where a principal building is present.
C. Only two items of recreational equipment (over 16 feet in length) including only one recreational vehicle (RV) may be stored in the open on a lot at the same time.

7.8.4Separation Requirement: No detached accessory structure, apart from a porch or deck, shall be located closer than ten (10) feet to any principal building.

7.8.5 Porches and Decks:

A. All enclosed porches proposed to be constructed and all existing open porches, decks, gazebos, or patios that are proposed to be enclosed shall meet the setback and area requirements of this Ordinance.
B. An open, unenclosed and/or uncovered porch or deck six (6) inches or more above finished grade shall meet the setback and area requirements of the district for a principal building if connected to, touching or adjacent to and accessed from the principal building. Otherwise the porch or deck shall meet the yard and area requirements for an accessory structure.
C. Paved terraces, patios, tennis courts, and unenclosed, uncovered porches and decks shall not be subject to yard requirements, provided that all of the following conditions are met:
   1. It is less than six (6) inches above the finished grade.
   2. The paved or decked area is unroofed and without such walls, parapets, or other forms of solid, continuous enclosure that so link the paved or decked area to the principal

building that an enclosed area is formed which appears functionally a part of the principal building.

3. No portion of any paved or decked area is closer than three (3) feet from any side or rear lot line, except that if the yard proposed to be encroached abuts a public street or approved private road, the setback shall be observed.

7.8.6 Swimming Pools:

A. Pools used for swimming or bathing and all fencing, gates or other barrier around them shall be in conformity with the State Construction Code, as amended.
B. Swimming pools shall conform with the following requirements:
   1. The yard setback requirements as required for accessory uses and structures in this Ordinance.
   2. No swimming pool shall be located over a septic system, drain field, or on any area designated by the District Health Department as reserved for a replacement drain field unless approved by the District Health Department.
   3. No lights shall be erected, operated or maintained, in connection with a swimming pool in such a manner as to create a nuisance or hazard to nearby properties.
   4. Service drop conductors and any other open overhead wiring shall not be located above a swimming pool.
   5. No swimming pool shall be used unless adequate public health measures are periodically taken to ensure that use of the pool will not cause the spread of disease.

7.8.7 Outdoor Furnace Regulation

A. An outdoor furnace is permitted as an accessory structure/building in all Districts except NR and DD, providing the following standards are met:
   1. The minimum set back from property boundary and/or public or multiple use private road ROW is 50 feet.
   2. The outdoor furnace shall be built and operated in accordance with manufacturer's instruction, and with applicable state and local codes, including fire codes, so that it, or its chimney emissions, does not produce an unusual fire hazard; and/or does not produce materially deleterious health, safety and/or quality of life effects for either occupants, neighbors or people driving on nearby roads.
   3. The minimum permitted chimney height is fifteen (15) feet above the top of the burn chamber of the Outdoor Furnace unless the Outdoor Furnace is at least 300 feet (three hundred feet) from any boundary line of the parcel it is placed on.

Section 7.9 PROJECTIONS IN YARDS AND YARD EXCEPTIONS

The following projections into yards are permitted:

A. Ramps to accommodate wheelchairs and/or related devices to assist the handicapped or infirm are permitted to encroach on the yard requirements of any district, provided an application for a Zoning Permit is filed with the Zoning Administrator who shall find as a condition of issuing the requested permit, that the location selected minimizes the yard encroachment while still meeting the ramp needs of the applicant. No ramp is permitted to extend from a front or side door directly to the front sidewalk or curb, if it is reasonably feasible to connect to an existing private sidewalk or paved driveway. Ramps may not be covered within any setback. Ramps must meet the requirements imposed by all applicable federal, state and local regulations.

B. Self-supporting awnings in residential districts may project into a required yard area no more than three (3) feet and in commercial or industrial districts no more than five (5) feet. Awnings shall be at least eight (8) feet above grade at every point. No awning shall be erected over public right-of-way.
C. Uncovered Stairs, landings, and fire escapes may project into any yard, but not to exceed six (6) feet, and not closer than three (3) feet to any lot line.
D. Architectural Projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard, but such projection shall not exceed two (2) feet.
E. The yard requirements of this Ordinance may be waived for the following accessory structures:
    1. Mechanical structures, such as heat pumps, air conditioners, emergency generators, electric vehicle charging stations (residential use) and water pumps are not allowed in front yards, but they may be located in rear or side setbacks if they are located at least three (3) feet from rear and side lot lines.
    2. Fences or screening walls, as permitted by Article 15, may be located in any required setback. Residential fences are permitted on the property lines in residential districts, but shall not be closer than two (2) feet to any public right-of-way.
    3. Essential services, utilities, electric power and communications transmission lines are exempt from the yard and setback requirements of this Ordinance. See also Section 7.5
    4. Landscaping and vegetation are exempt from the yard and height requirements of this Ordinance. See also requirements in Article 15.
    5. Bus Shelter.
F. Additions
    Additions in the front yard of existing principal structures shall not project beyond the average of the existing front yards on the abutting lots or parcels.
G. Average Front Yards
    The required front yards may be decreased in any residential district to the average of the existing front yards of the abutting structures on each side, but in no case less than twenty (20) feet in any residential district.

Section 7.10 HEIGHT EXCEPTIONS

The following non-residential structures and appurtenances shall be exempt from height regulations in all zoning districts in which they are permitted, provided no portion of the excepted structure may be used for human occupancy:

A. Church spires, provided they do not exceed seventy-five (75) feet in height to the top of the spire.
B. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks and water towers, elevator and stairwell penthouses, ventilators, screening walls, fire and hose towers, cooling towers, or other structures where the manufacturing process requires a greater height, provided these appurtenances do not exceed seventy-five (75) feet in height or not more than fifteen (15) feet higher than the highest point of the structure, whichever is higher, and are set back a distance from the property line at least equal to the height of the structure or the height of the appurtenance above the roofline. Public-owned water tanks and water towers are not subject to any height limitation.
C. Communication towers shall not exceed the height limits established in Section 10.12.5
D. Antenna (Amateur Radio, including ham radio, TV, and their towers; and similar antennas and their towers) that are permitted as Accessory Uses/Structures in Table 4-2 are not

required to obtain a Special Use Permit under the requirements in Article 10. However, the minimum fall zone setback from a parcel property line shall be equal to or greater than the total combined height of the tower.

E. Flagpoles shall not exceed thirty-five (35) feet in height.
F. Barns, silos.

Section 7.11 BUILDING GRADES, FILL TO INCREASE HEIGHT

Filling with earth or other materials to an elevation above the established or natural grade of adjacent land is prohibited without the express written approval of the Zoning Administrator. The intent of this provision is to prohibit the erection of buildings taller than the natural grade plus what the height restriction of this Ordinance would otherwise permit. All water runoff shall be stored on site; no water shall be directed into public storm drains, sanitary sewers or abutting property unless owned by the applicant. Where a new building is constructed between two existing buildings or on a vacant lot adjacent to an existing building, the natural grade shall be used to determine the finished grade for the new building and the required yard space. See also Section 6.

Section 7.12 RESERVED FOR FUTURE USE

Section 7.13 TEMPORARY BUILDINGS, STRUCTURES AND USES

7.13.1 General: Temporary buildings, structures, and uses are permitted in specified districts only under the following requirements.

A. Temporary Use of Camps, Back Country Shelter (BCS), Tents, Yurts and Recreational Vehicles:
Except for tents, yurts and/or recreational vehicles (RV's) in bona fide campgrounds or RV Parks, the temporary use of camps, BCS, Tents, Yurts and RV's must meet the following requirements/limitations

1. Camps, Hunting Camp: A camp is a permitted use in RF and RP districts, provided the following requirements are met:
   a. The parcel on which the camp is located is at least 20 acres in size and the acres one camp is located on cannot be shared with another camp**.**
   b. There is no pressurized water supply.
   c. There is a waste disposal system that has been inspected and approved by the District Health Department.
   d. The building is no more than four hundred (400) square feet in area and no more than fifteen (15) feet in height.
   e. It is not meant to be occupied on a year-round or continuous use basis. It is meant for temporary occupation, not to exceed thirty (30) days in succession or more than ninety (90) days in a calendar year, for participation in outdoor recreation.
   f. A tent/yurt meeting these requirements is considered to be a camp/hunting camp.
   g. The total size of all accessory buildings associated with any Camp shall not exceed 200 square feet.
2. Back Country Shelter (BCS): A Back Country Shelter is a permitted use in all districts, provided the following requirements are met:

a. BCSs shall only be owned and managed by a public entity or a nonprofit land trust, or nonprofit land trust, or conservation organization, or a private entity which is also the owner of the associated trails/trail easements provided for in Article 10, under 10.12.35 Trails and Trail easements.

b. A Back Country Shelter (BCS) building shall be kept in good and safe repair and appearance by the associated public or commercial trail owner or manager. BCS management shall be guided by a plan prepared and adopted by the management entity. A current copy of such plan shall be filed with the Zoning Administrator.

c. Wherever feasible, a BCS should be sited to minimize negative impacts on nearby residences, churches, schools and other public and private lands.

d. The maximum height for a BCS is fifteen (15) feet There shall be no more than two (2) BCSs up to four hundred (400) square feet in size within a two thousand (2000) foot distance of each other; nor more one (1) BCS up to eight hundred (800) square feet in size within a four thousand (4000) foot distance of another BCS; nor more than one (1) BCS associated Accessory Building not to exceed two hundred (200) square feet in size which is no closer than two thousand (2000) feet from another Accessory Building; except that:
In a public or commercial ski hill parcel which is available to the public and is at least a minimum of forty (40) acres in size, up to two (2) eight hundred (800) square foot BCSs and one associated four hundred (400) square foot Accessory Building may be located closer together (clustered) when built and managed as provided for here and in association with trails and trail easements in 10.12.35 providing that:
    1. The proximity of any two (2) of the eight hundred (800) square foot BCSs and their one (1) associated four hundred (400) square foot accessory building BCS clustered as described above on their forty (40) acre parcel shall not be less than two thousand (2000) feet from another BCS and its accessory building; and
    2. No more than a total of four (4) of the eight hundred (800) square foot BCSs and two (2) of the four hundred (400) square foot accessory buildings, clustered on their (forty) 40 acre parcels as described above, shall be located within a three (3) mile radius of any other eight hundred (800) square foot BCSs or their associated four hundred (400) square foot accessory buildings clustered as described above on any other forty (40) acre parcels.

e. There is no pressurized water supply.

f. There is a waste disposal system that has been inspected and approved by the District Health Department.

g. It is not meant to be occupied on a year-round or continuous use basis. It is meant for temporary occupation for participation in outdoor recreation.

h. A tent/yurt meeting these requirements is considered to be a BCS.

i. Signs on BCSs shall conform with the requirements of Article 16 and shall conform with accepted standards for trail management. Signs on a BCS advertising products, services or businesses shall not be visible from nearby roadways or public or private viewsites.

j. All BCS access points at which there is vehicular parking and/or toilet facilities shall conform with the following requirements:
    1. No building, structure (except for flagpoles), or parking lot shall be located within thirty (30) feet of a residentially zoned parcel or use.

2. All buildings and structures shall be designed to be compatible with the character of the surrounding area.
3. Off-street parking shall be screened from adjacent residential uses or Districts per the requirements of Article 14.
4. The outdoor storage of trash or rubbish shall be screened per requirements of Section 15.5.3.
5. The property shall be suitably landscaped per the requirements of Article15.
6. Signs shall conform with the requirements of Article 16.

k. All lighting shall be down-shining and shielded from adjoining properties and roadway per the requirements of Section 15.2.

3. Recreational use of tents, yurts, or RVs is a permitted temporary use if the following requirements are met:
   a. Use of tents and/or yurts is a permitted temporary use on any lot in all districts, provided there is a principle building on the lot. Use of tents and/or yurts is a permitted temporary use in all districts on lots without a principle building for a maximum of four (4) weeks per calendar year
   b. Use of an RV is a permitted temporary use in all districts on lots with or without a principle building for a maximum of four (4) weeks per calendar year.

*None of these above standards is meant to excuse anyone from requirements of the area's Health Department or other applicable State/MDNRE laws/regulations which may take precedence in/over the Burt Township Zoning Ordinance

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B. Temporary Housing: The Zoning Administrator may issue a temporary Zoning Permit for a mobile home or other temporary dwelling unit used for temporary dwelling purposes, subject to the following limitations and procedures:
   1. The purpose of the temporary housing is either to provide on-site housing for residents of the lot while a new dwelling unit is being constructed or while rebuilding due to fire, collapse, explosion, act of God or acts of a public enemy;
   2. The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she can have the foundation and complete building framing in place within six (6) months and the entire residence completed within one (1) year. This period may be extended up to one (1) additional year by the Zoning Administrator when the following standards are met:
      a. A good faith effort has been shown to build a new or rebuild a destroyed dwelling unit;
      b. The time extension is reasonably necessary considering the practical difficulties associated with actual construction;
      c. Occupancy of the structure being rebuilt is reasonably possible within the time extension;
      d. Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this Ordinance, over burden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
   3. The lot or parcel is located in any residential district;
   4. A performance guarantee pursuant to Section 18.13 is collected and said temporary dwelling is removed within fifteen (15) days after construction is complete.
   5. The following additional approvals are obtained:

a. Any applicable permits from the Building Inspector
b. Approval of a septic system and well from the District Health Department
c. A driveway permit from the County Road Commission or Michigan Department of Transportation, as applicable.

6. Any mobile home permitted by temporary permit for purposes other than A. or B. above prior to the effective date of this Ordinance, may be issued a temporary permit by the Zoning Administrator for continuation of use of an existing mobile home by the present occupant, but no other, provided the dwelling remains in good structural condition, the septic system and well remain approvable by the District Health Department and a performance guarantee pursuant to Section 18.13 is collected to insure the temporary mobile home is removed within thirty (30) days of its no longer being used by the present occupant.

C. Temporary Contractor's Buildings: Temporary structures and temporary uses incidental to construction work, such as contractor storage buildings, semis or mobile homes used for contractor equipment, foreman offices and related activities, but not for habitation are not required to observe setbacks, and no temporary Zoning Permit is needed, provided:
   1. Such buildings, structures or uses impede no clear vision area (see Section 15.3); and
   2. Are removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever period of time is the shortest.

D. Temporary Real Estate & Property Management Offices: Are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The temporary Zoning Permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon sale of seventy (70%) percent of the lots in the subdivision. A model home may be used as a temporary sales office.

E. Churches & Schools: Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies and all yard requirements of this Ordinance are met.

F. Christmas Tree Sales: The display and sale of Christmas trees on a farm in the RF and RP Districts or at a business in the Commercial Districts, or at a church in any District, is permitted without a Temporary Zoning Permit, provided it is incidental and accessory to the principal use or a temporary use of a vacant lot. The display and sale of Christmas trees is permitted for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year. Any Christmas tree sales in a location or under circumstances other than those defined above are permitted only by a Temporary Zoning Permit issued at the discretion of the Zoning Administrator.

G. Auctions: The public sale of property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. Off-street parking areas shall be provided and parking is prohibited within the right-of-way of a major thoroughfare.

H. Roadside Stands: Roadside stands selling products grown on the premises are permitted in the RR and GC District provided the following standards are complied with:
   1. Space for the parking of the customers' vehicles shall be furnished off the road right-of-way in the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area with a minimum of three (3) off-street parking spaces.
   2. The roadside stand shall be located at least twenty-five (25) feet from the edge of the road and any property line.
   3. Any roadside stand structure shall be seasonally erected and removed once the growing season is complete or November 1st, whichever comes first.

I. Transient and Amusement Enterprises: Circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gatherings of people, may be permitted as a conditional use in specified zoning districts if approved by the Planning Commission and upon the finding by the Planning Commission that the location of such activity will not adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare. The Planning Commission may require posting of a bond or other acceptable security payable to Burt Township in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

J. Garage Sales: Garage sales are permitted in all districts for a maximum of 45 calendar days per year.

K. Mobile Sawmills: All districts maximum 14 calendar days per year.

L. Bus Shelter: Permitted as a temporary accessory structure in all districts not to exceed 40 square feet in area nor 8 feet in height.

M. Semis are allowed as temporary accessory structures only in the GC district. A temporary zoning permit is required that is valid for 90 days and may be extended up to an additional 90 days at the discretion of the Zoning Administrator. Does not apply to the parking of semis temporarily at the residence of the semi driver for less than 7 (seven) days.

N. Portable storage shipping containers are allowed as temporary accessory structures in any district. A temporary zoning permit is required that is valid for 90 days and may be extended up to an additional 90 days at the discretion of the Zoning Administrator.

Section 7.14 RESERVED FOR FUTURE USE

Section 7.15 HOME OCCUPATIONS

Home occupation shall meet the following standards:

A. Home occupations shall employ only those members of the family residing on the premises and not more than three outside employees.

B. There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupation, other than an approved sign.

C. There shall be no storage, display, or sale of merchandise not directly related to the approved conditional use.

D. Home occupation may be conducted within the principal dwelling unit or in an accessory building, the building can have a maximum of four hundred (400) square feet devoted to the home occupation in all districts.

E. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation.

F. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided for on the premises.

G. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which

creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.

H. One sign advertising a home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts. The sign shall not exceed a height of five (5) feet. The sign may be located within thefront yard setback but located not to materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.

Section 7.16 MINIMUM BUILDING FLOOR AREA

Every single/two family dwelling, excluding recreational structures, shall have a floor area of not less than five hundred (500) square feet, exclusive of unfinished basements, garages, porches and breezeways.

Every unit in a multi-family dwelling shall have a minimum floor area of at least four- hundred (400) square feet.

Every recreational structure shall have a floor area of not less than four-hundred (400) square feet, exclusive of unfinished basements, garages, porches and breezeways.

The maximum groundcover ratio for all structures in a multiple family development shall be forty (40) percent.

Section 7.17 MINIMUM REQUIREMENTS FOR SINGLE FAMILY DWELLINGS

A. It is the intent of this Section to provide a wide variety of single family housing options in Burt Township, including the need for lower cost single family housing while protecting the public health and safety. It is recognized that the modern mobile home and manufactured home compares favorably with existing site constructed dwellings, provided that such mobile homes and manufactured homes are similar in appearance, design, and construction with existing single family dwellings in the vicinity. It is the purpose of this Section to provide standards for the construction and installation of all single family homes in order to insure compatibility with existing dwellings located in the surrounding area.

B. The following minimum requirements apply to all single family dwelling units outside of mobile home parks.
   1. All construction required in this Section shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Construction Code provisions and Ordinance requirements. Mobile homes which do not conform to the standards of this Section shall not be used for dwelling purposes within the Township unless located within a mobile home park or unless used for temporary residence purposes as provided in Section 7.13.1.B.
   2. All dwelling units located outside of mobile home parks shall comply with the following requirements:
      a. For mobile or manufactured homes the wheels, pulling mechanism, and tongue shall be removed and the dwelling placed on a permanent foundation.
      b. All dwellings shall be connected to a sewer system and water supply system approved by the District Health Department.
      c. All dwellings shall provide a minimum of two points of ingress and egress.

d. All dwellings shall have at least a 1:4 roof pitch, with a roof overhang of not less than six inches on all sides.
e. Prior to issuance of a Zoning Permit for any dwelling unit, construction plans adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with all the standards applicable to mobile homes set forth in this Section.
f. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the State Construction Code. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.

C. A single family dwelling, except in a mobile home park or PPBF option, shall have a minimum width of twenty (20) feet over fifty (50) per cent of the entire structure length.

Section 7.18 CONDOMINIUM SUBDIVISIONS

All condominium subdivisions shall conform to the following provisions in addition to all other applicable District provisions and shall be approved pursuant to the requirements of Article 12, Planned Unit Development Regulations.

A. A condominium unit, including single-family detached units, shall comply with the applicable site development standards contained in the district in which it is located unless those standards are waived as part of a PUD approval pursuant to the requirements of Article 12.
B. A condominium subdivision shall comply with the requirements of the Michigan Department of Environmental Quality and the District Health Department pertaining to potable water supply and waste disposal facilities.
C. The condominium subdivision shall provide for dedication of easements to the appropriate public agencies for the purposes of construction, operation, maintenance, inspection, repair, alteration, replacement and/or removal of pipelines, conduits, mains and other installations of a similar character for the purpose of providing public utility services, including conveyance of sewage, potable water and storm water runoff across, through and under the property subject to said easement, and excavation and refilling of ditches and trenches necessary for the location of such installations.
D. In addition to the materials required by Article 18, Site Plan Review Requirements, and other requirements of Article 12, Planned Unit Development Regulations, a PUD permit application for a condominium subdivision shall include a condominium subdivision plan containing the following information:
   1. A site plan showing the location, size, shape, area and width of all condominium units.
   2. A description of the common elements of the condominium subdivision as will be contained in the master deed.
   3. Proposed use and occupancy restrictions as will be contained in the master deed.
E. All provisions of the condominium subdivision plan which are approved by the Township Board shall be incorporated, as approved, in the master deed for the condominium subdivision. Any proposed changes to the approved condominium subdivision plan shall be

subject to review and approval by the Planning Commission as an amendment to a PUD, subject to the procedures of Article 12.

F. All condominium projects which consist in whole or in part of condominium units which are building sites shall be marked with monuments as provided below:
   1. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium subdivision if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
   2. All monuments used shall be made of solid iron or steel bars at least one half (1/2) inch in diameter and thirty six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
   3. Monuments shall be located in the ground at all angles in the boundaries of the condominium subdivision; at the intersection lines of streets with the boundaries of the condominium subdivision and at the intersection of alleys with the boundaries of the condominium subdivision; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
   4. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the condominium subdivision and referenced to the true point.
   5. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one half (1/2) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
   6. All required monuments shall be placed flush with the ground where practicable.
   7. All lot corners shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one half (1/2) inch in diameter or other approved markers.

a. All streets within a condominium subdivision shall be public and shall be constructed in compliance with the construction standards of this Ordinance or as otherwise required by the County Road Commission.

Section 7.19 RESERVED FOR FUTURE USE

Section 7.20 RAZING OF BUILDINGS

No building shall be razed until a demolition permit has been obtained from the Building Inspector who shall be authorized to require a performance bond in any amount not to exceed one thousand dollars ($1,000) for each one thousand (1,000) square feet or fraction thereof of floor area of the building to be razed. That bond shall be conditioned on the applicant completing the razing within such reasonable period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Building Inspector may, from time to time, prescribe, including filling of excavations and proper termination of utility connections. If the building is safely razed and the site cleaned as specified in the permit, then the bond shall be returned within thirty (30) days of completion of the razing. If razing is not accomplished according to the terms of the approval, then the Township shall cash the performance bond and use the money to restore the site to a safe condition. Costs in excess of the bond shall be charged back to the property owner and placed as a lien on the property if not paid in a timely fashion. This performance bond will be administered as described in Section

18.13, except, as described above, the Building Inspector rather than the Zoning Administrator is responsible for administering this requirement, and that Planning Commission approval is not necessary to return the bond.

Section 7.21 MOVING OF BUILDINGS

No existing building or structure shall be moved into or within the Township unless in accordance with a moving plan approved by the Zoning Administrator pursuant to Section 18.8. The relocated structure shall comply with all the requirements of this Ordinance.

Section 7.22 DAMAGED BUILDINGS

Any building or structure that has been partially destroyed by fire, storm, water, or other disaster, or is in such a state of disrepair, as to be declared unsafe or unfit for human occupancy by the proper authority shall either be entirely removed or repaired by the owner within twelve (12) months from the date of the determination or the effective date of this Ordinance. In the interim, the site shall be fenced or otherwise protected and prevented from becoming a nuisance. If the owner does not remove or repair the damaged structure, the Township shall clear the area at the owners' expense after 24 months from damage event.

Section 7.23 RESERVED FOR FUTURE USE

Section 7.24 VACATED STREET

Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such public way shall automatically be extended to the center of such vacation. See Section 4.2.7.

Section 7.25 ACCESS MANAGEMENT STANDARDS

7.25.1 Curb Cuts and Driveways: No driveway shall connect to a public street or road without first receiving approval of the driveway location and cross section specifications from the County Road Commission on a county road or the Township Board on a Township road, or the Michigan Department of Transportation (MDOT) on a state highway. However, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

A. All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises. Such plan shall be approved by the Zoning Administrator as part of the issuance of a Zoning Permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or road, or to a pre-existing private street or road. Driveways shall, at a minimum, meet the following standards:
   1. Storm drains shall be installed in line with and on the same grade as those being connected with.
   2. Drives should enter perpendicular to the existing public street, private street, or alley.

3. No portion of the driveway entrance within the right-of-way shall have a grade of greater than fifteen (15) percent (1 foot vertical rise in 6.7 feet of horizontal distance) unless a greater slope is necessary because of site conditions.
4. The driveway shall meet clear vision standards of Section 15.3.
5. Driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street except on a nonconforming lot of record, in which case the maximum separation feasible shall be achieved, but in no case, shall it be less than twenty-five (25) feet.
6. Driveways shall be designed to minimize runoff and erosion and shall not alter existing drainage unless approved by the County Road Commission or MDOT depending on which agency is responsible.

B. The County Road Commission or MDOT shall inspect the driveway as developed for compliance to the above standards and shall so notify the Building Inspector prior to issuance of a Building Permit.
C. In nonresidential zones, no more than one driveway shall be allowed per lot or parcel on a street unless separated by two hundred (200) feet, or unless traffic safety requires another driveway within a shorter distance as established by the County Road Commission, or MDOT or a qualified traffic engineer by means of a traffic impact study prepared according to MDOT guidelines, or unless additional driveways are permitted in Special Use standards for a particular use.
D. The new driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all other access requirements of this Ordinance are met.
E. The location of new driveways shall conform with road improvement plans or corridor plans that have been adopted by the County Road Commission or Michigan Department of Transportation.
F. No driveway shall serve more than one (1) dwelling unless the use is duplex, two dwellings as provided for in Section 7.7, a multiple-family structure, a PUD, an more than two dwelling units to be served by a single driveway providing they are on the same common undivided parcel, or two abutting parcels having one dwelling unit each, both of which abut on a public road.
G. An individual driveway serving more than one non-residential use is permitted as described in Section 7.2.2.
H. No single or two-family driveway shall have a width of less than nine (9) feet or more than sixteen (16) feet at the street right-of-way line. The curb cut, including flares, shall not be more than 1.5 times the width of the driveway at the street right-of-way.

7.2.2 Nonresidential Access: No nonresidential use access shall cross residentially-zoned property. Nonresidential driveway width at the sidewalk shall be at least twenty-five (25) feet for two-way access and at least fifteen (15) feet for one-way access unless a different width is more appropriate for the use characteristics as determined by the County Road Commission or MDOT as appropriate.

Section 7.26 SIDEWALKS

Every subdivision, condominium project, PUD, commercial, industrial, marina or other public or private project newly constructed in the Township or which must go through site plan review

shall have sidewalks or another approved walkway system at least five (5) feet in width that meet the construction standards of the Township for sidewalks.

Section 7.27 PUBLIC STREET STANDARDS

7.27.1 Requirements: New public roads or streets shall conform to the requirements of this Section.

7.27.2 Construction Standards: The creation of a street that serves a division of land, a subdivision or a parcel shall meet or exceed the cross-sectional construction standards established by the County Road Commission in their "Procedures for Plat Development, New Road Construction and Standards & Specifications.

7.27.3 Right-of-Way Width: All streets shall have a minimum right-of-way easement of at least sixty-six (66) feet.

7.27.4 Dedication of Rights-of-Way or Easements: All new streets shall be dedicated to and accepted by the public, and no structure or development activity shall be established within approved rights-of-ways or easements. All plans as submitted for approval must show the proposed street including a legal description and sketch of description, and must include profiles with the horizontal and vertical alignments and drainage systems for these streets.

7.27.5 Connection to County Roads and State Highways: Construction authorization from the County Road Commission is required for connection to county roads and from the Michigan Department of Transportation for connection to a state highway. At the discretion of the Township Board, a proposed public street may be disapproved unless it connects to another public street or road within the Township when necessary to provide safe traffic flow and emergency vehicle access.

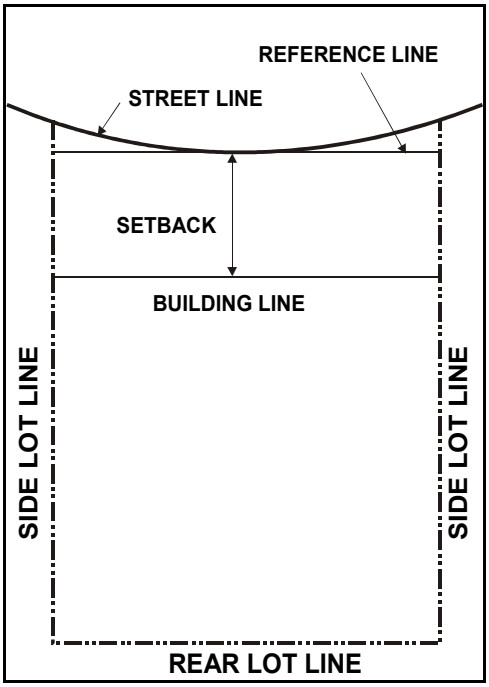
7.27.6 Cul-de-Sacs: Cul-de-sacs shall meet or exceed cross-section specifications established by the County Road Commission and:

A. Any cul-de-sac shall terminate at the property line except when precluded by a natural barrier or when the cul-de-sac terminates at the last available lot or parcel within the development which lot or parcel fronts upon the cul-de-sac.
B. Frontage measurements for cul-de-sac lots shall be from the curve tangent that meets both side lot lines. See Figure 7-1.
C. Not more than four (4) lots or parcels shall have frontage on a cul-de-sac.

7.27.7 Reserved For Future Use.

7.27.8 Maximum Number of Lots Served: No more than twenty-five (25) lots may gain access to a single street if only one point of intersection is provided between the new street and another existing public street. No more than seventy-five (75) lots may gain access to a new street where two or more points of intersection are provided between the new street and other public streets.

Figure 7-1
LOTS FRONTING ON A CUL-DE-SAC



7.27.9 Application Review and Approval or Rejection:

A. The Zoning Administrator shall review, and send to the County Road Commission for review and comment, the plans of a new public street. If the new street is proposed to connect to a county road or state highway, a copy of the application shall be sent to the County Road Commission or MDOT as applicable, for review and comment with a date specified as to when comments are needed.
B. The Zoning Administrator, MDOT, County Attorney and 911 Street Addressing recommendations shall be forwarded to the County Road Commission for final approval. The Zoning Administrator shall ensure that new public streets conform to the standards of this Ordinance.
C. The Zoning Administrator will arrange for inspections by the County Road Commission during construction of, and upon completion of the new street.
D. If the application is rejected, the reasons for the rejection and any requirements for approval shall be given in writing to the applicant.

7.27.10 Failure to Perform: Failure by the applicant to begin construction of the new street according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required by the Township subject to any changes made herein or subject to any changes made by the Township in its standards and specifications for road construction and development. The new street shall be completed within one and one-half (1 ½) years of the date of approval of the street.

7.27.11 Issuance of Building Permit: No building permit shall be issued for a structure on any new public street until such street is given final approval by the County Road Commission.

7.27.12 Posting: All new public streets shall be designated as such and shall be posted by the county with an easily readable name which can be clearly seen in an emergency. The sign shall be paid for by the developer. The Zoning Administrator shall check with adjoining jurisdictions to avoid a duplicate of names and give approval of same. If the street is a stub street that eventually will be extended into adjoining property, the street shall have a sign posted at the end of the stub clearly informing sign readers that the stub street will someday be expanded.

SECTION 7.28 PRIVATE ROAD DEVELOPMENT

7.28.1 Intent: The purpose of this Section is to provide for the general location, character and extent of private roads in Burt Township. Lot orientation and other development circumstances also are regulated herein. The private road development Section is hereby established to provide for the proper development and utilization of land abutting private roads while at the same time making proper provision for the present and future health, safety and welfare of the people of the community. It is the intent that all new road sub-bases be designed, constructed and maintained to withstand usage by utility, service and emergency vehicles.

7.28.2 Uses Regulated: Except as provided below, any development resulting in the use by two or more lots, parcels or site condominium units of a roadway other than a public road for direct access must be reviewed and the private road approved before any Zoning Permits are issued. In the case of a private road that is a part of a development requiring site plan review, the private road may be approved as part of the site plan review process. In those cases, the Planning Commission may require the same information as in this Article for private road approval and shall use the same standard for approval as contained in this Article. . Nothing in this section shall be interpreted to allow residential development that requires platting under the Land Division Act, as amended to occur without first obtaining approval as a platted subdivision. Direct access into only one lot/parcel is not considered a private road for the purposes of this Ordinance and does not require a private road permit. Shared driveways serving more than one lot shall be considered as private roads in this Ordinance except as provided for in any other applicable areas of this Ordinance. Building setbacks shall be measured from the outside edge or boundary of the private road right-of-way easement.

A. Private roads in place at the effective date of this Ordinance which adds this Section are exempt from the provisions of this Section 7.28.
B. Undeveloped lots (parcels) on existing private roads in place at the effective date of this Ordinance which adds this Section 7.28 retain the right to build as allowed in the applicable District and may be issued Zoning Permits based upon being on an existing private road as is, providing the other requirements are met for the Zoning Permit.

7.28.3 Preliminary Conference with Zoning Administrator: The Applicant shall contact the Zoning Administrator to request a preliminary conference prior to any financial investment in the proposed land division or development, in order to ensure it will be compatible with all Burt Township ordinances. There is no extra fee for the preliminary conference.

7.28.4 Application for Private Road Development Permit:

A. Following a preliminary conference with the Zoning Administrator, if the applicant wishes to proceed, the applicant must file an application for a Private Road Development Permit with the Zoning Administrator and pay the required filing fee.
B. The applicant must provide proof of ownership or written consent of the property owner(s) to make the application, along with the address of the applicant and owner(s) (if different).

7.28.5 Site Plan Submittal Requirements:

A. The information in B. below shall be on or accompany a site plan depicting the proposed private road unless waived by the Zoning Administrator.

B. Sufficient copies of a site plan in a scale of at least 1" = 100' must be provided to the Zoning Administrator at least forty-five (45) days prior to a Planning Commission meeting. The site plan shall include the following:

1. A sketch showing the general relationship of the proposed property division to the surrounding area within one-half (1/2) mile in a scale of not less than 1" = 200'.
2. Property lines of existing or proposed parcels to be served by the private road, property lines of adjacent tracts of subdivided and un-subdivided land, shown in relation to the proposed property division (if any), including those areas across abutting roads.
3. Locations, widths, and names of existing or prior easements of record, public and/or private.
4. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
5. Existing and proposed drainage patterns and any proposed retention ponds.
6. For parcels over twenty (20) acres in size, the site plan shall show the topography drawn as contours with the interval available on the U.S. Geological Survey map of the area where the property is located.
7. The location of significant natural features such as natural water courses, bodies of water, wetlands, and slopes over twelve (12) percent.
8. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision for dedicated open space easements, or easements for future utilities, if any.
9. Future divisions, if any.
10. Layout of the proposed private road, indicating right-of-way widths, surface width, grades, connections to other private roads or public streets.

C. Proposed private road easement notice and proposed private road notice agreement signed by the applicant/owner(s) to be recorded with the Alger County Register of Deeds providing at a minimum:

1. Easements included:
   a. To the public for purposes of emergency and other public vehicles for whatever public services are necessary.
   b. For a permanent roadway easement width of 66 feet.
   c. For installation and maintenance of public utilities.
2. Notices included:
   a. A notice that no public funds of the Township of Burt are to be used to build, repair or maintain the private road.

b. A notice that no public entity or any government unit including Burt Township is responsible for or liable in any way for any necessary upkeep, maintenance or upgrade of a private road needed to provide for service and/or emergency vehicle access to any of the lots, structures, or users/occupiers of the properties served by them."

7.28.6 Standards for Approval: The following criteria represent minimum standards for approval of private road permits and of private roads.

A. The Zoning Administrator shall approve the road permit when the Zoning Administrator determines that the following standards have been met or will be met as a part of the completion of the road as is appropriate:

1. That the Site Plan Submittal Requirements have been met, and

2. The other requirements of Section 7.28 have been satisfactorily completed and/or complied with, and
3. Meets all other permitting requirements as prescribed by Local, State and Federal law, and
4. Any other applicable conditions and/or requirements of this Ordnance have been met.

B. The Zoning Administrator shall approve the completed road when the Zoning Administrator determines that the requirements of this Section 7.29 have been met or completed and/or complied with as is appropriate, including:
   1. A signed statement by a Michigan registered civil engineer shall be provided by the applicant stating that the proposed private road location and the requirements of this Section 7.28 including Table 7-2 have been met, including if applicable any necessary upgrade of any other existing private road necessary to meet the requirements under 7.28.2-B. above. and 7.23.2-B
   2. A site visit by the Zoning Administrator to confirm that the roadway is in place in the location agreed upon and the work on it appears substantially completed.

Table 7-1
PRIVATE ROAD STANDARDS*

# of Lots Served	Roadway Width or Easement Width	Minimum Width of Improved Road Surface	Surface Type	Bump Out or Turnaround	Ditch/Utilities Minimum Side Slope	Max Grade
2-15	66 ft.	18 ft. with 2 ft shoulders on each side	1 ½" Top course, 1 ½" intermediate course with 6 inch gravel base over 12" class two subbase, or as recommended by a soils engineer with back up that identifies calculations of how they arrived at the pavement cross section."	Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 18 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief
>15	66 ft.	20 ft. with 5 ft. shoulders on each side		Cul-de-sac min. 120 ft. radius with 12 ft. one-way traveled surface, OR Hammer-Head T, 198 ft. by 66 ft. ROW with 20 ft. of road surface back-in/turn around	Min. 2 ft. below shoulder with side slope of 1:3 or 33%	6% up to 10% with approval of Fire Chief

*Note: The standards in Table 7-2 may not meet Alger County Road Commission standards

7.28.7 Issuance of Permit for Structures Served by Private Roads:

A. No Building Permit or Occupancy Permit shall be issued for a structure or use provided access by a new private road until such private road is approved pursuant to the requirements of Section 7.28

B. No private road shall be constructed until the Zoning Administrator has issued a Private Road Construction Permit and a Soil Erosion and Sedimentation Control Permit has been issued by the Soil Erosion and Sedimentation Control officer, when applicable.

7.28.8 Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Zoning Administrator within one (1) year from the date of approval shall void the approval and a new site plan shall be required by the Township subject to any changes made herein or subject to any changes made by the County Road Commission, Planning Commission or Township Board in its standards and specifications for road construction and development.

7.28.9 Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following: “This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deedThis notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only.”

Section 7.29 DOCK STANDARDS

Except as otherwise provided for in 12.6.6 or elsewhere in this Ordinance, or wherever the EGLE US Army Corps of Engineers takes precedence, a dock (removable or permanent) shall be placed no closer than twenty (20) feet from a side lot line extended perpendicular out into the waterbody and shall meet US Army Corps of Engineer and MDNRE requirements including their required permits.

Section 7.30 RESERVED FOR FUTURE USE

Section 7.31 KEEPING OF ANIMALS AND LIVESTOCK

The following shall apply to the keeping of animals and livestock:

A. Keeping of livestock on a wellhead protection area designated on the zoning map is not permitted. Other than as provided for under Agricultural Service Establishments in Table 4-1, the keeping of livestock and other farm animals is permitted on any lot in R-1, RF and RP districts, and on any lot larger than five (5) acres in the RR district, and such animals are not permitted in any other district.

B Non-domesticated, wild, or exotic species of animals, or crossbreeds or hybrids thereof, are permitted on any lot larger than five (5) acres in the RP and RF districts and shall also require the written approval of the County Animal Control Officer or supervising agency with jurisdiction.

C. No storage or unusual accumulation of manure or odor or dust-producing materials shall be permitted on a wellhead protection area designated on the Burt Township Zoning Map or in any district within two hundred (200) feet of any side or rear property line abutting a residential district or existing structure used for residential purposes or the boundary line of a wellhead protection area as designated on the Burt Township Zoning Map.

D. All buildings in which livestock and any officially approved non-domesticated, wild, cervidae or exotic species of animals, or crossbreeds or hybrids thereof are sheltered shall be located in a structure a minimum of two hundred (200) feet in any one direction from any property line of the parcel and from the ordinary high water mark of any waterbody.

E. Keeping of non-commercial poultry is allowed in all Districts. In the DD, Bay, R-1, and NR Districts,the following restrictions shall apply:
   1. The number of turkeys, chickens and ducks is limited to twelve (12) on any parcel
   2. Roosters are not allowed
   3. Coops shall be designed to discourage rodents, predators, and wild birds from entering
F. The above provisions of this section of this Ordinance are not intended to take precedence over State of Michigan laws which if applicable pre-empt local government ordinances for commercial agricultural activities under the State of Michigan Right to Farm Act 93 of 1981 as amended, or other State of Michigan laws regulating agricultural activities which also pre-empt this Ordinance.

Section 7.32 BUILDING ADDITION TO AN EXISTING BUILDING:

The following shall apply to a building addition:
A. A building addition must be attached to a vertical wall of the existing building.
B. A building addition must meet applicable building requirements.
C. If a breezeway/hallway/walkway connection is used:
   1. It must meet applicable building requirements and have the same general components of roof, wall/support and foundation as the building addition,
   2. The distance between the vertical connecting walls of the building addition and the existing structure shall not exceed twenty feet.

Section 7.33 PORTA POTTY USE

The use of porta potties on any lot in any district is permitted subject to the following conditions:
A. Must be provided and serviced by a licensed person or company.
B. Must meet and comply with Health Department requirements.
C. Must not pose an odor nuisance to a passersby and/or neighbors.
D. Must be temporary and must be removed as soon as the need no longer exists.

Section 7.34 CLEARING OF AN UNDEVELOPED LOT

The requirements under this section apply only to the clearing of an undeveloped lot prior to issuance of one of the permits or approvals required under 18.8.1. Clearing is the above ground cutting of vegetation as provided for in this section.
A. Clearing of up to one-half (1/2) acre of an undeveloped lot without permits/approval under 18.8.1 is permitted if the following regulations for waterbody and lot boundry natural vegetation and habitat buffers are adhered to:
   1. A minimum uncleared natural vegetation boundary and habitat buffer of fifteen (15) feet in depth shall be left around all lots.
   2. But the buffer shall be sixty (60) feet if along the shoreline of a waterbody anywhere on or bordering the lot.
   3. And the buffer shall be twenty-five (25) feet if along any public road or trail crossing or bordering the lot.
   4. Or the minimum shoreline or frontline public road access setback for that lot if less is permitted under this Ordinance.
B. Exceptions: The above provisions are separate from, do not apply to, nor pre-empt the following:

1. Commercial forestry, including commercial logging as covered in Table 4-1.
2. Commercial agricultural activities which are permitted under State of Michigan laws which pre-empt this Ordinance.
3. Other provisions of this ordinance which take precedence or are stricter.
4. State law (including the Right to Forest Act 676 of 2002 and/or the Right to Farm Act, Act 93 of 1981 as amended) or Federal law if either takes precedence.
5. Special conditions or pre-conditions imposed elsewhere under this Ordinance.
6. Selective low impact thinning/removal of the vegetative growth including trees above the surface of an undeveloped lot by the owner to maintain the lot and preserve it in essentially the same condition as it had been is not considered to be clearing in this Ordinance and is permitted in all districts.
7. Noxious plants including poison ivy, poison sumac, and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1941, as amended, may be removed from any lot.
8. Clearing as defined above when done in AG districts.

Section 7.35 RESERVED FOR FUTURE USE

Article 8
(RESERVED FOR FUTURE USE)

Section 8.1

Article 9
NONCONFORMING LOTS, USES AND STRUCTURES

Section 9.1 INTENT AND PURPOSE

It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments.

It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed or terminated.

Section 9.2 NONCONFORMING LOTS

A. In any District permitting residences, a single-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record that was recorded in the office of the County Registrar of Deeds before the effective date of this Ordinance, or before an amendment to this Ordinance which made the lot nonconforming, provided such lots meet the requirements of subsections B, C and D below. No use of any nonconforming lot of record which was divided after the effective date of this Ordinance shall be permitted which created a lot with a width, depth or area below the requirements stated in this Ordinance.
B. Where two or more vacant nonconforming lots were in common ownership on the effective date of this Ordinance, or have been combined prior to an application for a Zoning Permit, and have remained in common ownership since then, and were contiguous to one another alongside lot lines, such lots shall be considered as a single lot of record for purposes of this Ordinance, and no portion of said parcel shall be used in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall they be transferred or sold except in blocks that equal the original ownership interest, or in a combination of lots that meets the minimum requirements of the District in which they are located.
C. Provided that adequate potable water and proper and safe septic or sewage disposal is provided as determined by all of the various health, fire and building officials responsible for the enforcement of all relevant statutes and regulations, the Zoning Administrator shall permit single lots of record or combinations of single lots of record (those in subsection B above) that are nonconforming because they are substandard in area, width, or depth to be built on without variances provided the requirements for yards, width, depth and area is no less than seventy-five (75%) percent of that required by the terms of this Ordinance or Pre-existing Permanent Building Footprint (PPBF) option if applicable.
D. The Zoning Board of Appeals shall consider a request for a variance of area, width, depth or yard requirements for legal nonconforming lots of record, beyond that permitted by the Zoning Administrator in subsection C. above, and may grant such a variance when other nonconforming lots in the area have already been built upon or fairness otherwise dictates such a result. Such a variance shall be conditioned upon approval of the necessary safe water and septic/sewer disposal by the District Health Department, and without such approval, neither the Zoning Administrator nor Building Administrator shall issue a permit authorizing use of such lot for residential or other purposes requiring potable water and safe sewerage disposal.

Section 9.3 NONCONFORMING USES OF LAND

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued in the same manner and to the same extent as it existed when it became nonconforming, and so long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land, nor a greater height, than was occupied at the effective date of adoption or amendment of this Ordinance.
   Except in the case of gravel extraction operations, existing holes may be worked and enlarged on the land which constituted the lot or parcel on which operations were conducted at the time of becoming nonconforming. However, no new holes shall be established unless a Special Use Permit is obtained pursuant to the procedures of Article 10 and the applicable standards of Section 10.12.12
B. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Article, nor to any other lot or parcel, unless reestablished in conformance with the requirements of this Ordinance.
C. The extension, resumption or reconstruction of any nonconforming use throughout all or a portion of a given lot or parcel may be allowed upon the application and approval of a special land use permit pursuant to the procedures of Article 10, provided that the proposed extension, resumption or reconstruction is consistent with the public health, safety and welfare of the Township, particularly with regard to surrounding property owners.

Section 9.4 NONCONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure or location on the lot such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

A. No such structure may be enlarged or altered in a way which increases its nonconformity, but the use of a structure and/or the structure itself may be changed or altered to a use permitted in the District in which it is located, provided that all such changes are also in conformance with the requirements of the District in which it is located. Furthermore, a nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and which existed at the time for adoption or amendment of this Article, but no such use shall be extended to occupy any land outside such building.
B. Should such structure be destroyed by any means it shall not be reconstructed except in conformity with the provisions of this Ordinance, unless, as defined under the **Pre-existing Permanent Building Footprint (PPBF)** it shall be rebuilt on not more than the building footprint at the time of destruction except as otherwise provided for under the provisions of PPBF.
C. Should such structure be moved for any reason for any distance whatever on the same or a different lot or parcel, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

Section 9.5 REPAIRS AND MAINTENANCE

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

Section 9.6 CHANGE OF TENANCY OR OWNERSHIP

A nonconforming building, structure, use or lot may be sold or a tenant may change with the nonconforming use right intact, provided that the physical dimensions of the nonconforming lot, or the use of the nonconforming structure or lot do not result in a change contrary to the requirements of this Article (see especially Section 9.2).

Section 9.7 DISTRICT CHANGES

Whenever the boundaries of a District shall be changed so as to transfer an area from one District to another District of another classification, the provisions of this Section shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

Section 9.8 PRACTICAL DIFFICULTY CASES

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Board of Appeals when the Board finds that the request is a case of practical difficulty in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, except that any approval for structural changes, alterations, or enlargements may be granted only with a finding by the Board of Appeals that approval will not have an adverse effect on surrounding property and that it will be the minimum necessary to relieve the practical difficulty.

Section 9.9 ILLEGAL NONCONFORMING USES AND LOTS

A. Nonconforming uses of structures or land existing at the effective date of this Ordinance that were established without zoning approval or without a valid building permit or those nonconforming uses which cannot be proved conclusively as existing prior to the effective date of this Ordinance shall be declared illegal nonconforming uses and are not entitled to the status and rights accorded legally established nonconforming uses.
B. Lots or parcels which are substandard in area, width or depth and were established after the effective date of the Alger County Ordinance of August 14, 1975, or before the effective date of this Ordinance are illegal lots of record and are not entitled to the status and rights accorded legally established nonconforming lots.

Section 9.10 NONCONFORMING USE DISCONTINUED

In the event that any nonconforming use of land or use of a structure is abandoned for a period of twelve (12) consecutive months, any subsequent use shall conform to the uses permitted in the District in which the premises are located.

Section 9.11 ELIMINATION OF NONCONFORMING USES

Property owners are strongly encouraged to make changes to their property over time, which bring it into conformance with this Ordinance. The Township may eliminate any and all nonconforming uses it deems necessary to advance the public health and safety interests of the citizens of the Township by whatever means are provided by law in such cases.

Article 10
SPECIAL LAND USE AND CONDITIONAL USE REGULATIONS

Section 10.1 PURPOSE

The purpose of this Article is to establish procedures and criteria that shall be applied in the determination of requests to establish Special Land Uses and Conditional Uses. Special Land Uses and Conditional Uses are not essentially incompatible with uses permitted in a Zoning District, but possess characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The criteria for decision and requirements set forth in this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the use under consideration.

Section 10.2 TYPES OF USE REGULATIONS

A. Conditional Uses are permitted by right in a particular District and are listed as “RC” on Table 4-1, Section 4.4.3, provided that the use complies with the standards of this Article.
B. Special Land Uses are uses that may be permitted in a particular District and are listed as “S” on Table 4-1, Section 4.4.3, but only after review by the Planning Commission and issuance of a permit by the Township Board, in accordance with the standards set forth in this Ordinance.

Section 10.3 CONDITIONAL USES

Before establishing, expanding, or amending a Conditional Use, with the exception of terminating a Conditional Use, any person shall obtain a Zoning Permit from the Planning Commission pursuant to the requirements of Section 18.7 and 18.8, using a form provided by the Township. The Applicant shall provide sufficient information to allow the Planning Commission to determine whether the proposed use complies with the requirements of this Ordinance. If the application is denied, the Planning Commission shall identify the reasons for that denial. In such a case, an aggrieved Applicant may appeal the Planning Commission’s determination to the Zoning Board of Appeals, as described in Section 19.4. The township shall be informed in writing upon termination of a conditional use.

Section 10.4 SPECIAL LAND USE PERMIT APPLICATION PROCEDURES

Any person must obtain a permit before establishing, expanding or amending a Special Land Use, with the exception of terminating the Special Land Use as described in Section 10.8.4. Any application for a combined Special Land Use Permit and Planned Unit Development shall not be subject to the requirements of Article 10, but shall instead be subject to the requirements of Article 12.

10.4.1 Application: The Zoning Administrator shall review each application pursuant to the requirements of Section 18.7 and when it is determined to be complete, schedule it for a public hearing at a regular Planning Commission meeting, unless the applicant pays all the costs for a special meeting. The township shall be informed in writing upon termination of a conditional use.

10.4.2 Required Information: An application for a Special Land Use Permit shall be accompanied by the following documents and information:

A. A Special Land Use Permit application form supplied by the Zoning Administrator, which has been completed in full by the Applicant.
B. A Site Plan, satisfying the requirements of Part IV of Article 18 entitled Site Plan Review.
C. A statement with regard to compliance with the standards required for approval in Section 10.5 and other standards imposed by this Ordinance affecting the Special Land Use under consideration, including but not limited to those in Section 10.12 and those in Articles 14, 15, and 16.

10.4.3 Public Notice, Public Hearing, and Approval Procedure: A notice of the public hearing shall be given pursuant to Section 18.16, and the public hearing shall be conducted by the Planning Commission pursuant to the requirements of Section 18.17. The Planning Commission's recommendation shall be forwarded to the Township Board for final action. The Planning Commission and Township Board, in their respective meetings, shall review the application, comments received, the Site Plan, and other pertinent information received and shall make a determination in accordance with the criteria described in Section 10.5.1, and such other standards contained in the Ordinance which relate to the Special Land Use under consideration.

10.4.4 Post-Hearing Actions:

A. Upon the approval, or approval with conditions, by the Township Board, the Zoning Administrator shall prepare and issue a permit to the Applicant incorporating the conditions if any, imposed by the Township Board.
B. The Township Board may by majority vote of its members deny, approve, or approve with conditions the application for Special Land Use approval. Its decision shall be incorporated in a statement of conclusions relative to the Special Land Use under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land use or activity which is in compliance with Ordinance standards, other applicable ordinances, and state and federal statutes shall be approved.
C. An appeal of a decision by the Township Board to approve, deny or approve with conditions a Special Land Use Permit application may be taken to Circuit Court, and may not be first appealed to the Board of Appeals.

Section 10.5 BASIS OF DETERMINATION

10.5.1 General Standards: The Planning Commission and the Township Board, shall make a specific finding of compliance with each of the following standards:

A. The Special Land Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
B. The Special Land Use shall not change the essential character of the surrounding area.
C. The Special Land Use shall not be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the proposed use.
D. The Special Land Use shall not place demands on public services and facilities in excess of current capacity unless planned Improvements have already been scheduled for completion.
E. The Special Land Use shall meet the Site Plan review requirements of Part IV of Article 18 and in particular those of Section 18.8.3 and 18.25.
F. The Special Land Use shall meet the requirements of Section 10.12 specific to that use.

G. The Special Land Use shall meet the requirements for parking, landscaping and signage as required in Articles 14, 15, and 16 respectively.
H. The Special Land Use shall demonstrate compliance with all other related requirements of this Ordinance.
I. The Special Land Use shall conform with all applicable Township, state and federal requirements for that use.
J. The applicant is in substantial compliance with any previously issued Zoning Permits and is not otherwise disqualified from receiving a permit under Section 21.6 of this Ordinance.

10.5.2 Conditions: The Planning Commission may recommend, and the Township Board may impose, conditions with approval of a Special Land Use Permit which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the Special Land Use Permit and shall conform with the requirements of Section 18.12 and 18.13.

Section 10.6 PREVIOUSLY APPROVED SPECIAL LAND USES

A Special Land Use approved by the Township Board prior to the adoption or amendment of this Ordinance may be amended only through the filing and approval of a new application under this Article. The application shall be considered under the current standards of this Ordinance, rather than the standards in effect at the time of the original approval. If the application is denied, the previously approved Special Land Use shall remain valid.

Section 10.7 RESERVED FOR FUTURE USE

Section 10.8 PERMITS

10.8.1 Validity of Permit: A Special Land Use Permit shall be valid for a period of one (1) year from the date of issuance, unless another, longer, time period is set by the Township Board as a condition of approval. If the use has not commenced by the end of this time period, the permit shall expire automatically without any further action or notice by the Township unless an extension is granted pursuant to Section 18.7.12.

10.8.2 Permit Revocation: In the event the Township Board believes the holder of a Special Land Use Permit has failed to comply with one or more of the terms or conditions of the permit or of this Ordinance, the Township Board may schedule a hearing to consider the revocation of the permit. The permit holder shall be given reasonable notice of the hearing date, which shall in any event be not less than ten (10) business days from the date of the notice. The notice of hearing shall include a written statement of the reasons for the possible revocation. The permit holder shall be allowed to appear at the hearing and to present evidence pertinent to whether the permit should be revoked. If the Township Board decides to revoke the permit, the use for which the permit was granted must cease within sixty (60) days of the hearing date. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance.

10.8.3 Permit Transferability: A Special Land Use Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property. A Special Land Use Permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes for which the Special Land Use Permit was

granted as long as all conditions and terms of the permit are satisfied. Permit transfer is automatic, provided that within sixty (60) days of acquiring ownership the new Owner registers his intent to continue the Special Land Use with the Zoning Administrator on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the Special Land Use when the transfer form is submitted.

10.8.4 Termination of a Special Land Use Permit if the Use Changes: If there is a change in the use of a property for which a Special Land Use Permit was issued, the Special Land Use shall automatically terminate and the property shall only be used for a use permitted in the District in which the property is located. A Special Land Use Permit for a seasonal use is also subject to termination, if the season passes in which the Special Land Use would normally occur and a different use is in place.

10.8.5 Recording with Register of Deeds: A Special Land Use Permit, or expiration, revocation or termination thereof, must be recorded by the Township with the Alger County Register of Deeds.

Section 10.9 REAPPLICATION

No application for a Special Land Use Permit which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence or a falsehood previously relied upon by the Township, which, through the exercise of normal diligence, could not have been discovered before the hearing as determined by the Zoning Administrator. A reapplication shall be processed as a new application.

Section 10.10 SITE PLAN

The Site Plan, as approved, shall be part of the Special Land Use Permit.

Section 10.11 RESERVED FOR FUTURE USE

Section 10.12 STANDARDS FOR SPECIAL LAND USES AND CONDITIONAL USES

The following standards apply to Special Land Uses and Conditional Uses permitted in this Ordinance, in addition to any other applicable standard or regulation. The township shall be informed in writing upon termination of a conditional use.

10.12.1 Agricultural Service Establishments:
Agricultural service establishments are permitted as a Special Land Use in the GC and RP Districts when in conformance with the following requirements:

A. Shall meet all Health Department and MEGLE standards, as applicable.
B. If within three hundred thirty (330) feet of a dwelling unit, the use must be screened and buffered as provided for in Section 15.4.
C. No storage or loading activities shall be permitted within one hundred (100) feet of any lot line; all lighting shall be down-shining and shielded from other properties and roadways.
D. Parking and signage shall be as required in Article 14 and 16 respectively.

10.12.2 Airports: All airports and landing strips constructed after 2024 are permitted as a Special Land Use in the RR, RP and RF Districts provided they are designed and built:

A. In conformance with all FAA and MAC regulations, including, but not limited to 1950 PA 23, 1999 PA 382 and 383, which require an Airport Layout Plan, and an Airport Accident Safety Zone.
B. BII basic utility airports (as defined and regulated by MDOT) shall be located on property served by a paved road or street; BIII commercial airports (as defined and regulated by MDOT) shall be located on property served by a paved major thoroughfare.
C. Lodges, schools, churches, or other assembly buildings shall not be located within two thousand six hundred-forty (2,640) feet of any runway.
D. A six (6) foot chain link fence shall be provided to prevent the attendant hazards of inadvertent entries onto the airport properties.
E. All lights, used for landing strips and other lighting facilities, should be so arranged as not to reflect towards adjoining districts or uses.
F. The storage and handling of flammable liquids, liquefied petroleum gases and explosives at the airport shall comply with applicable State Rules and Regulations.
G. Off-street parking should be provided in sufficient amounts to provide for the parking of automobiles and other motor vehicles used by the employees, patrons and visitors to the airport and which should not be less than one (1) parking space for each one (1) employee, and one (1) parking space for each one (1) aircraft harbored at the airport.

10.12.3 Bed & Breakfast Establishments: Boarding houses and bed & breakfast establishments are permitted by right with conditions in the BAY, DD, NR, R-1, GC, LS/R, and FR Districts when in conformance with the following requirements:

A. The minimum lot size and yard requirements shall conform with district requirements in Article 5.
B. Parking: All parking associated with a Bed & Breakfast Establishment shall be out of the roadway and on-site, in the garage or driveway as lot and neighborhood configuration allow.
C. The bed and breakfast must be the primary dwelling unit for the owner, who must operate and occupy the structure. The bed and breakfast facility may have up to six (6) bedrooms used for transient guests for compensation.
D. The applicant shall provide a scaled floor plan of the premise as part of the Zoning Permit application.
E. The exterior appearance of the structure shall be harmonious with the character of the surrounding District.
F. A fire escape plan shall be developed and graphically displayed in each guest room.
G. A minimum of one (1) fire extinguisher, in proper working order, shall be located on each floor, in a place readily accessible to guests.
H. The establishment shall contain at least two exits to the outdoors.
I. No guest room shall be located in a basement or cellar.
J. Lavatories and bathing facilities shall be available to all persons using the premises.
K. No separate or additional kitchen facilities shall be provided for the guests.
L. Retail sales are not permitted beyond those activities serving the registered overnight patrons.
M. Meals shall not be served to the public at large but only to registered guests.
N. No receptions, private parties or activities for which a fee is paid shall be permitted except for those which involve only registered guests.
O. The rental sleeping rooms shall have a minimum size of one-hundred (100) square feet for each two (2) occupants, excluding bathrooms, with an additional thirty (30) square feet for each additional occupant, to a maximum of four (4) occupants per room.
P. Signage shall conform to the requirements of Article 16.

10.12.4 Campgrounds, RV Parks and Organized Camps: Campgrounds, Organized Camps and RV Parks are allowed by Special Use Permit in GC, LS/R, IBZ, and FR when in conformance with the following requirements:

A. Campground/RV park sites shall be a minimum of ten (10) acres, developments shall comply with the provisions of Act 368 of the Public Acts of 1978, as amended, and also with the following:
   1. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to the operation of a campground/RV park is permitted as accessory uses in the districts in which campground/RV park is allowed, provided that:
      a. Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the campground/RV park.
      b. Such establishments shall be restricted in their use primarily to occupants of the campground/RV park.
      c. Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
   2. Total building footprint including all associated buildings is less than ten thousand (10,000) square feet.
   3. No space shall be so located that any part intended for occupancy is within one hundred (100) feet of a residential district and buffered as provided in Section 15.4.
   4. In addition to meeting the above requirements the site plan shall be subject to the review and approval of the Health Department.
   5. Storage areas for unoccupied travel trailers, motor homes and similar units may be allowed as an accessory use in designated areas.
   6. Lighting shall meet the requirements of Section 15.2 and signage shall meet the requirements of Article 16.

B. Organized Camp: Permitted provided:
   1. The parcel on which the organized camp is located is at least ten acres in size.
   2. Total building footprint including all associated buildings is less than 10,000 square feet.
   3. There is a pressurized water supply.
   4. There is a waste disposal system that has been inspected and approved by the District Health Department.
   5. Management headquarters, recreational facilities, toilets, showers, laundry facilities and other structures customarily incidental to the operation of an Organized Camp are allowed, provided that: Such establishments and the parking area primarily related to their operations shall not occupy more than ten percent (10%) of the area of the Organized Camp.
   6. No space shall be located so that any part intended for occupancy is within one hundred (100) feet of a residential district and buffered as provided in Section 15.4.
   7. In addition to meeting the above requirements the site plan shall be subject to the review and approval of the Health Department.
   8. Lighting shall meet requirements of section 15.2 and signage shall meet the requirements of Article 16.

10.12.5 Communication Towers, Utility and Public Service Installations: Public/Private Service Installation communication towers are permitted as a Special Land Use in all Districts, except for the DD, R-1, Bay, and NR Districts, under the following conditions:

A. The location of a proposed communication tower shall not be approved unless the Zoning Administrator determines that the communications equipment planned for the proposed

tower cannot be accommodated on an existing or approved tower or building located within the applicant's search radius of the proposed tower due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower or building, as documented by a qualified and licensed professional engineer, and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or building as documented by a qualified and licensed professional engineer and the interference cannot be prevented at a reasonable cost.
3. Existing or approved towers and buildings within the search area cannot accommodate the planned equipment at a height necessary to provide reasonable coverage and/or capacity as documented by a qualified and licensed professional engineer.
4. Other reasons that make it infeasible to locate the planned equipment upon an existing or approved tower or building, including but not limited to documented proof that the owner of such tower or building will not lease space to the applicant, that there is insufficient ground, building, roof or tower area on which equipment may be installed, existing towers or buildings would not provide required setback distances, etc.

B. Siting and height (height of a communication tower/tower = combined height of tower plus attached antenna/appurtenances above natural grade):
   1. Subject to the setback and other requirements of this Ordinance, a communication tower shall be located on a parcel of land so as to provide a fall zone of not less than one hundred ten percent (110%) of the height in the tower to any lot line of the parcel. This fall zone shall be maintained throughout the existence of the communication tower. No land division shall be approved which would violate this provision.
   2. The applicant(s) must demonstrate to the satisfaction of the Zoning Administrator that they have fulfilled the requirements of the State and Federal governments including the Michigan State Historic Preservation Office (SHPO) Section 106, Consultation Guidelines for Cellular Communications Projects, Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the Federal Aviation Administration **(**FAA), the United States Fish and Wildlife (USF&W) Service and the Federal Communications Commission (FCC) as applicable to towers of that height, structure and location.
   3. The site plan of the property shall show the location of the communication tower with its specific dimensions, its location within the boundaries of the parcel, and the location of guy wire anchors or other support devices and structures.
   4. Communications towers are not permitted off shore in Lake Superior or within other environmentally sensitive areas as described in Section 6.10.

C. Communication towers shall be of a monopole or self-supporting lattice design, unless the Township Board finds that an alternative design will not adversely impact the surrounding area.

D. Proposed wireless telecommunication towers of the guyed or self-supporting lattice type shall be structurally designed, to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Proposed monopole wireless telecommunication towers shall be structurally designed to accommodate both the applicant's antennas and comparable antennas for at least one additional user. All towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

E. The base of the tower and wire/cable supports shall be fenced with a minimum six foot (6') climb-resistant fence.

F. All communication towers erected, constructed, or located within the Township shall comply with the following requirements:
   1. Discontinuance and Abandonment: The holder of a Special Land Use Permit for a wireless telecommunications tower shall remove all discontinued communication towers and give notice of discontinuance of use of a tower within ninety (90) days of the date that the use of the tower ceases. If at any time the use of the tower is discontinued for more than 365 consecutive days, the Zoning Administrator may declare the tower abandoned. Notice of abandonment shall be sent by first-class mail to the applicant instructing the applicant that the tower must either be reactivated or dismantled and removed from the site within 120 days of the date the notice is sent to the applicant. If reactivation or dismantling and removal of the tower does not occur, the Township may contract to remove the tower and assess all cost on the property taxes of the owner of the tower.
   2. Towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA). If required to be lighted, all options for lighting shall be presented to the Township Planning Commission which shall select the option which is deemed to have the least negative visual and/or environmental impact in the area.
   3. There shall be no display advertising or identification of any kind intended to be visible from the ground or other structures except as may be required by the FAA.

10.12.6 Community Residential Care Facilities:

A. An Adult Foster Care Facility licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions is allowed by Special Use Permit in the NR, R-1, RR and GC Districts, when in conformance with the following requirements:
   1. Prior to the issuance of any permit to operate a community residential care facility, and no later than December 31 of each subsequent year, the Applicant or operator shall submit to the Zoning Administrator a photocopy of a valid and current license issued by the State of Michigan. Proof of such licensing shall be required prior to the opening, and as a condition for the continued operation.
   2. Safe areas for pick-up and discharge of users shall be provided that do not interfere with the free flow of traffic on adjacent streets. Accessible routes shall be provided from the pick-up/discharge areas to the facility.
   3. Community residential care facilities shall be in full compliance with all applicable requirements of the Americans with Disabilities Act.
   4. Adequate provision shall be made for access by emergency medical and fire vehicles.
   5. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.

B. A Group Day-care Home, licensed by a state agency, shall be issued a conditional use permit in NR, R-1, RR, GC and DD Districts (not on street level/first floor unless in the back of the building and not on more than 50% of total floor area in DD), provided for in the Michigan Enabling Act Standards under subsection (4), if it:
   1. Is located not closer than 1,500 feet to any of the following:
      a. Another licensed group day-care home.
      b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.
      c. A facility offering substance abuse treatment and rehabilitation service to 7 or more people licensed under article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.
      d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections, and.

2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the local unit of government, and
3. Maintains the property consistent with the visible characteristics of the neighborhood, and
4. Does not exceed 16 hours of operation during a 24-hour period. The local unit of government may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m., and
5. Meets regulations, if any, governing signs used by a group day-care home to identify itself, and
6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

10.12.7 Reserved For Future Use.

10.12.8 Dangerous Chemicals, Fuel Storage and Manufacturing:
Dangerous chemicals, fuel storage and manufacturing is permitted by Special Use Permit in the GC District when in conformance with the following requirements:

A. Minimum lot size shall be three (3) acres, and no fuel tanks shall be located less than seventy-five (75) feet from any occupied building or lot line, and shall be mounted on a concrete slab to prevent overturning and spilling.
B. Adequate room shall be provided for vehicle movement, the perimeter shall be fenced for safety and appropriate screening shall be provided to limit noise and headlight glare onto adjoining properties. See Article 15.
C. Pollution Prevention Plans shall be approved by the MDNRE and State Fire Marshall as required.
D. Parking and signage shall be as provided in Articles 14 and 16 respectively.

10.12.9 Drive-Through Establishments: Drive-through establishments, including drive-through establishments as an accessory use, are permitted as a Special Land Use in the GC District when in conformance with the following requirements:

A. The minimum lot area shall be twenty thousand (20,000) square feet.
B. The minimum lot width shall be one hundred twenty-five (125) feet.
C. The site shall have at least one (1) lot line on a paved major thoroughfare.
D. The outdoor storage of trash and rubbish shall be screened per the requirements of Section 15.5.3.
E. An adequate number of outdoor trash receptacles shall be provided in convenient locations at drive through food establishments.
F. Vehicular circulation patterns into and out of such businesses shall be located and designed to minimize disruption of and conflicts with through traffic movement on abutting streets.
G. Devices for the transmission or broadcasting of voices or music shall be so directed or muffled as to prevent sound or music from being audible beyond the boundaries of the site.
H. There shall be at least two (2) temporary vehicle stopping spaces after the delivery window so motorists may prepare themselves for a safe exit onto the public roadway.
I. Parking shall comply with the requirements of Article 14, landscaping with Article 15, and signage with the requirements of Article 16.

10.12.10 Accessory Dwelling Unit (ADU) : Accessory Dwelling Units (ADU) are permitted as a Special Land Use in the NR, R-1, RR, BAY, DD, FR, GC, IBZ, and LS/R Districts when in conformance with the following requirements:

A. An ADU Unit must be an accessory use on a lot containing one, and only one, single-family residential structure, and there may be a maximum of one (1) ADU per lot.

B. The ADU Unit may be an expansion or alteration of the principal dwelling unit or garage, , a new separate building, but shall be no larger than the principal dwelling. If a separate building, the ADU Unit shall comply with all setback requirements and lot coverage requirements as a principal building, and shall be located not less than ten (10) feet from the existing single-family residential structure.
C. The property owner may reside in either the ADU Unit or the principal dwelling unit.
D. Potable water and wastewater disposal shall be provided, as required by the District Health Department.
E. Dwellings modified in conjunction with an ADU Unit shall, on sides adjacent to streets, retain the appearance of a single-family detached dwelling.
F. The ADU Dwelling Unit shall provide adequate access for emergency vehicles.
G. The ADU Dwelling Unit shall meet all applicable construction codes for a dwelling.
H. One (1) additional off-street parking space shall be provided.

Separate sale or ownership of the ADU Unit from the primary dwelling on a lot or parcel is prohibited. No person who is not a relative of the property owner shall be permitted to reside in the ADU, except for a caregiver of the ADU Unit occupant.If the ADU is a separate removable structure like a manufactured home, the ADU must be removed from the property within six (6) months of the ADU Use ceasing. If the ADU is an expansion or alteration of a single-family structure, upon cessation of the ADU use, the ADU shall no longer be considered a separate living unit and shall be considered to be incorporated into the single-family structure

10.12.11 Reserved For Future Use.

10.12.12 Extractive Industries: Mining of clay, gravel, sand, peat, topsoil, rock, stone or minerals is permitted by Special Use Permit in all Districts when in conformance with the following requirements:

A. All uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
B. The applicant may be required to file a cash bond, performance bond or irrevocable letter of credit of sufficient amount, or other guarantees, to assure reclamation of the site following excavation, as required by item (J) of this Section.
C. The minimum lot size shall be twenty (20) acres. No machinery shall be erected, maintained, or operated within two hundred (200) feet of any property line.
D. All uses shall be enclosed by a fence, berm or suitable plantings six (6) feet or more in height for the entire exposed periphery of the property if there are any dwelling units within one-half mile, per the requirements of Article XV.
E. All slopes and banks shall be graded and treated to prevent erosion or any other potential deterioration.
F. No building shall be erected on the premises except as temporary shelter for machinery or field office unless specifically approved as part of the Special Use Permit.
G. Routes shall be established for truck movement to and from the site in order to minimize the wear on public roads and to prevent hazards and damage to properties in the County. That portion of access roads within the area of operation shall be constructed or treated to minimize dust if there are any dwelling units within one-half mile.
H. All installations shall be maintained in a neat, orderly condition so as to prevent injury to property, any individual, or the County in general.
I. Proper measures shall be taken to minimize the nuisance of noise and flying dust or rock. Such measures may include limitations upon the practice of stock-piling excavated materials on the site.
J. When excavation and removal operations are completed, the excavated area shall be graded according to an approved reclamation plan so that no gradients in disturbed earth

shall be steeper than a slope of three (3) to one (1) in horizontal vertical gradient. A layer of arable top soil shall be spread over the excavated area, in accordance with an approved contour plan furnished by the applicant. The area shall be seeded with a perennial grass, or other similar soil-holding material, and maintained by the applicant until the area is stabilized.

K. Individual excavation areas shall not exceed three (3) acres in size before reclamation.
L. All extraction areas in existence on the effective date of this Ordinance are considered nonconforming. Any expansion of any area is subject to the requirements of this Ordinance, including the preparation and implementation of an approved reclamation plan. Sites owned and maintained by the County Road Commission are subject to these regulations, the same as any privately-owned site.

10.12.13 Reserved For Future Use.

10.12.14 Gasoline and Auto Service Station: Automotive services to passenger vehicles and trucks is permitted by Right with Conditions in the GC District and by Special Use Permit in the DD District when in conformance with the following requirements:

A. All uses and services, except gasoline, diesel or other fuel dispensing, are conducted within a completely enclosed building.
B. The proposed site shall have at least one (1) property line on a major thoroughfare.
C. The service station building or buildings shall be set back fifty (50) feet from all street right-of-way lines and shall not be located closer than twenty-five (25) feet to any property line in a residential district.
D. No more than two (2) driveways shall be permitted directly from any major thoroughfare nor more than one (1) additional driveway from any other public street.
    1. Driveway widths shall not exceed thirty-six (36) feet measured at the property line.
    2. Driveways shall be located as far from street intersections as practical, but no less than ninety (90) feet.
    3. No driveway or curb cut for a driveway shall be located within fifteen (15) feet of an adjoining property line, unless it is a shared driveway.
    4. Exterior lighting shall be so arranged that light is down-shining and is deflected away from adjacent properties and roadways. See Section 15.2.
    5. Signs shall conform with Article 16.
    6. Off-Street Parking shall conform with Article 14.
    7. Fencing/buffering shall conform with requirements of Section 15.4.

10.12.15 Group Housing: Group housing is permitted by Special Use Permit in NR, R-1, and RR Districts (Limit of 12 people per Group Housing for NR) Districts when in conformance with the following requirements:

A. The minimum site size is one (1) acre.
B. There shall be one off-street parking space for each resident and staff.
C. There shall be at least fifty (50) feet between buildings with dwelling units or sleeping space and abutting parcel boundaries.
D. There shall be a written fire safety and emergency escape plan.
E. Must conform with all other applicable local, Township, state and federal requirements.
F. For each Group Housing in an NR, R-1, and RR District, or abutting an NR, R-1and RR parcel, a landscape buffer is required along the boundaries of the Group Housing parcel at least as protective of the view and habitat as provided for in sub-Section 15.4.1-A & B of this Ordinance, for any building development within 100 feet of the Group Housing parcel

boundaries, and a minimum 30 foot natural vegetation greenbelt bordering any named waterbody is required for any Group Housing development in any District.

10.12.16 Reserved For Future Use.

10.12.17 Reserved For Future Use.

10.12.18 Reserved For Future Use.

10.12.19 Reserved For Future Use.

10.12.20 Junk Yards: Establishments primarily engaged in assembling, breaking up, sorting and wholesale or retail distribution of scrap and waste materials, including auto wreckers engaged in dismantling automobiles for scrap, or for the purpose of selling secondhand parts, or for the recycling of reusable materials including paper, cardboard, glass and plastics. Junkyards are allowed by Special Use Permit in the GC District when in conformance with the following requirements:

A. All uses shall be established and maintained in accordance with all applicable State of Michigan and federal statutes.
B. The site shall be a minimum of ten (10) acres in size.
C. A solid uniformly finished fence or wall at least eight (8) feet in height shall be provided along the exposed sides of the site. The fence height shall be great enough to screen all materials from the road and abutting properties.
D. All activities, equipment, or material shall be confined within the fenced-in area and there shall be no stacking of material above the height of the fence, or wall.
E. All fenced-in areas shall be set back at least one hundred (100) feet from a public street or highway right-of-way line. The front yard shall be landscaped with plant materials as approved by the Planning Commission pursuant to the requirements of Article 15.
F. Burning of material shall conform to state regulations.
G. Whenever the installation abuts upon property within a residential district, a transition strip at least one hundred (100) feet in width shall be provided between the fenced-in area and the property within a residential district. Such strip shall contain plant materials, grass, and structural screens of a type approved by the Planning Commission to effectively minimize the appearance of the installation.
H. No oils, lubricants or other such fluids shall be disposed of on-site except in EGLE approved facilities.
I. At least two (2) parking spaces per one-hundred (100) square feet of office or retail space shall be provided.

10.12.21 Reserved For Future Use.

10.12.22 Reserved For Future Use.

10.12.23 Marinas and Other Watercraft Sales & Services: Marinas and liveries for a variety of watercraft are not necessarily directly dependent upon access to a water body, but provide goods and services that are directly associated with water-dependent or waterway uses. These uses include land-based intense commercial and recreational uses and boat-related services and sales where the potential for development attracts the public for its nautical ambience and amenity. Marinas, ships stores with related supplies and services, boat sales, service and storage, and private ramps or launch sites are all included and are permitted as Conditional Uses in the BAY District when in conformance with the following requirements. In the BAY

District only non-motorized watercraft rental, including any associated ramps or launch sites, are permitted as Conditional Uses when in conformance with the following requirements. :

A. All sites shall be located on a major thoroughfare or paved road and all ingress and egress to the site shall be from said thoroughfare.
B. All points of entrance or exit for motor vehicles shall be located no closer than one hundred fifty (150) feet from the intersection of any two (2) streets or highways.
C. Whenever any use abuts property within any Residential District, a transition strip at least fifty (50) feet in width shall be provided between all operations and structures, and the residential property. Plant materials, grass and structural screens or fences of an approved type per Article 15 shall be placed within said transition strip.
D. All repairs must be conducted within an enclosed building. Outside storage must be screened from adjoining residential properties and roadways per Article 15.
E. Light must be down-shining and shielded from adjoining properties and roadways per Section 15.2.
F. Parking shall be as required in Article 14, except that ferries, dinner boats, boat tours and similar services need not have on-site parking, if an adequate shuttle service is provided.
G. Signage shall be as required in Article 16.
H Secondary containment shall be provided for any petroleum or other volatile liquids used or sold on premises as required by the EGLE.
I. A valid EGLE marina permit shall be maintained where there is a marina on the property.
J. Structures for servicing boats may be adjacent to the water, or over it, if all the proper state and federal permits are secured.

10.12.24 Reserved For Future Use.

10.12.25 Multiple Family Development: A building for multiple family dwellings is permitted as a Conditional Use in the GC and RR Districts when in conformance with the following requirements:

A. Density no greater than one dwelling unit per every four thousand (4,000) square feet of parcel area.
B. Maximum lot coverage shall be forty (40%) percent of the parcel.
C. All ingress and egress driveways or roadways within the development are connected to a major thoroughfare, except for restricted emergency exits.
D. The ingress and egress drives or roadways shall be paved, to the parking lot, and shall be at least twenty-four (24) feet wide.
E. The development shall be screened from adjacent properties by a greenbelt, buffer strip or berm at the developers option, as required in Section 15.4, and lighting shall meet the requirements of Section 15.2.
F. The outdoor storage of trash or rubbish shall be screened in accordance with Section 15.5.3.
G. The signage shall be as required in Article 16.
H. The minimum distance between two (2) residential structures shall be thirty (30) feet, whether on or off the site.
I. The required number of off-street parking spaces shall be provided as required by Section 14.

10.12.26 Manufactured Housing Park: A development of three (3) or more manufactured or mobile homes, either on individual privately owned lots or on private elements within a condominium project comprise a manufactured housing park which is permitted by Conditional Use Permit in the GC and RR Districts when in conformance with the following requirements:

A. All Manufactured Housing Parks and Subdivisions shall conform to Public Act 96 of 1987, as amended.
B. A ten (10) acre site accessible to a major thoroughfare is required as the minimum park size.
C. The manufactured housing park shall be located so that all ingress and egress driveways or roadways within the manufactured housing development are connected to a major thoroughfare, except for restricted emergency exits.
D. All manufactured housing developments with more than thirty (30) units shall provide at least two (2) points of entrance or exit from the park located no closer than two hundred (200) feet from the intersection of any two (2) public roads. The ingress and egress drives or roadways within the park shall be paved, and for a distance of at least one hundred (100) feet from the public roads, the ingress and egress routes shall be no less than twenty-four (24) feet wide.
E. The manufactured housing park shall be screened from adjacent properties by a greenbelt, buffer strip or berm at the developer's option, as provided in Section 15.4 of this Ordinance.
F. The outdoor storage of trash or rubbish shall be screened in accordance with Section 15.5.3 of the Ordinance.
G. The signage shall be as required in Article 16.

10.12.27 Outdoor Commercial Recreation: Archery, rifle, skeet and trap shooting ranges are allowed by Special Use Permit in the GC District. All other outdoor recreation and entertainment establishments are permitted by Special Use Permit in the GC District when in conformance with the following requirements;

A. Shall be on an appropriate sized property to accommodate the activity, with on-site auto stacking and on-site parking, one hundred (100) feet setback from existing dwelling units, and screening to reduce noise and headlight glare onto adjoining residential uses. No conversation or speaker systems shall be audible on adjoining properties.
B. All lighting shall be down-shining and shielded from adjoining properties and roadway per the requirements of Section 15.2.
C. Site shall be directly accessible from a major thoroughfare.
D. Signage shall meet the requirements of Article 16.
E. Facilities which have a capacity for greater than two hundred (200) people must have favorable letters of review from the County Sheriff, Township Fire Chief, Township Police and Road Commission or MDOT.
F. All archery, rifle, skeet and trap shooting ranges shall be carefully designed to prevent safety or nuisance noise problems on abutting property. To that end, each application shall be accompanied with a written description of all the design characteristics and operational measures to be taken to ensure safety and prevent unwanted noise impacts on nearby property. Such measures shall be consistent with the most current MDNR and National Rifle Association guidelines as directly referenced in the application.

10.12.28 Reserved For Future Use.

10.12.29 Public Buildings: Public buildings and facilities owned by governmental entities including the Township of Burt are permitted as a Special Land Use in all Districts when in conformance with the following requirements:

A. No building, structure (except for flagpoles), or use shall be located within thirty (30) feet of a residential zoned parcel or use.
B. If located in a Residential District, all buildings and structures shall be designed to be compatible with the character of the surrounding neighborhood.
C. Off-street parking shall be screened from adjacent residential uses or Districts per the requirements of Article 14.

D. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
E. The property shall be suitably landscaped per the requirements of Article 15.
F. Signs shall conform with the requirements of Article 16.
G. Public boat launches/marinas shall conform to the requirements described in sub paragraphs A. Through J. under 10.12.23 Marinas and other Watercraft Sales & Service.

10.12.30 Rural Cluster Development: This residential open space development option is available by Right with Conditions in the RR, LS/R, and FR Districts when in conformance with the following requirements:

A. At least fifty (50) per cent of the lot (or parent parcel) to which this development option is applied, shall be retained permanently in agriculture, woods or other natural open space use.
B. Density shall be as established in the District, but measured as described in C. below.
C. The applicant shall prepare a drawing to scale that divides the site into the maximum number of lots permitted under this Ordinance without clustering. That means: dividing the total area of the site by the minimum lot area requirements per lot, while still conforming to minimum lot width or frontage requirements, and

1. Ensuring that each lot has sufficient area to meet District Health Department requirements for septic waste disposal, unless the site is served by public sewer.
2. Ensuring that adequate right-of-way for a public road meeting County Road Commission standards is provided.
3. Ensuring that no parcel so created for a dwelling unit violates state or federal wetland, floodplain, sand dune or high risk erosion regulations.
4. No existing or proposed easement shall be counted as available for development.
5. The whole number of lots that results from this calculation, is the maximum number of lots, or dwelling units that may be clustered on the site under this Section.

For example, in an RF District, if a parcel has forty (40) contiguous acres, it could have four (4) residential lots in a cluster development on twenty (20) acres if all land was developable, and before land for a road were subtracted (which would further reduce the number of permitted lots). If five (5) of the forty (40) acres were undevelopable due to wetlands, then a maximum of three (3) residential lots could be constructed, before land were subtracted for a road.

D. The site shall have direct access to a County or Township road or state highway via a new public road built to County Road Commission standards.

E. The density of the Rural Cluster Development shall conform with all the following standards:
1. At least fifty (50) percent of the lot or parent parcel shall remain in agriculture, woods or other open space in an undeveloped state after the single family dwellings in the rural cluster development are constructed. Land in an undeveloped state means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be dedicated to the use of the public.
    a. The proposed open space shall be clearly depicted on the site plan and differentiated from the land proposed for clustering the single family dwelling units.

b. Specific uses for the proposed open space shall be clearly indicated on the site plan and described in appropriate detail in the accompanying application.
c. Open space is encouraged around the perimeter of a site to screen and buffer the clustered units from abutting property.
d. New development should be separated by at least one hundred (100) feet from wetlands, surface waters or other sensitive open space.
e. Open space shall be reasonably shaped and contiguous, and located for convenient use by residents of the development.
f. The open space shall be permanently protected by recording the use restriction with the County Register of Deeds in a form approved by the Township Attorney such as by means of a conservation easement, plat dedication, restrictive covenant or other legal means that keeps the open space undeveloped in perpetuity.

2. The open space may be retained by the original landowner or held in common by one or more of the new landowners in the rural cluster development.
3. Up to twenty (20) percent of the useable common open space may be used for septic drainfields for individual dwelling units, provided a homeowners association assumes liability for any problems, and if the method is approved by the District Health Department and the Michigan Department of EGLE. No part of the preserved open space shall be used for an access road.
4. Lot size for individual lots within the rural cluster shall not be more than two and one-half (2.5) acres nor less than one-third (1/3) acre in size and no parcel shall have an area less than that required to meet District Health Department septic waste disposal requirements if served by individual septic systems. If public sewer is available, individual lot size could be reduced to one-quarter (1/4) of an acre.
5. Minimum width of an individual lot in a cluster at the building line shall not be less than sixty (60) feet.
6. Dwelling units shall be separated from nearby structures by at least five-hundred (500) feet, unless a lesser amount is approved by the structure owner.
7. The cluster development design shall protect roadside character and improve public safety and preserve vehicular carrying capacity by not fronting lots along an existing County or Township road or state highway.

F. The application shall be accompanied by a Site Plan that conforms to the requirements of Section 18.24.
G. A pre-application conference between the applicant, the site designer, the chairperson of the Planning Commission, the Zoning Administrator and any planning consultant retained by the Township shall be held prior to submittal or review of any site plan for a Rural Cluster Development. A site visit may be scheduled as a part of the pre-application conference. The purpose of the pre-application conference is to review Ordinance requirements as they apply to the site, before the applicant spends any significant money on even preliminary site designs. The Zoning Administrator will direct the applicant to various publications on Rural Cluster Development available from MSU Extension and the American Planning Association to help the applicant step through the design process with the least amount of difficulty.

10.12.31 Sexually Oriented Businesses: Sexually oriented businesses are permitted as a by Right with Conditions in the GC District, when in conformance with the following requirements:

A. No person shall reside in or on, or permit a person to reside in or on, a building or property occupied by a sexually oriented business.
B. No sexually oriented business shall be established on a parcel which is within one thousand three-hundred twenty feet (1,320') of any parcel zoned DD, R-1, RR, RF, or NR.

C. No sexually oriented business shall be established on a parcel within one thousand three hundred twenty feet (1,320') of any dwelling unit, park, school, child care organization or place of worship. The distance between a proposed sexually oriented business and any dwelling unit, park, school, child care organization, place of worship, or other sexually oriented business shall be measured in a straight line from the nearest property line upon which the proposed sexually oriented business is to be located to the nearest property line of the dwelling unit, school, child care organization, place of worship or other sexually oriented business.
D. The proposed use shall conform with all regulations of the zoning district in which it is located unless those regulations conflict with these standards, in which case these standards shall control.
E. The proposed use must meet all applicable written and duly promulgated standards of Burt Township, villages or other governmental agencies having jurisdiction, and must, to the extent required, have the approval of these governments and/or governmental agencies or be reasonably assured of such approval.
F. The outdoor storage of trash or rubbish shall be screened from view and located so as not to be visible from neighboring properties or adjacent roadways in accordance with Section 15.5.3 of this Ordinance.
G. Any sign or signs proposed for the sexually oriented business shall not include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination, and otherwise shall conform with the requirements in Article 16.
H. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls, in a location clearly visible to those entering and exiting from the business, and using lettering no less than two (2) inches in height that say:
    1. "Persons under the age of 18 are not permitted to enter the premises", and
    2. "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."
I. No product or service for sale or gift, or any picture or other representation of any product or service for sale or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.
J. Hours of operation shall be limited to 10:00 AM to 9:00 PM., Monday through Saturday.
K. All off-street parking areas shall be illuminated during all hours of operation of the sexually oriented business, and until one-half hour after the business closes, and shall conform with applicable regulations of Article 14.
L. Any booth, room or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities shall:
    1. Be handicap accessible to the extent required by the Americans With Disabilities Act;
    2. Be unobstructed by any door, lock or other entrance and exit control device;
    3. Have at least one side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;
    4. Be illuminated by a light bulb of wattage of no less than 25 watts;
    5. Have no holes or openings in any side or rear walls not dedicated for use by a utility, or a heating, air conditioning or ventilation system.
M. Practical Difficulty: If the regulations above, or in combination with other regulations of this Ordinance have, in the opinion of the applicant, the effect of precluding establishment of a sexually oriented business, then the applicant shall not have exhausted his/her administrative remedies under this Ordinance without first applying for a Practical Difficulty PUD according to the provisions of Section 12.9.

10.12.32 Short-Term Rentals: Short-Term Rentals (STR) are allowed by right with conditions, in the BAY, NR, R-1, DD, GC, LS/R, FR, RF, RR, and IBZ, Districts, when in conformance with the following requirements and standards:

A. Definitions
The following definitions are applicable to this section:

1. **Bedroom**: A room intended for sleeping or placement of a bed separated from other spaces in a dwelling and having a door for ingress with egress meeting applicable egress standards. The following spaces designed to serve another purpose do not qualify as a bedroom: kitchen, dining area, family room, living room, closets and storage areas. Attics or basements without egress meeting applicable egress standards may not be considered a bedroom.

2. **Dwelling or Dwelling Unit:** A room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other dwelling units in the same structure, and containing independent cooking, bathroom, and sleeping facilities.

3. **Entity**: An individual, a group of individuals or an association, firm, partnership, corporation, or other organization, public or private.

4. **Good Neighbor Guide:** Materials prepared and provided by the Burt Township Board to the owner of a Short-Term Rental (STR), required for prominent display in the STR unit.

5. **Local Contact Person:** A local property manager, owner or agent of the owner, who is available to respond to tenant and neighborhood questions or concerns, or any agent of the owner authorized by the owner to take remedial action and respond to any violation of this Ordinance.

6. **Managing agency or agent**: A person, firm or agency representing the owner of the property or portion thereof used for a Short-Term Rental, or a person, firm or agency owning the property or portion thereof used for a Short-Term Rental if they do not designate a representative.

7. **Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

8. **Parcel or Lot:** Lot or Parcel: Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance and all other Ordinances, unless the PPBF option is applicable and chosen, and having its principal frontage upon a public street or on an approved or legal nonconforming private road or approved access easement. Such lot may consist of a) a single lot of record; b) a portion of a lot of record; c) a combination of contiguous lots of record or portions of contiguous lots of record; or d) a parcel of land described by metes and bounds. If an accessory building is

built on a contiguous lot, then for zoning purposes both lots will be considered to be one lot.

B. Registration and Permit Required

1. Permits for Existing STRs: Existing STRs at the time of enactment of this ordinance (insert date) shall register their STR according to the following procedure:

a. Owners authorized, deemed eligible, and permitted under the terms of the previous Burt Township STR ordinance, whose permit is in good standing having satisfied all of the requirements as determined by the Zoning Officer to operate a STR, may continue to do so, but must update their registration of the STR on or before the annual renewal date set by the Township Board to obtain a new permit. The Township will require the applicant to reaffirm the accuracy of the statements made in the original application.

b. Existing STRs as described above and currently in operation will:

1. Be considered in the total percentage of allowable Burt Township STRs.
2. Shall not be subject to restrictions on:
    a. Distance from other STRs
    b. Number of permits per owner
    c. Number of STRs per parcel

c. Existing STR owners registering for a permit under this provision shall be required to fill out and sign an application form provided by the Burt Township Board. The application form shall include:

1. The name, address and telephone numbers of the owner and of any agent for the owner.
2. The street address of the STR
3. The number of bedrooms with the maximum occupant capacity as calculated by this Ordinance
4. The number of available off-street parking spaces
5. Identify where the STR is being advertised (VRBO, AirBNB, other, etc.)
6. Acknowledgement that the owner has read and understands the Ordinance including the owner's responsibilities required in this section.
7. Acknowledgement that the information provided on the application is current and true.
8. Any other information as requested by the Burt Township Board relative to fulfilling purpose and scope of the Ordinance.

2. Permit for new STRs after adoption of this Ordinance: Following the adoption of this Zoning Ordinance, open registration for new STRs begins sixty (60) days prior to the date established by the Board of Trustees as the annual renewal date and close thirty (30) days before the annual renewal date, in order to give the Zoning Administrator thirty (30) days prior to the Annual Renewal date to consider the applications and be able to recommend those that may be approved and those that will be denied. New permits shall be issued until the allowed percentage of STRs is attained. Once the allowed percentage of STRs is reached, subsequent permit applications shall be held and thereafter, qualifying

permit applications will be granted in the order they were received. The Township will require the applicant to reaffirm the accuracy of the statements made in any original application. Owners of new STRs shall be required to fill out and sign the application form provided by the Burt Township Board as required in this section, and provide the information required under 10.12.32 B.1.c above.

Any owner registering for a new permit at this time and into the future shall be subject to all Ordinance restrictions. These restrictions are:

a. Only one (1) allowable STR per parcel
b. A limit of two (2) STR permits per owner
c. Compliance with distance requirements between STRs as noted in Article 10.12.32.B.6
d. All other STR standards as described in 10.12.32.C.

3. Upon completion and acceptance of the application by the Township, the Township shall issue a permit for the occupancy of the STR. The following provisions shall apply to the permit.

a. There will be two (2) original copies of the permit, one to the owner and the other on file at the Burt Township office.
b. No permit shall be issued unless the owner is current in payment of taxes and other obligations owed to Burt Township for the STR.
c. The permit shall incorporate the application by reference, and include the name of the owner, the property agent, the street address and the maximum number of allowable occupants.
d. Any other information deemed appropriate by Burt Township.

4. After enactment of the Ordinance, all existing STR permits shall be valid until (date). Following this date and into subsequent years, permits will be valid from (dates). Permit renewal will be open from (dates). Any existing permit that does not apply for renewal by (date) will automatically expire on (date). After a permit expires, any new permitting for the same property shall be subject to all current permitting regulations.

5. The number of permits shall be determined periodically by the Burt Township Board

6. Distance between STRs: Within the Burt Township Water District (defined as the area served by Burt Township municipal water system and denoted on the Water System Map), parcels containing STRs must be more than 251 feet apart in any direction as measured from the front center point of the first property line to the front center point of the second property line, with the exception of those STRs in existence at the time the Ordinance is adopted, for as long as they continue to be permitted. Outside the Township Water District, parcels containing STRs must be more than 401 feet apart in any direction as measured from the front center point of the first property line to the front center point of the second property line, with the exception of those STRs in existence at the time the Ordinance is adopted as long as they continue to be permitted.

7. It shall be a violation of this Ordinance for anyone to advertise properties to be used as STRs without first receiving a permit from Burt Township issued in the name of the owner.

8. Any fees associated with STRs shall be set by resolution of the Burt Township Board, as noted in Article 18.7.5 of the Burt Township Zoning Ordinance.

9. An owner shall hold no more than two (2) STR permits in Burt Township.

10. A separate permit is required for each STR. STR permits are not transferable from one property to another property, nor from one owner to another owner, except for an ownership transfer to an immediate family heir upon the death of the original owner/permit holder.

11. Any STR rented fourteen (14) days or less per calendar year does not require a permit.

C. Short Term Rental Standards

The following standards shall apply to all STRs in Burt Township:

1. Only one (1) STR per parcel shall be leased, subleased, rented or sub-rented at any given time with the exception of those in existence at the time of adoption of this Ordinance. All lodging is to be exclusively within the STR and not in a recreational vehicle, camper, tent or similar structure

2. Local Contact:
   a. The owner of an STR unit must designate a local contact person who has access and the authority to assume management of the unit and take remedial measures.
   b. The local contact person must be available twenty-four (24) hours a day during the rental period and be able to respond within sixty minutes to address any issue.
   c. An owner meeting the requirements of subsections 1 and 2 above may designate themselves as the local contact person.

3. Occupancy:
   a. A maximum occupant capacity for the STR shall be calculated at the time of application.
   b. Maximum occupancy calculation shall consist of two (2) occupants per bedroom plus two (2) additional occupants. Children shall be included in the count.

4. Parking: All parking associated with an STR shall be out of the roadway and on-site, in the garage or driveway as lot and neighborhood configuration allow. No parking is permitted in alley roadways.

5. The owner of an STR is responsible to:
   a. Ensure that the permitted STR is in full compliance with the applicable Federal, State, County, and Burt Township ordinances including any Building, Health, Safety, and Fire Codes. The Township does not take responsibility for codes outside its ordinance/jurisdictional authority.

   b. Ensure that the guests of the permitted STR do not create a nuisance to the community. Upon receiving a permit from the Burt Township Board, the owner shall also be provided with the Good Neighbor Guide to be prominently displayed in the unit. The purpose of the Guide is to provide guests sufficient information to follow so as to not invade or interrupt the normal and peaceful

enjoyment of the citizens and residents of Burt Township. The information provided in the Guide shall include:

(i). A reminder that the rental property may be located in a residential neighborhood.

(ii). A statement informing guests that neighboring property owners may contact the contact person, managing agent, or agency or owner, to report any issues relating to the property.

(iii). The Township Noise/Nuisance Ordinance

(iv). Solid waste policy and rules.

(v). A link for burn permit.

(vi). Phone number 911 for emergencies

(vii). Any other information that the Township considers pertinent.

c. Take appropriate action in a timely manner to remediate any violation of Burt Township Ordinances, standards regarding STRs and /or a neighbor's complaint regarding guest's actions.

d. Notify the Burt Township Board in writing within 30 days of any changes in the information provided on the application form including but not limited to a change of designated managing agency or agent, contact person or owner.

e. Each STR in Burt Township may be subject to an annual inspection to verify that occupancy, parking, and other requirements of this ordinance are being met. It is the responsibility of the owner/applicant to ensure the STR unit is in full compliance with any applicable Federal, State, and County ordinances including any Building, Health, Safety, and Fire Codes.

D. Violation and Administrative Penalties

1. Any violation of this Ordinance is a civil infraction. The following conduct is a violation of this Article and the Zoning Ordinance:

a. Any advertising or leasing of a STR without first having obtained a permit.
b. The permit holder has violated any of the provisions of this Article.
c. Any applicant or permittee providing false or misleading information during or subsequent to the application process.

2. If it is discovered that an owner holds more than the allowable 2 permits, not otherwise allowed at the time this ordinance is adopted, all existing permits shall be revoked immediately. Any owner may reapply for a permit during the annual application period, but not less than twenty-four (24) months after revocation of a permit. The new permit will follow the current ordinance restrictions at the time of reapplication.

3. All other violations other than those described in 10.12.32.D will be treated as follows: All owners shall be responsible for any municipal civil infractions (See Article 21) which

are imposed regarding violations of this ordinance as delineated in the existing Burt Township Civil Infractions Ordinance. The Zoning Administrator and any officials designated by the Burt Township Board are the authorized officials who issue municipal civil infraction citations.

4. If there are one or more violations per year during any three (3) consecutive year period, the permit shall be revoked.

5. Any revoked permit for which reapplication is made shall be subject to all current Ordinance regulations at the time of reapplication.

6. An owner may appeal a decision to revoke a permit to the Burt Township Zoning Board of Appeals.

E. Administration

1. All permits will be issued by the Burt Township Board of Trustees or assigns.
2. Payments will be made to the Burt Township Treasurer

F. Severability

The several provisions of this Article are declared to be separate. If any court shall hold that any section or provision is invalid, such holding shall not affect or impair the validity of any other section of this Ordinance.

10.12.33 Solar Energy Systems (SES): Private Solar Energy Systems are permitted by Right with Conditions in all Districts. Commercial/Industrial Scale Solar Energy Systems are permitted as a Special Use in GC, RF and RP Districts. All Solar Energy Systems must conform to the provisions of this Ordinance, all County, State, Federal regulations, and safety requirements as well as all applicable industry standards. Solar Energy Systems shall be located, or placed, so that concentrated solar glare shall not be directed toward, or onto, nearby properties or roadways at any time of day.

A. Definitions

The following definitions are applicable to this section:

1. **Solar Energy System (SES)**: A system designed to collect direct sunlight and convert it into electricity and/or heat for private or commercial use.
2. **Solar Power:** The conversion of energy from sunlight into electricity, either directly using photovoltaics (PV), indirectly, using concentrated solar power, or a combination of both.
3. **Building Integrated Photovoltaics (BIVP)**: Photovoltaic materials are used to replace conventional building materials in parts of a building envelope, such as the roof, skylights, windows, or facades. These can be a principal or an ancillary source of electric power.
4. Building Applied Photovoltaics (BAVP): Photovoltaics that are installed onto an existing building or new construction.
5. **Ground Mounted System**: A self-supported system on the ground.
6. **Private SES:** Solar power systems designed to provide electric energy to a residence or business.
7. **Commercial/Industrial Scale SES**: Solar power systems operated by a power utility company or intended to be integrated with a power grid.
8. Nonparticipating Property means real property on which there is no Solar Energy System existing or proposed.

9. Participating Property means real property on which a Solar Energy System is located or proposed.

B. **Private Solar Energy Systems:** Private Solar Energy Systems and/or BIVPs, shall be permitted in all zoning districts, provided such systems conform to the **standards in this section, and** all applicable County, State, Federal regulations and safety requirements, including the Michigan Building Code. An electrical permit from Alger County shall be required for the installation of any BIVPs.

1**. Roof or Building Mounted Private Solar Energy Systems**: Roof or building mounted Solar Energy Systems shall be considered an accessory use, in all zoning districts, subject to the following requirements:

a. No part of the Solar Energy System erected on a roof shall extend beyond the peak of the roof or the eave. If the Solar Energy System is mounted on a building in an area other than the roof, no part of the Solar Energy System shall extend beyond the wall on which it is mounted.

b. No part of a Solar Energy System mounted on a roof shall extend more than two (2) feet above the surface of the roof.

c. In the event that a roof or building mounted Solar Energy System has been abandoned (meaning not having been in operation for a period of one (1) year), it shall be removed by the property owner within six (6) months after abandonment.

2. Ground Mounted Private Solar Energy Systems: Ground mounted Private Solar Energy Systems shall be considered an accessory use, subject to the following requirements:

a. Prior to the installation of a ground mounted Solar Energy System, the property owner shall obtain a zoning permit from the Zoning Administrator. The site plan shall include setbacks, footprint (at minimum tilt angle), and the location of property lines, buildings, fences, greenbelts, and road rights-of-way.

b. A ground mounted SES shall not exceed the maximum building height for adjacent accessory buildings, but in no case shall the maximum height of any ground mounted SES exceed fifteen (15) feet above the ground when oriented at maximum tilt.

c. All power transmission or other lines, wires or conduits from a ground mounted SES to any building or other structure shall be located underground. If batteries are used as part of the ground mounted SES, they must be placed in a secured container or enclosure.

d. There shall be greenbelt screening around any ground mounted SES and equipment associated with the system to obscure, to the greatest extent possible, the SES from any adjacent residences, streets, or water body. The greenbelt shall consist of shrubbery, trees, or other non-invasive plant species that provide a visual screen. In lieu of a planting greenbelt, a decorative fence (meeting the requirements of this Ordinance applicable to fences) may be used.

e. A ground mounted SES must be within the maximum lot coverage limits.

f. In the event that a ground mounted SES has been abandoned (meaning not having been in operation for a period of one (1) year, it shall be removed by the property owner within six (6) months after abandonment.

g. A building permit shall be required from Alger County.

10.12.34 Tiny House: A Tiny House is permitted as a Special Land Use in all Districts, subject to the following conditions:
A. The Tiny House dwelling unit must be constructed upon a permanent foundation (not on a trailer).
B. The Tiny House dwelling unit shall be connected to a water supply and sewer system approved by the health department.
C. The Tiny House Unit must meet all required setbacks and other provisions of the Zoning District.

10.12.35 Trails and Trail Easements: Trails and trail easements for motorized and non-motorized use are permitted by Right with Conditions in all districts provided there is conformance with each of the following requirements:

A. Permission for use including any provisions of the land/easement owner, if other than the managing entity, has been obtained and documented in an attachment to the management plan.
B. Motorized and/or non-motorized trails shall not conflict with deed/conservation easement provisions/limitations on the land, or with any applicable Federal, State, or County law or road regulation, or with any Burt Township Ordinance.
C. Trails for public use shall be owned and managed by a public entity or a nonprofit land trust, or nonprofit conservation organization, or a private entity approved by the Planning Commission.
D. Wherever feasible, trails shall be sited to minimize negative impacts on nearby residences, churches and schools.
E. Signs on trails shall conform with the requirements of Article 16 and shall conform with accepted standards for trail management. Signs along the trail advertising products, services or businesses shall not be visible from nearby roadways.
F. Trails for public use shall be guided by a trail management plan prepared and adopted by the management entity. A current copy of such plan shall be filed with the Zoning Administrator.
G. All trail access points at which there is vehicular parking and/or toilet facilities shall conform with the following requirements:
    1. No building, structure (except for flagpoles), or parking lot shall be located within thirty (30) feet of a residentially zoned parcel or use.
    2. All buildings and structures shall be designed to be compatible with the character of the surrounding area.
    3. Off-street parking shall be screened from adjacent residential uses or Districts per the requirements of Article 14.
    4. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
    5. The property shall be suitably landscaped per the requirements of Article 15.
    6. Signs shall conform with the requirements of Article 16.
    7. Number of required parking spaces at trailheads.
        a. For motorized use: Minimum sixteen (16) spaces for cars with trailers at each trailhead unless the MDNR requires more. The Parking Space area must have reasonable egress and/or turn around area. Exception: If for practical purposes the probable reasonable parking space need is less, then the number of initial spaces required is permitted to be as few as six (6) spaces (unless the MDNR requires more) provided there is conformance with each of the following conditional use requirements: The developer: 1) certifies to the Zoning Administrator the number of initial spaces needed between six (6) and sixteen (16), 2) provides evidence satisfactory to the Zoning Administrator of sufficient

dedicated contiguous space left undeveloped for the total sixteen (16) spaces with reasonable egress and/or turn around area, 3) agrees in writing to complete all or any part of the plans for further future development of the Parking Space area with approval of the Zoning Administrator or when requested to do so by the Zoning Administrator.

b. For non-motorized use: Minimum six (6) spaces for cars without trailers at each trailhead unless the MDNR requires more. For cars with trailers: same requirements and conditional use exception as for motorized use spaces under subparagraph a. above.

H. All lighting shall be down-shining and shielded from adjoining properties and roadway per the requirements of Section 15.2.

10.12.36 Utility and Public Service Installations: Light utility and public service installations such as electrical substations and gas regulator stations that do not qualify as essential services (see Section 7.5) are permitted by Special Land Use Permit in all Districts and Heavy installations are permitted by Special Land Use Permit in all Districts, when in conformance with the following requirements:

A. Buildings, structures (except for flagpoles), and uses shall be located at least thirty (30) feet from all lot lines and street lines.
B. Exterior equipment shall be screened from adjacent residential Districts per the requirements of Section 15.4.
C. The outdoor storage of trash or rubbish shall be screened per the requirements of Section 15.5.3.
D. Lighting shall be down directed and conform with the requirements of Section 15.2.

10.12.37 Reserved For Future Use.

10.12.38 Warehousing: Self-service storage facilities, such as mini-warehouses, and rental storage units as well as warehousing for businesses primarily engaged in selling merchandise to retailers are permitted as by Right with Conditions in GC. Warehousing, storage or transfer buildings and similar facilities are permitted by Right with Conditions in GC when in conformance with the following requirements:

A. Mini-warehousing storage sites shall be no less than one (1) acre, and all other warehousing shall be no less than two (2) acres unless there is outdoor storage of boats or other recreational vehicles in which case the minimum lot size shall be five (5) acres, accessible by a year-round public maintained road.
B. Drives, between buildings, shall be a minimum width of thirty-five (35) feet if one-way with parking allowed, or forty-five (45) feet if two-way. Where no parking is allowed, the building separation need be only twenty-five (25) feet. Traffic direction and parking shall be prominently indicated.
C. No retail, wholesale, fabrication, manufacturing or service activities shall be conducted in mini-warehousing storage units. Storage of goods shall be limited to personal property with no commercial distribution allowed.
D. All storage shall be within an enclosed building except for boats and vehicles.
E. When adjoining a Residential District or use, adequate buffering, either by a wall, fence, berm or dense vegetation strip shall be erected and maintained per the requirements of Section 15.4. A twenty (20) foot landscaped strip shall be required adjacent to any public road.
F. Lighting shall be down-shining and shielded from adjacent properties and roadways per the requirements of Section 15.2.
G. Signage shall be as required by Article 16.

H. The outdoor storage of trash or rubbish shall be screened in accordance with Section 15.5.3.
I. No storage of hazardous substances, toxic, or explosive materials shall be permitted at the facility.

10.12.39 Small Wind Energy Conversion Systems:

One Small Wind Energy Conversion Systems (WECS), Micro Wind Turbine Energy System, or one anemometer tower up to eighty (80) feet in height is allowed by right for each single-family or two-family dwelling, for each camp/hunting camp or each cabin/cottage/yurt dwelling, and for each dwelling unit of a two family dwelling. One Wind Energy Conversion System (WECS) or one anemometer tower up to eighty (80) feet in height is allowed by right for each R-1, RR, FR, RF, and RP parcel. WECS are not allowed in the BAY, NR, DD, IBZ, and GC. If the applicable conditions in "G" are met, WECS or anemometer towers over 80 feet and up to 300 feet in height are allowed by Special Use Permit in when in conformance with the following requirements:

A. No WECS or Anemometer Towers or Utility Grid Wind Energy Systems are permitted on land within 75 feet of the shorelines or off shore within any inland body of water or stream.
B. No WECS or Anemometer Towers or Utility Grid Wind Energy Systems are permitted in areas that would impair the quality or use and enjoyment of the Lake Superior shoreline including the Pictured Rocks National Lakeshore, dunes formations or High Risk Erosion Areas or Wetlands or Sensitive Riverine Areas or Inland Lakes or Flood Plains Areas or Steep slopes, or other environmentally sensitive areas, as described in Section 6.10.
C. In addition to the requirements of this section, the site plan of the property shall show the location of overhead electrical transmission or distribution lines, whether utilized or not, and the location of the WECS with its specific dimensions, including the entire area through which the rotor(s) may pass, the location of any guy wires or other support devices, and the location of all occupied buildings within one thousand feet (1000') of the WECS.
D. Each application shall be accompanied by a complete set (either the original or an accurately reproduced copy) of the manufacturer's instructions which shall, at a minimum, include the following:
    1. A standard foundation and anchor design or specifications for normal soil conditions; and
    2. A detailed parts list; and
    3. Clearly written detailed instructions for the assembly, installation, check-out, operation and maintenance of the WECS on site: and
    4. The list of warning labels required by this section;
    5. Grounding and lightning procedures protection which follow the National Electrical Code Articles 250 (Grounding) and 280 (Lightning Arresters) or any subsequent, superseding regulations; and
    6. Underwriters label; and
    7. Proof of insurance.
    8. Results of avian and bat mortality analysis and measures to be taken to reduce negative impacts on birds and bats.
    9. Analysis of minimum, mean and maximum noise analysis at each property line.
    10. Analysis of ice throw under minimum, mean and maximum wind conditions.
E. The entire WECS (including turbines, alternators, generators, and interconnect systems) shall be filtered and/or shielded to prevent the emission of generated radio frequency energy which would cause any interference with radio, and/or television broadcasting or reception, and shall comply with Federal Communication Rules, 47 CFR Parts 15 (including subparts A and F) and 18 (including subparts A, D, and H) or any subsequent, superseding regulations.

F. The maximum level of noise permitted to be generated by any WECS shall be fifty-five (55) db (decibels) and measured at the nearest non-participating dwelling. The WECS shall not cause human detectible vibrations at the property line.

G. Setbacks. No WECS shall be erected such that any portion of the tower or turbine is closer to utility lines or property lines as provided for below:
   1. 2.1 X height (max blade tip height) to nearest outside wall of occupied building of nonparticipating property.
   2. 1.1 X height (max blade tip height) to nearest point of outside wall of occupied building of participating property
   3. 1.1 X height to nonparticipating property lines
   4. 1.1X height to centerline of road ROW

   If the ice throw distance is greater than this distance, and if there are any principal or accessory structures within reach of ice throws, then the WECS location shall be adjusted to prevent ice throw impact on all abutting property.
   1. Setback from a parcel property line for WECS up to eighty (80) feet in height is the height of the tower. The lowest point of the arc created by rotating blades shall be at least fifteen (15) feet above ground level.

H. Labeling:
   1. The following information shall be provided on labels attached to the WECS tower subsystem in a visible, easily accessible location:
      a. Equipment weight of the tower subsystem;
      b. Manufacturer's name and address;
      c. Model number;
      d. Serial number;
      e. The following tower warning label or equivalent warning: Installation and Maintenance of This Product Near Power Lines is a Danger. For your Safety Follow the Installation and Maintenance Instructions.
      f. No labels or signs or attachments except these and similar ones required for posting of safety/warning information are permitted.

I. WECS shall be sited and constructed of materials which use the best available technology at the time, with special consideration to minimizing noise and threats to birds and bats. For WECS over eighty feet in height the applicant shall have avian and bat studies done and shall demonstrate that the WECS will comply with and meet the USF&W Service's Wind Turbine Siting Working Group's Interim Guidelines To Avoid And Minimize Wildlife Impacts From Wind Turbines.

J. WECS shall require the applicant to make application to the Federal Aviation Administration to apply for lighting standards that:
   1. Are the lowest intensity allowable.
   2. Avoids strobe lighting or other intermittent white lighting fixtures.
   3. May be a green or red top light that does not pulsate or blink.
   4. Are in compliance with legal minimums per FAA requirements. A written FAA report shall be submitted to verify lighting requirements.

K. WECS shall be secured or protected to prohibit access by unauthorized persons and a security fence may be required if determined to be in the best interest of the community.

10.12.40 Cannabis Provisioning Centers/Marijuana Retailers: In addition to meeting all the requirements of the **MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (MCL Section 333.27954,** provisioning centerscannabis retailers shall be subject to the following standards:

A. Hours. A provisioning center may only sell to consumers or allow consumers to be present in the building space occupied by the provisioning center between the hours of 7:00 a.m. and 9:00 p.m.
B. Indoor Activities. All activities of a provisioning center, including all transfers of cannabis shall be conducted within the structure and out of public view. A provisioning center shall not have a walk-up window or drive-thru window service.
C. Other Activities. Cannabis and tobacco products shall not be smoked, ingested, or otherwise consumed in the building space occupied by the provisioning center.
D. Nonconforming Uses. A provisioning center may not locate in a building in which a nonconforming retail use has been established in any district.
E. Buffer Zones. A provisioning center may not be located within the distance specified from the uses below as determined by the Township. The distance shall be measured as the shortest straight-line distance between the property line of the location of the following uses to the property line of the parcel on which provisioning center premises is located, whichever is less.

1. A provisioning center may not be located within 1,320 feet of the real property comprising or used by a public or private elementary, or secondary school; a licensed child care center or preschool; a public playground, public swimming pool, or public or private youth activity facility; a public park, public outdoor recreation area, or public recreation facility; religious institution; or a public library.

F. Odor. As used in this subsection, building means the building, or portion thereof, used for cannabis processing and retail sales.

1. The building shall be equipped with an odor control filtration system to ensure that odor leaving the building is not detectable at any adjacent property.
2. Odor control system shall be designed by mechanical engineer licensed in the state of Michigan. Both engineered drawings and narrative describing the system sequence of operation must be provided to the township for review with the conditional use application. Narrative shall provide odor control overview, description of active filtration equipment, number of building air exchanges, sequence of operation and how odor control system integrates with the facility's Heating, Ventilation and Cooling System.
3. A licensed engineer may be required to present system overview during the Special Use review process.
4. The filtration system shall be maintained in working order.
5. Doors and windows shall remain closed, except for the minimum length of time needed to allow people to ingress or egress the building.

G. It is the intent of Burt Township, through this Zoning Ordinance, to limit the number of cannabis provisioning/retail establishments to one (1) facility.

10.12.41 Principal Use (Large) Renewable Energy Systems

These regulations are intended to meet the Compatible Renewable Energy Ordinance (CRE0) requirements of Michigan PA 233, with minor modifications, in order to provide a "workable" alternative to enable local review and decision-making with regard to large scale energy projects.

A. Definitions

The following definitions apply to provisions of this Article only.

Aircraft detection lighting system: A sensor-based system designed to detect aircraft as they approach a wind energy facility and that automatically activates obstruction lights until they are no longer needed.
ANSI: American National Standards Institute
A-Weighted Sound Level: The sound pressure level in decibels as measured on a sound level meter using the A-weighting network, as expressed as dB(A) or dBA.
Construction: Any substantial action taken constituting the placement, erection, expansion, or repowering of an energy facility.
Dark sky-friendly lighting technology: A light fixture that is designed to minimize the amount of light that escapes upward into the sky.
dBA: The sound pressure level in decibels using the "A" weighted scale defined by the American National Standards Institute (ANSI)
Decibel: A unit used to measure the intensity of a sound or the power level of an electric signal by comparing it with a given level on a logarithmic scale.
Energy Storage System (ESS): A system that absorbs, stores, and discharges electricity. Energy storage facility does not include fossil fuel storage or power-to-gas storage that directly uses fossil fuel inputs.
Independent power producer (IPP): A person that is not an electric provider but owns or operates facilities to generate electric power for sale to electric providers, the state, or local units of government.
Leq: The equivalent average sound level for the measurement period.
Light intensity dimming solution technology: Obstruction lighting that provides a means of tailoring the intensity level of lights according to surrounding visibility.
Light-mitigating technology system: An aircraft detection lighting system, a light intensity dimming solution technology, or a comparable solution that reduces the impact of nighttime lighting while maintaining night conspicuity sufficient to assist aircraft in identifying and avoiding collision with the wind energy facilities.
Maximum blade tip height: The nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, maximum blade tip height means the actual hub height plus the actual blade length.
Maximum Tilt: The maximum angle of a solar array (i.e. most vertical position) for capturing solar radiation as compared to the horizon line.
Nameplate capacity: The designed full-load sustained generating output of an energy facility. Nameplate capacity shall be determined by reference to the sustained output of an energy facility even if components of the energy facility are located on different parcels, whether contiguous or noncontiguous.
NFPA: National Fire Protection Association
Non-participating Property: A property that is adjacent to an energy facility and that is not a participating property.
Occupied community building: A school, place of worship, day-care facility, public library, community center, or other similar building that the applicant knows or reasonably should know is used on a regular basis as a gathering place for community members.
Participating Property: Real property that either is owned by an applicant or that is the subject of an agreement that provides for the payment by an applicant to a landowner of monetary compensation related to an energy facility regardless of whether any part of that energy facility is constructed on the property.
Person: An individual, governmental entity authorized by this state, political subdivision of this state, business, proprietorship, firm, partnership, limited partnership, limited liability partnership, co-partnership, joint venture, syndicate, business trust, labor organization, company, corporation, association, subchapter S corporation, limited liability company, committee,

receiver, estate, trust, or any other legal entity or combination or group of persons acting jointly as a unit.

Principal-Use (Large) Energy Facility: A large, principal-use energy storage system (ESS), solar energy system (SES), or wind energy system (WES). An energy facility may be located on more than 1 parcel of property, including noncontiguous parcels, but shares a single point of interconnection to the grid.

Principal-Use (Large) Energy Storage System: An Energy Storage System (ESS) that is a principal use (or co-located with a second principal use), is designed and built to connect into the transmission grid and has a nameplate capacity of 50 MW or more and an energy discharge capability of 200 MWh or more.

Principal-Use (Large) Solar Energy System: A Principal-Use SES with a nameplate capacity of 50 MW or more for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Principal-Use (Large) Wind Energy System: A principal-use WES with a nameplate capacity of 100 MW or more for the primary purpose of off-site use through the electrical grid or export to the wholesale market.

Repowering: The replacement of all or substantially all of the energy facility for the purpose of extending its life. Repowering does not include repairs related to the ongoing operations that do not increase the capacity or energy output of the energy facility.

Shadow Flicker: Alternating changes in light intensity caused by the moving blade of a WES casting shadows on the ground and stationary objects, such as but not limited to a window at a dwelling.

Sound Pressure: The difference at a given point between the pressure produced by sound energy and the atmospheric pressure, expressed as pascals (Pa).

Sound Pressure Level: Twenty times the logarithm to the base 10, of the ratio of the root-mean-square sound pressure to the reference pressure of micro pascals, expressed as decibels (dB). Unless expressed with reference to a specific weighing network (such as dBA), the unit dB shall refer to an unweighted measurement.

Solar Energy System (SES): A system that captures and converts solar energy into electricity, for the purpose of sale or for use in locations other than solely the solar energy system property. A solar energy system includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: photovoltaic solar panels; solar inverters; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage systems; overhead and underground control; communications and radio relay systems and telecommunications equipment; utility lines and installations; generation tie lines; solar monitoring stations; and accessory equipment and structures.

Wind Energy System (WES): A system that captures and converts wind into electricity, for the purpose of sale or for use in locations other than solely the wind energy system property. Wind energy system includes, but is not limited to, the following equipment and facilities to be constructed by an electric provider or independent power producer: wind towers; wind turbines; access roads; distribution, collection, and feeder lines; wires and cables; conduit; footings; foundations; towers; poles; crossarms; guy lines and anchors; substations; interconnection or switching facilities; circuit breakers and transformers; energy storage systems; overhead and underground control; communications and radio relay systems and telecommunications equipment; monitoring and recording equipment and facilities; erosion control facilities; utility lines and installations; generation tie lines; ancillary buildings; wind monitoring stations; and accessory equipment and structures.

B. General Provisions

A. **Principal-Use (Large) Energy Facility Application**: Any application for a Principal-Use (Large) Energy Facility shall contain all of the following:

1. The complete name, address, and telephone number of the applicant.
2. The planned date for the start of construction and the expected duration of construction.
3. A description of the energy facility, including a site plan as described in Section 224 of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1224. The following items must be shown on the site plan:
    a. A map of all properties upon which any component of a facility or ancillary feature would be located, and for wind energy systems, all properties within two thousand (2,000) feet of such properties, and for solar energy or energy storage systems, all properties within one thousand (1,000) feet. This should indicate the location of all existing structures and shall identify such structures as occupied or vacant.
    b. Lot lines and required setbacks shown and dimensioned.
    c. Size and location of existing and proposed water utilities, including any proposed connections to public, or private community sewer or water supply systems.
    d. A map of any existing overhead and underground major facilities for electric, gas, telecommunications transmission within the facility and surrounding area
    e. The location and size of all surface water drainage facilities, including source, volume expected, route, and course to final destination.
    f. A map depicting the proposed facilities, adjacent properties, all structures within participating and adjacent properties, property lines, and the projected sound isolines along with the modeled sound isolines including the statutory limit
    vii. For wind energy systems, a map or schematic showing the area including sensitive receptors that will be impacted by shadow flicker for wind facilities, including isolines indicating areas expected to experience 30 hours or more per year of shadow flicker
4. A description of the expected use of the energy facility.
5. Expected public benefits of the proposed energy facility.
6. The expected direct impacts of the proposed energy facility on the environment and natural resources and how the applicant intends to address and mitigate these impacts.
7. Information on the effects of the proposed energy facility on public health and safety.
8. A description of the portion of the community where the energy facility will be located.
9. A statement and reasonable evidence that the proposed energy facility will not commence commercial operation until it complies with applicable state and federal environmental laws, including, but not limited to, the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 to 324.90106.
10. Evidence of consultation, before submission of the application, with the Department of Environment, Great Lakes, and Energy and other relevant state and federal agencies before submitting the application, including, but not limited to, the Department of Natural Resources and the Department of Agriculture and Rural Development.
11. The Soil and Economic Survey Report under Section 60303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.60303, for the county where the proposed energy facility will be located.
12. Interconnection queue information for the applicable regional transmission organization.
13. If the proposed site of the energy facility is undeveloped land, a description of feasible alternative developed locations, including, but not limited to, vacant industrial property and brownfields, and an explanation of why they were not chosen.
14. If the energy facility is reasonably expected to have an impact on television signals, microwave signals, agricultural global position systems, military defense radar, radio reception, or weather and doppler radio, a plan to minimize and mitigate that impact. Information in the plan concerning military defense radar is exempt from disclosure under the Freedom of Information Act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the

commission or the electric provider or independent power producer except pursuant to court order.

15. A stormwater assessment and a plan to minimize, mitigate, and repair any drainage impacts at the expense of the electric provider or IPP. The applicant shall make reasonable efforts to consult with the county drain commissioner before submitting the application and shall include evidence of those efforts in its application.

16. A fire response plan and an emergency response plan.

a. The fire response plan (FRP) shall include:

1. Evidence of consultation or a good faith effort to consult with local fire department representatives to ensure that the FRP is in alignment with acceptable operating procedures, capabilities, resources, etc. If consultation with local fire department representatives is not possible, provide evidence of consultation or a good faith effort to consult with the State Fire Marshal or other local emergency manager.

2. A description of all on-site equipment and systems to be provided to prevent or handle fire emergencies.

3. A description of all contingency plans to be implemented in response to the occurrence of a fire emergency.

4. For energy storage systems, a commitment to offer to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and at least once per year while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.

5. For wind energy systems and solar energy systems, a commitment to conduct, or provide funding to conduct, site-specific training drills with emergency responders before commencing operation, and upon request while the facility is in operation. Training should familiarize local fire departments with the project, hazards, procedures, and current best practices.

6. A commitment to review and update the FRP with fire departments, first responders, and county emergency managers at least once every three (3) years.

7. An analysis of whether plans to be implemented in response to a fire emergency can be fulfilled by existing local emergency response capacity. The analysis should include identification of any specific equipment or training deficiencies in local emergency response capacity and recommendations for measures to mitigate deficiencies.

8. Other information the applicants finds relevant.

b. The emergency response plan (ERP) shall include:

1. Evidence of consultation or a good faith effort to consult with local first responders and county emergency managers to ensure that the ERP is in alignment with acceptable operating procedures, capabilities, resources, etc.

2. An identification of contingencies that would constitute a safety or security emergency (fire emergencies are to be addressed in a separate fire response plan);

3. Emergency response measures by contingency;

4. Evacuation control measures by contingency;

5. Community notification procedures by contingency;

6. An identification of potential approach and departure routes to and from the facility site for police, fire, ambulance, and other emergency vehicles;

7. A commitment to review and update the ERP with fire departments, first responders, and county emergency managers at least once every three (3) years;
8. An analysis of whether plans to be implemented in response to an emergency can be fulfilled by existing local emergency response capacity, and identification of any specific equipment or training deficiencies in local emergency response capacity; and
9. Other information the applicants finds relevant.

17. A decommissioning plan that is consistent with agreements reached between the applicant and other landowners of participating properties and that ensures the return of all participating properties to a useful condition similar to that which existed before construction, including removal of above-surface facilities and infrastructure that have no ongoing purpose. The decommissioning plan shall include, but is not limited to, financial assurance in the form of a bond, a parent company guarantee, or an irrevocable letter of credit, but excluding cash. The amount of the financial assurance shall not be less than the estimated cost of decommissioning the energy facility, after deducting salvage value, as calculated by a third party with expertise in decommissioning, hired by the applicant. However, the financial assurance shall be posted in increments as follows:
   a. At least 25% by the start of full commercial operation.
   b. At least 50% by the start of the fifth year of commercial operation.
   c. 100% by the start of the tenth year of commercial operation.
18. A report detailing the sound modeling results along with mitigation plans to ensure that sound emitted from the facilities will remain below the statutory limit throughout the operational life of the facilities.
19. For solar energy systems and energy storage systems, a photometric plan to demonstrate compliance with dark sky-friendly lighting solutions.
20. For wind energy systems, light-mitigation plans, including exemptions requested for during the construction period.
21. For wind energy systems, a report detailing the flicker modeling results with mitigation plans to ensure that flicker will remain below the limit listed in Section C throughout the operational life of the facilities. The report must be prepared by a qualified third party using the most current modeling software available and be based on real world or adjusted case assessment modeling. The report must show the locations and estimated amount of shadow flicker to be experienced at all occupied community buildings and non-participating residences as a result of the individual turbines in the system.
22. For energy storage systems, evidence of compliance with NFPA 855 including, but not limited to:
   a. Commissioning Plan (NFPA 855 Chapters 4.2.4 & 6.1.3.2)
   b. Emergency Operation Plan (NFPA 855 Chapter 4.3.2.1.4)
   c Hazard Mitigation Analysis (NFPA 855 Chapter 4.4)

B. Principal-Use (Large) Solar Energy System (SES): A large principal-use SES is Special Use in the RP zoning district, where large tracts of land may be available, subject to site plan review by the zoning administrator and planning commission, and/or other applicable authority, and shall meet the following requirements:
1. Height: Total height for a large principal-use SES shall not exceed a maximum of 25 feet above ground when the arrays are at maximum tilt.
2. Setbacks: Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the large principal-use, SES as follows:
   a. 300 feet from the nearest point on the outer wall of any occupied community buildings and residences on non-participating properties.

b. 50 feet from the nearest edge of a public road right-of way.
c. 50 feet from the nearest shared property line of non-participating parties.

3. Fencing: A large principal-use SES shall be secured with perimeter fencing to restrict unauthorized access. Perimeter fencing shall comply with the latest version of the National Electric Code as of November 2023 or any applicable successor standard approved by the Michigan Public Service Commission (MPSC) as reasonable and consistent with the purposes of Subsection 226(8) of the Clean and Renewable Energy Waste Reduction Act, 2008 PA 295, MCL 460.1226.
4. Lighting: A large principal-use SES shall implement dark sky-friendly lighting solutions.
5. Sound: The sound pressure level of a large principal-use SES and all ancillary solar equipment shall not exceed 55 dBA (Leq (1-hour)) at the nearest property line that is closest to the outer wall of the nearest dwelling of an adjacent non-participating lot. Decibel modeling shall use the A-weighted sound level meter as designed by the American National Standards Institute.
6. Michigan Public Service Commission requirements: Principal-use large SES shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(a)(vi).

C. Principal-Use (Large) Wind Energy System (WES): A large principal-use WES is a Special Use in the RP zoning district, where large tracts of land may be available, subject to site plan review by the zoning administrator, planning commission, and/or other applicable authority, and shall meet the following requirements:
1. Setbacks: Setback distance shall be measured from the stated location below to the center of the base of the wind tower as follows:

a. Occupied community buildings and residences on non-participating properties: A horizontal distance equal to 2.1 times the maximum blade tip height from the nearest point on the outside wall of the structure.
b. Residences and other structures on participating properties: A horizontal distance equal to 1.1 times the maximum blade tip height from the nearest point on the outside wall of the structure.
c. Non-participating property lines: A horizontal distance equal to 1.1 times the maximum blade tip height from the property line;
d. Public road right of way: A horizontal distance equal to 1.1 times the maximum blade tip height from the center line of the public road right-of-way;
e. Overhead communication and electric transmission, not including utility service lines to individual houses or outbuildings: A horizontal distance equal to 1.1 times the maximum blade tip height from the center line of the easement containing the overhead line.

2. Height: Total height, measured at the wind tower blade tip, for a principal-use state scale WES shall not exceed the height allowed under a Determination of No Hazard to Air Navigation by the Federal Aviation Administration under 14 CFR Part 77.
3. Sound: The sound pressure level generated by a principal-use state scale WES shall not exceed 55 dBA (Leq (1-hour)) measured at the nearest property line that is closest to the outer wall of the nearest outer wall of the nearest dwelling of an adjacent non-participating lot. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
4. Lighting:

a. Large principal-use WES shall be equipped with functioning light-mitigating technology. To allow proper conspicuity of a wind turbine at night during construction, a turbine shall be lighted with temporary lighting until the permanent lighting configuration, including the light-mitigating technology, is implemented. A temporary exemption from

the requirements of this section may be granted if installation of appropriate light-mitigating technology is not feasible. A request for a temporary exemption must be in writing and state all of the following:

1. The purpose of the exemption;
2. The proposed length of the exemption;
3. A description of the light-mitigating technologies submitted to the Federal Aviation Administration;
4. The technical or economic reason a light-mitigating technology is not feasible;
5. Shadow Flicker: Shadow flicker shall not exceed 30 hours per year under planned operating conditions as indicated by industry standard computer modeling and measured at the exterior wall of an occupied community building or non-participating residence.
6. Signal Interference: Principal-use state scale WES shall meet any standards concerning radar interference, lighting (subject to paragraph C.4.a.), or other relevant issues as determined by the Michigan Public Service Commission in any implementation or rule-making process.
7. Michigan Public Service Commission requirements: Large principal-use WES shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(b)(vii).

D. Principal-Use (Large) Energy Storage System (ESS): Large, principal use energy storage systems are a Special Use in the RP zoning district where large tracts of land may be available, subject to site plan review by the zoning administrator, planning commission, and/or other applicable authority, and shall meet the following requirements:

1. NFPA Compliance and other Applicable Codes: Large principal-use energy storage systems (ESS) shall comply with the version of NFPA 855 “Standard for the Installation of Stationary Energy Storage Systems” in effect on November 29, 2024, or any applicable successor standard adopted by the MPSC as reasonable and consistent with the purposes of this subsection.
2. Setbacks: Setback distance shall be measured from the stated location below to the nearest edge of the perimeter fencing of the large principal-use ESS as follows:
   a. Occupied community buildings and residences on non-participating properties: 300 feet from the nearest point on the outer wall of the building or residence.
   b. Public road right of way: 50 feet from the nearest edge of a public road right-of-way.
   c. Non-participating parties: 50 feet from the nearest shared property line.
3. Sound: The sound pressure level of a large principal use ESS shall not exceed a noise level of 55 dBA (Leq (1-hour)) as modeled at the nearest property line that is closest to the nearest outer wall of the nearest dwelling located on an adjacent non-participating lot. Decibel modeling shall use the A-weighted scale as designed by the American National Standards Institute.
4. Lighting: The large principal-use ESS will implement dark sky friendly lighting solutions.
5. Michigan Public Service Commission Requirements: Large principal-use energy storage systems shall comply with any more stringent requirements adopted by the MPSC as provided in MCL 460.1226(8)(c)(v).

10.12.42 Data Centers, Large and Small-Scale: A facility or portion of a facility housing networked computer systems and telecommunications equipment used for remote storage, processing, and distribution of data. Data centers include commercial cryptocurrency mining facilities, AI centers, cloud storage, and other similar uses.

A. Data Centers are not permitted to operate in Burt Township unless explicitly

approved by a Special Use Permit in the southern most GC District along M-77 and County Line.. Data Centers that are ancillary to another primary use are permitted if they:

1. Occupy no more than ten percent of the building footprint,
2. Are used to serve the enterprise functions of the on-site property owner and are not used to lease data storage and processing services to third parties.
3. Are not housed in a separate stand-alone structure on the parcel.

B. Location requirements

1. Data center buildings shall not be located within 500 feet of the property line of a site containing a residential use or a residential district.
2. Generators for data centers shall be located within an enclosed building with necessary ventilation to reduce impacts on noise to the surrounding area

C. Noise. Commercial grade mechanical equipment and similar noise sources, including but not limited to generators and air heating or cooling equipment shall:

1. Be designed and built to incorporate sound mitigation methods to reduce sound levels emanating from the Data Center to a maximum of 55 dba at the property line adjacent to residential structures within 1000 feet of the facility.
2. Prior to approval, a noise study shall be submitted by a third-party engineer demonstrating to the Township that the operation of the data center will comply with all State and Federal requirements and noise rules.
    a. The operator shall conduct a sound study performed by a third-party acoustic engineer to document baseline sound levels in the area of the proposed Data Center, including noise levels measured at the property line of the nearest property to the Data Center property that is planned or zoned for residential land uses, or other noise sensitive use as reasonably determined by the Zoning Administrator.
3. Upon operation of the Data Center, the operator must conduct an additional noise study, as measured at the property line of the nearest property to the Data Center or other noise sensitive use as reasonably determined by the Zoning Administrator.
4. The Township may order an additional sound study once per year during peak operation of the Data Center mechanical equipment. The Data Center operator must provide the results of the noise study, conducted by a third-party engineer, to the Township within 30 days of the request by the Township or show proof that they have contracted with a third-party engineer and the results will be available in a reasonable amount of time.
5. Unless backup generators are supplying backup electrical supply during a power outage, backup generators may operate between the hours of 9:00 am and 5:00 pm, Monday through Friday, excluding holidays.
    a. Curtailment of power supply or voluntary shutdown of power is not considered to be a power outage.
6. Upon request by Township after issuance of a certificate of occupancy and commencement of the operation of the Data Center, the operator of a Data Center must provide a liaison between the hours of 8:00 am and 10:00 pm each day to respond to complaints about noise emanating from the Data Center.
    a. Contact information shall be posted on the Burt Township website.
    b. Upon operation of the Data Center, the Township shall notify and provide contact information for the facility liaison to property owners within 500 feet of the facility.

D. Hazardous Waste Plan. Prior to operating, the operator shall submit a hazardous waste

plan for review by the Township Board, Public Utilities Department, and Fire Department.

a. Verification must be provided that all electronic waste generated by the operation will be handled by a licensed electronic waste recycling firm.

b. Changes to the operation of the facility that affects hazardous waste material must be approved by the Township.

E. Applications for a Special Use Permit shall include an environmental assessment that addresses power consumption requirements, water source and use requirements, water recycling and discharge plans.

Article 11
RESERVED FOR FUTURE USE

Section 11.1

Article 12
PLANNED UNIT DEVELOPMENT REGULATIONS

Section 12.1 PURPOSE

The purpose of this Article is to permit innovation and variety in land use, design, and layout of property in order to achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space, and provide opportunities particularly suited to the needs of the residents of the Township of Burt, provided such opportunities do not unreasonably create adverse economic, social or environmental impacts on surrounding land uses.

The use, area, height, bulk and placement regulations of this Ordinance are primarily applicable to the usual situation of one principal building on a lot. In certain developments, including but not limited to condominium, townhouse, and apartment developments, these regulations might require design and land use arrangements with multiple buildings on a lot and a design less in the interest of public health, safety and welfare than if a controlled degree of flexibility in the regulation of land development were allowed. The Planned Unit Development (PUD) is intended to permit and control the development of preplanned areas for various compatible uses. It is a discretionary review and approval procedure that results in an approved development if all standards of this Article are met and denial if they are not. The Zoning District does not change if a PUD is approved, but like a Special Use, an approved PUD has all the rights and privileges of an approved use by right as long as all conditions attached to the approval are satisfied and the approved use continues.

These regulations are adopted to ensure each PUD affords each type of land use within the PUD reasonable protection from encroachment or interference by other incompatible land uses, and to provide reasonable protection to uses adjacent to a PUD.

Section 12.2 OBJECTIVES

The applicant shall demonstrate that approval of the PUD would result in a recognizable and substantial benefit to the community that could not be achieved under the normal regulations of the District, in one or more of the following areas:

A. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to, open space, stands of trees, brooks, ponds, river and lake shorelines, floodplains, hills, and similar natural assets.
B. To encourage the provision of open space and the development of recreational and other common facilities in a generally central location within reasonable distance of all seasonal and permanent dwelling units. Developments having water frontage should be designed to preserve public vistas where possible.
C. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or federal governing basis.
D. Reducing to a significant extent the nonconformity of a nonconforming use, building or structure, i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the Zoning District in which it is situated.

E. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.
F. To promote the efficient use of land to facilitate a more economic arrangement of buildings, circulation systems, land uses, and utilities.
G. To combine and coordinate architectural styles, building forms, and building relationships within the PUD.

Section 12.3 GENERAL

12.3.1 Relationship of PUDs to Zoning Districts: Except as otherwise provided in other Sections of this Article, while PUDs are permitted in all Zoning Districts, the underlying Zoning District that applies to a particular parcel establishes the permitted uses and densities, as well as the basic limitations on height, bulk, setback, yard area and related requirements. Yet, because of the inherent flexibility necessary for application of the PUD technique, land uses, densities, height, bulk, setbacks, parking, signage, and related standards can be waived or reduced as a part of the Site Plan Review and approval process for a PUD, provided such actions are within the parameters provided for that type of PUD as detailed in the remainder of this Section and Section 12.6.3. Property subject to an approved PUD shall be labeled PDD on the zoning map.

12.3.2 Minimum Requirements:
A. The site shall be not less than five (5) acres in area.
B. The site shall be located within the RR, , LS/R, and GC, districts.
C. Minimum yard restrictions of the Zoning District in which the project is located shall be maintained around the perimeter of the project.
D. Required open space shall be dedicated to the public or set aside for common use of the owners and users within the PUD so that there are assurances that the required open spaces shall remain open. Required open space shall conform with the requirements of Section 12.6.2.
E. Permitted density in terms of dwelling units per acre may be increased in a PUD up to fifteen percent (15%), when the design of PUD demonstrates complete conformance with the requirements of this Article. See especially Section 12.3.4. No intensity increase is permitted for a PUD overlaying a GC District.
F. The following uses may be permitted within a residential planned unit development:
    1. All uses permitted by right, by right with conditions, or by Special Use Permit in the district in which the property is located and subject to all restrictions specified for that district except as modified by a PUD Permit.
    2. Recreation and open space, provided that the following uses may be set aside as common land for open space or recreation use under the provisions of this Section:
        a. Private recreational facilities such as golf courses, swimming pools, ski resorts, or other recreational facilities which may or may not be limited to the use of the owners or occupants of the lots located within the PUD, depending on what is permitted in the underlying District.
        b. Historic building sites or historical sites, parks, and parkway areas, ornamental parks, extensive areas with tree cover, lowlands along streams, or areas of rough terrain when such areas have natural features worthy of scenic preservation.
G. The following uses may be permitted within a nonresidential planned unit development: All uses permitted by right, by right with conditions, or by Special Use Permit in the District in which the property is located and subject to all restrictions specified for that District except as modified by a PUD Permit. Limited permanent dwelling units may be permitted, especially

if above ground floor commercial uses. All nonresidential PUDs shall have direct access to a paved public road.

H. In the case of a mixed-use PUD which includes a use permitted by right in the Zoning District, a building devoted primarily to such a permitted use must be built before or concurrently with any building devoted primarily to any use not permitted by right. If there is no building devoted primarily to a use permitted by right, a building including such a use permitted by right must be built before or concurrently with any building that does not include such a permitted use.
I. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

12.3.3 Eligibility Requirements: No PUD shall be approved unless the applicant demonstrates, through written submittal that the land use and development substantially advances objectives described in Section 12.2 and meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that:

A. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to Burt Township. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single Zoning District taking into consideration the reasonably foreseeable detriments of the proposed development and use(s).
B. Noncontiguous parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the Township Board as provided in MCL 125.216c.
C. The PUD shall remain under the control or authority of a single individual, corporate or organizational owner who is authorized to administer the PUD.

12.3.4 Calculating Density: The permitted density on a specific parcel or parcels subject to a PUD application is first established by applying the minimum lot size in the underlying district to the buildable portion of the parcel or parcels and then applying a density bonus of not more than fifteen percent (15%) as the design warrants and in the complete discretion of the Township Board. This density is achieved either by reducing the minimum lot size of the underlying district, or by clustering lots, or both, and is calculated as follows:

A. The applicant shall prepare a drawing to scale that divides the site into the maximum number of lots permitted under this Ordinance without a bonus or clustering. That means dividing the total area of the site by the minimum lot area requirements per lot, while still conforming to minimum lot width or frontage requirements, and ensuring that each lot has sufficient area to meet District Health Department requirements for septic waste disposal, unless the site is served by public sewer, and ensuring that adequate right-of-way for a public road meeting County Road Commission standards is provided, and ensuring that no parcel so created for a dwelling unit violates state or federal wetland, floodplain, sand dune or high risk erosion regulations. No existing or proposed easement shall be counted as available for development. The whole number of lots that results from this calculation, is the maximum number of lots, or dwelling units that may be clustered on the site under this Section before any bonus is applied.
B. The site shall have direct access to a county road or state highway via a new public road built to County Road Commission standards.
C. The PUD shall conform with all the following standards:
    1. Open space shall conform with the requirements of Section 12.6.2.
    2. The proposed open space shall be clearly depicted on the site plan and differentiated from the land proposed for clustering the single family dwelling units.
    3. Specific uses for the proposed open space shall be clearly indicated on the site plan and described in appropriate detail in the accompanying application.

4. Open space is encouraged around the perimeter of a site to screen and buffer the clustered units from abutting property.
5. New development should be separated by at least one hundred (100) feet from wetlands, surface waters or other sensitive open space.
6. Open space shall be reasonably shaped and contiguous, and located for convenient use by residents of the development.
7. The open space may be retained by the original landowner or held in common by one or more of the new landowners in the rural cluster development.
8. Up to twenty (20) percent of the useable common open space may be used for septic drainfields for individual dwelling units, provided a homeowners association assumes liability for any problems, and if the method is approved by the District Health Department and the Michigan Department of Environment, Great Lakes, and Energy (EGLE). No part of the preserved open space shall be used for an access road.
9. Minimum width of an individual lot in a cluster at the building line shall not be less than sixty (60) feet.
10. Dwelling units shall be separated from nearby farm structures by at least five-hundred (500) feet, unless a lesser amount is approved by the farm structure owner.
11. The PUD design shall protect roadside character and improve public safety and preserve vehicular carrying capacity by not fronting lots along an existing County road or state highway.

D. The application shall be accompanied by a Site Plan that conforms to the requirements of Section 18.24.
E. A pre-application conference between the applicant, the site designer, the chairperson of the Planning Commission, the Zoning Administrator and any planning consultant retained by the Township shall be held prior to submittal or review of any site plan for a PUD. A site visit may be scheduled as a part of the pre-application conference. The purpose of the pre-application conference is to review Ordinance requirements as they apply to the site, before the applicant spends any significant money on even preliminary site designs. The Zoning Administrator will direct the applicant to various publications on PUD available from MSU Extension and the American Planning Association to help the applicant step through the design process with the least amount of difficulty.
F. The applicant shall receive a 5% bonus density for each of the following up to a maximum of 15%:
    1. 15% more usable, common open space (not wetland) than the minimum required in Table 12-1.
    2. A design that blends well with the natural environment/or abutting lands.
    3. A design that is aesthetically pleasing and compatible with structures on abutting property.
    4. A design that is functional, safe and efficient to serve.

Section 12.4 PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENTS

A PUD approved by the Township Board prior to the adoption or amendment of this Ordinance may be amended only through the filing and approval of a new application under this Article. The application shall be considered under the current standards of this Ordinance, rather than the standards in effect at the time of the original approval. If the application is denied, the previously approved PUD shall remain valid even if the underlying district has been changed.

Section 12.5 APPLICATION, REVIEW AND APPROVAL PROCEDURES

12.5.1 Application: The Zoning Administrator shall review each application pursuant to the requirements of Section 18.7, and when it is determined to be complete, schedule it for a public hearing at a regular Planning Commission meeting, unless the applicant pays all of the costs for a special meeting. Prior to review, the Applicant must submit payment for all applications fees as required by Section 18.7.5.

12.5.2 Required Information: An application for PUD shall be accompanied by the following documents and information:

A. A PUD application form supplied by the Zoning Administrator which has been completed in full by the Applicant.
B. A Major Site Plan satisfying the requirements of Part IV of Article 18 entitled Site Plan Review.
C. A statement with regard to compliance with the objectives of a PUD stated in Section 12.2, the minimum and eligibility requirements of Sections 12.3.2 and 12.3.3 respectively, the criteria for approval in Section 12.6, and other criteria imposed by this Ordinance affecting the PUD under consideration, including but not limited to those in Article 14, 15 and 16.

12.5.3 Public Notice, Public Hearing and Approval Procedure:

A. A notice of the public hearing shall be given pursuant to Section 18.16, and the first public hearing shall be conducted by the Planning Commission pursuant to the requirements of Section 18.17. The Planning Commission's recommendation shall be forwarded to the Township Board for final action. Prior to action on the request, the Township Board shall also conduct a public hearing, preceded by notice in the same manner as for the public hearing by the Planning Commission.
B. The Planning Commission and Township Board, in their respective meetings, shall review the application, comments received, the Site Plan, and other pertinent information received and shall make a determination in accordance with the criteria described in Section 12.3.2, 12.3.3 and 12.6, and such other standards contained in the Ordinance which relate to the PUD under consideration.

12.5.4 Post-Hearing Actions:

A. The Township Board may by majority vote of its members deny, approve, or approve with conditions the application for PUD approval. Its decision shall be incorporated in a statement of conclusions relative to the PUD under consideration, and shall specify the basis for the decision and any conditions imposed. A request for approval of a land use or activity which is in compliance with Ordinance standards, other applicable ordinances, and state and federal statutes shall be approved.
B. Upon the approval, or approval with conditions, by the Township Board, the Zoning Administrator shall prepare and issue a permit to the applicant incorporating the conditions if any, imposed by the Township Board.
C. An appeal of a decision by the Township Board to approve, deny or approve with conditions a PUD Permit application may be taken to Circuit Court, and may not be first appealed to the Board of Appeals.
D. The Zoning Map shall have the notation "PDD" written on any parcel for which PUD approval has been granted and remains in effect.

Section 12.6 BASIS OF DETERMINATION

12.6.1 General Standards: The Planning Commission and the Township Board, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent Township residents.
C. The PUD shall be consistent with the intent of the Township Master Plan.
D. The PUD shall not change the essential character of the surrounding area.
E. The PUD shall not be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.
F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned improvements have already been scheduled for completion.
    1. The PUD site plan shall demonstrate a safe and adequate on-site system of potable water and wastewater lines that can accommodate the proposed development, that are efficiently integrated into off-site potable water and wastewater public improvement plans, where public off-site facilities are available.
    2. Adequate off-site facilities for potable water supply, sewage disposal, solid waste disposal, electrical supply, fire protection and roads are planned and programmed for the development proposed in the PUD site plan, and the development is appropriately located in relation to schools, police protection and other emergency services.
G. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
H. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or park systems.
I. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.
J. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.
K. The design of the PUD shall exhibit a reasonable and harmonious relationship between the location of buildings on the site relative to buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all structures on the site and structures within the surrounding area. It is not intended that contrasts in architectural design and use of facade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing building designs and facade materials so as to create an adverse effect on the stability and value of the surrounding area.
L. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a nuisance to the subject property or neighboring properties as provided in Section 15.5.3.

M. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, public utility services, drainage or erosion control.
N. The PUD shall conform with all applicable county, township, state and federal requirements for that use.
O. The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Sections 18.8.4 or 21.6 of this Ordinance.
P. All signs in a PUD shall comply with the requirements of Article 16, except that the Township Board may approve different signage if a comprehensive sign plan for the proposed PUD is submitted that does not result in greater total sign area, or sign height, even though more signs are used, and is otherwise consistent with the intent and purpose of the sign regulations as determined by the Planning Commission.
Q. The Planning Commission shall find that review of the Site Plan for the Planned Unit Development provides safe and convenient vehicular and pedestrian traffic within the site and that the proposed parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent streets. All parking shall comply with the requirements of Article 14, except that where the overall integrity of the PUD would be improved with a waiver of parking design standards that do not undermine the intent and purpose of the parking regulations, then the Township Board may grant such waiver, however, the total number of required parking spaces cannot be reduced below that necessary to meet anticipated need.
R. Landscaping shall ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property and will create a pleasant pedestrian scale outdoor environment. All landscaping shall comply with the requirements of Article 15, except that the Township Board may approve different landscaping, if a comprehensive landscape plan for the proposed PUD is submitted that would result in a comparable or better design that is also consistent with the intent and purpose of the landscape regulations.

12.6.2 Open Space Requirements:

A. The minimum amount of permanent common open space that shall be provided for each PUD by underlying District is listed in Table 12-1. Permanent common open space and maximum open space that is wetlands or open water in columns two and three of Table 12-1 respectively, shall be measured as a percentage of the total acreage of the land that makes up the PUD, except as otherwise provided in this Article.

Table 12-1
MINIMUM PERMANENT COMMON OPEN SPACE

Underlying District	Minimum Open Space	Maximum Open Space that is Wetlands or Open Water
RR	50%	25%
LS/R	50%	25%
GC	50%	25%

B. All land designated and approved as common open space in a PUD shall remain as permanently protected open space. All open space, tree cover, recreational area, scenic vista, or other approved open land areas shall be either set aside as common land for the sole benefit, use, and enjoyment of present and future lot owners or residents within the

PUD, or at the initiative of the applicant and acceptance by the appropriate public body, may be dedicated to the public as park land for the use of the general public. The Planning Commission shall determine which is most appropriate based on the following considerations:

1. That open space land shall be legally conveyed from the tract owner or owners to a home owners association or other similar nonprofit organization so that fee simple title shall be vested in tract lot owners as tenants in common, provided that permanent arrangements have been made for the maintenance of said land and any buildings thereon and that an open space easement for said land may be conveyed to the public to assure that open space land shall remain open.
2. That open space land may be voluntarily dedicated to the public for park or recreational purposes by the tract owner or owners, provided that the location and extent of said land conforms to the Township Master Plan, and that access to and the characteristics of said land is such that it will be readily available to and desirable for public use, development, and maintenance in which event the developer shall not be required to improve the same.
3. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is reviewed and approved by the Township Attorney, such as: recorded deed restrictions, covenants that run with the land, transfer to a nonprofit land trust, a recorded conservation easement such as that provided in the State of Michigan Conservation and Historic Preservation Easement Act, Public Act 197 of 1980, as amended (MCL 399.251) or dedication to and acceptance of the open space by the Township or other public entity. Such conveyance shall assure, unless the land is dedicated to the Township and accepted by it, that the Township will not be liable for any uses or activities occurring within the dedicated open space and that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use unless mutually agreed by the written consent of the Township Board and the property owner or homeowners association. Such conveyance shall also:
    a. Indicate the proposed allowable use(s) of the dedicated open space.
    b. Require that the dedicated open space be maintained by parties who have an ownership interest in the open space in the manner specified in the PUD approval.
    c. Provide standards for scheduled maintenance of the open space.
    d. Provide for maintenance to be undertaken by the Township in the event that the dedicated open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
    e. Bind all successors and future owners in fee title to commitments made as a part of the proposal. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the Township and the land uses continue as approved in the planned unit development.

12.6.3 Waiver of Planned Unit Development Standards: The Township Board, following the recommendation of the Planning Commission, may waive partially or wholly any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
B. The spirit and intent of the PUD provisions will still be achieved and there will be no increase in density or intensity of use of more than 5% above what is otherwise allowed in this Article,

or of mass of buildings or structures, or of traffic that will be generated (beyond the amount that would be permitted without this waiver).

C. No nuisance will be created.

12.6.4 Conditions: The Planning Commission may recommend, and the Township Board may impose, conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval and shall conform with the requirements of Section 18.12 and 18.13.

12.6.5 Appeal of PUD Decision: An appeal of a decision by the Township Board to approve, deny or approve with conditions a PUD application may be taken to Circuit Court, and may not be first appealed to the Board of Appeals.

12.6.6 Keyholing Shoreline Development Standards: Keyhole Development, also called funnel development, is the development of a large single parcel or more than one connected or unconnected parcels that share a relatively small frontage on a body of water. This small shared waterbody frontage is intended for use and/or waterbody access by more persons than is typical from a single-family lot. Keyhole Development on waterbodies must also meet the following basic standards:

A. For every owner beyond one (1) of a back lot or off waterbody lot principle building, 100 (one hundred) feet on either side of the shared shoreline lot area for waterbody access shall have a building setback of one hundred (100) feet and natural shoreline buffer (NSB), setback of 75 (seventy five) feet from the high water mark free of development including beach development or docks, (or further setback and buffers if provided elsewhere in this Ordinance, or if regulated by State or federal law) where no more than 1 (one) tree can be removed every 10 (ten) feet for view site and native vegetation is otherwise untrimmed and uncut, and where in addition the other Required Actions in 6.3 for an NSB are met and complied with.
B. If native vegetation dies out so as to produce an opening in the NSB, then it shall be replaced with in kind native vegetation.
C. If more than 1 (one) tree every10 (ten) feet dies out then it shall be replaced in kind.
D. Rights to use of the shared waterfront including the beach & dock is determined by ownership of a principle building in the development, not an undeveloped lot or shared portion thereof.
E. Persons using the shared lot shall not permit nor make noise or commotion which disturbs other users of the waterbody or nearby property.
G. Personal motorized watercraft dock use must comply with MDNR marina thresholds if these apply but shall not exceed one (1) dock space/slip per 30 acres of waterbody on an inland waterbody unless independent waterbody capacity studies are made, including considerations for the health, safety, quality of life & water quality considerations of use of the waterbody, which are satisfactory to the Burt Township following recommendation from the Planning Commission. Docks shall also meet any other requirements in this Ordinance, and if there is a conflict, the stricter regulations shall apply.
H. The minimum frontage requirement for each new lot, single family residence, RV site, tent /yurt site or other principle, temporary or rental/lease site created elsewhere in the development is one hundred (100) feet.

Section 12.7 PERMITS

12.7.1 Validity of Permit: A Zoning Permit authorizing a PUD (hereafter referred to as a PUD Permit) shall be valid for a period of one (1) year from the date of issuance, unless another, longer time period is set by the Township Board as a condition of approval. If the use has not commenced by the end of this time period, the permit shall expire automatically without any further action or notice by the Township unless an extension is granted pursuant to Section 18.7.12.

12.7.2 Permit Revocation: In the event the Township Board believes the holder of a PUD Permit has failed to comply with one or more of the terms or conditions of the permit or of this Ordinance, the Township Board may schedule a hearing to consider the revocation of the permit. The permit holder shall be given reasonable notice of the hearing date, which shall in any event be not less than ten (10) business days from the date of the notice. The notice of hearing shall include a written statement of the reasons for the possible revocation. The permit holder shall be allowed to appear at the hearing and to present evidence pertinent to whether the permit should be revoked. If the Township Board decides to revoke the permit, the use for which the permit was granted must cease within sixty (60) days of the hearing date. Failure to terminate the use for which the permit was revoked within sixty (60) days is declared to be a nuisance per se and a violation of this Ordinance.

12.7.3 Permit Transferability: A PUD Permit may be transferred from one owner of the property to which it is affixed to the next owner of the same property. A PUD permit may not be transferred from one property to another property. A new owner may continue to use the property for the purposes for which the PUD was granted as long as all conditions and terms of the permit are satisfied. Permit transfer is automatic, provided that within sixty (60) days of acquiring ownership the new owner registers his intent to continue the PUD with the Zoning Administrator on a form established for that purpose. The Zoning Administrator shall review with the new owner all the applicable Ordinance requirements that apply to the property and any special conditions imposed upon the PUD when the transfer form is submitted.

12.7.4 Termination of a PUD if the Use Changes: If there is a change in the use of a property for which a PUD was issued, the PUD shall automatically terminate and the property shall only be used for a use permitted in the underlying District in which the property is located. A PUD including a seasonal use is also subject to termination, if the season passes in which the seasonal use would normally occur and a different use is in place instead.

12.7.5 Recording with Register of Deeds: A PUD Permit, or expiration, revocation or termination thereof, shall be recorded by the Township with the Alger County Register of Deeds.

12.7.6 Continuing Adherence to Approved Site Plan: Any property owner who fails to develop and maintain an approved PUD according to the approved Site Plan shall be deemed in violation of the provisions of this Ordinance and shall be subject to the penalties for same.

12.7.7 Amendments: Amendments to an approved Site Plan for a PUD shall be processed according to the procedure in Section 18.29.

12.7.8 Scheduled Phasing: When proposed construction is to be phased, the project shall be designed in a manner that allows each phase to fully function on its own regarding services, utilities, circulation, facilities, and open space. Each phase shall contain the necessary

components to ensure protection of natural resources and the health, safety and welfare of the users of the open space development and the residents of the surrounding area.

12.7.9 Timing of Phases: Each phase of the project shall be commenced within the schedule set forth on the approved Site Plan. One phase must be completed before beginning work on the next unless explicitly authorized during Site Plan approval. If construction of any phase is not commenced within the approved time period, an extension may be granted, following review of a formal request for extension by the developer and approval of same by the Township Board.

Section 12.8 REAPPLICATION

No application for a PUD Permit which has been denied, wholly or in part, shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, newly discovered evidence, or a falsehood previously relied upon by the Township which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator. A reapplication shall be processed as a new application.

Section 12.9 PRACTICAL DIFFICULTY PLANNED UNIT DEVELOPMENT

12.9.1 Intent and Purpose: It is the intent of this section to provide a site specific administrative remedy to allow reasonable Use of property in those limited instances in any district in which a property owner demonstrates to the Township Board that (1) the applicant's property cannot be used for the purposes permitted in the Zoning District, (2) the plight is due to the unique circumstances peculiar to the property and not to the general neighborhood conditions, (3) the proposed development and use would not alter the essential character of the area, and (4) the applicant's problem has not been self-created.

If and when a property owner meets such four-part threshold burden of proof, it is not intended that any use may then be approved. Rather, this section is intended to authorize administrative relief to the minimum extent necessary to allow reasonable use of property on the particular site, which is compatible to the extent possible with the uses of adjacent properties.

In order to satisfy the finality requirement dictated by the Michigan Supreme Court in *Paragon Properties Company v. Novi*, 452 Mich 568 (1996), a property owner shall not be required to seek variance relief at the Zoning Board of Appeals if relief is sought and denied under this Section.

12.9.2 Application Requirements:

A. In addition to the information required for other variance requests, an application for a Practical Difficulty Planned Unit Development shall include a Site Plan and a summary of the facts which support each of the following conclusions:
   1. Applicant's property cannot be used for the purposes permitted in the Zoning District.
   2. Applicant's plight is due to unique circumstances peculiar to his property and not to general neighborhood conditions.
   3. Applicant's suggested use would not alter the essential character of the area.
   4. Applicant's problem has not been self-created.
B. At the end of each statement (1 through 4 in Subsection A above) identify all persons who will appear at the hearing with respect to each of the facts, and, separately, identify all

persons who will appear at the hearing relative to the respective conclusion (and if any person is to be offered as an expert witness, include with the application a resume which shows the education and experience of such person within the particular area of expertise).

12.9.3 Pre-Hearing Conference:

A. Prior to the scheduling of a hearing, the applicant shall contact the Zoning Administrator for the purpose of scheduling a pre-hearing conference.
B. The purposes of the pre-hearing conference shall be to:
    1. Review the procedure for the hearing and identify all persons who will appear (directly or through affidavit) and the evidence to be offered on behalf of the applicant.
    2. Attempt to secure a statement of agreed upon facts to be used to narrow the matters of dispute and shorten the hearing.
    3. Explore a means of providing relief to the applicant by way of non-use variance from the zoning board of appeals.
    4. Discuss the need, desirability, and the terms of providing, a verbatim record of the hearing.
C. The Zoning Administrator shall determine who should be present at the pre-hearing conference based upon the application submitted, and taking into consideration the discussion with the applicant or the applicant's representative.
D. The pre-hearing conference shall be scheduled and conducted on an expeditious basis so as to avoid unreasonable delay to the applicant. Sufficient time shall be taken, however, to achieve the purposes of the pre-conference hearing, stated above.

12.9.4 Hearing Procedure:

A. The applicant shall have the burden of proof. In order to be entitled to relief, the applicant must demonstrate each of the four factors set forth in Section 12.9.2.A, subsections 1 through 4.
B. Manner of Presentation:
    1. Community representatives shall present an overview of the zoning regulations involved. This may include an indication of the objectives sought to be achieved in the Zoning District, and any planning, engineering, financial, environmental or other considerations which are generally relevant within the Zoning District and/or in the general area of the property at issue.
    2. The applicant may present witnesses, including the applicant, or may submit affidavits, for the purpose of attempting to prove facts or conclusions. The applicant shall be provided with the opportunity to present all testimony and evidence proposed to be presented at the pre-hearing conference, either through witnesses or affidavits, however, the chairperson of the Township Board may restrict testimony and evidence which would result in unreasonable duplication. In addition, by motion made on its own or at the request of a person at the hearing, the Township Board may require the presence of any witness who has offered either testimony by affidavit on a material question of fact or testimony of any expert nature, with the view of permitting members of the Township Board to ask questions of such witnesses.
    3. At the conclusion of the applicant's presentation, interested persons attending the hearing shall be provided with the opportunity to present testimony and evidence in the same manner and subject to requiring the presence and questioning of witnesses, as provided above for the applicant.
    4. When interested persons have completed their presentations, at the same meeting and/or at an adjourned meeting date, testimony and evidence may be presented on behalf of the community in the same manner, and subject to requiring the presence and questioning of witnesses, as provided above for the applicant. The purpose of such

presentation shall be to ensure that a full picture, including all relevant information, is before the Township Board for consideration as it relates to the specific application presented.

5. If testimony or evidence has been offered by or on behalf of interested persons and/or the community, the applicant shall have the opportunity to make a responsive presentation, restricted to answering the points raised by interested persons and community representatives. The manner of presenting witnesses, and requirement of their presence and questioning, shall be the same as provided above for the applicant's principal presentation.
6. At the hearing, the Township Board may determine to establish other rules of procedure, such as meeting hours on any given day, procedure for presentations by interested persons and/or on behalf of the community, or other rules found to be necessary or appropriate by the Township Board. When questions of procedure arise during the hearing, the chairperson of the Township Board may solicit the recommendation of the representatives of both the applicant and the community.
7. If a hearing is not completed at a given meeting within the time period allowed by the Township Board, the Township Board shall adjourn the hearing to a certain date for continuation.

12.9.5 Decision of the Township Board:

A. The Township Board may deem it appropriate in any given case to provide an opportunity for anyone presenting testimony or evidence to submit proposed findings of fact and conclusions.
B. At the conclusion of the hearing, the Township Board may make its decision at that meeting, or it may adjourn the hearing to a new date for the purpose of reviewing the testimony and evidence, and reviewing proposed findings and conclusions submitted by hearing participants, in preparation for making its decision.
C. If the Township Board determines to grant a Practical Difficulty Planned Unit Development, it shall be the minimum relief required to allow reasonable Use of property, while maintaining the essential character of the area. The motion may include conditions that are authorized by law.
D. If the Township Board adopts a motion to grant a Practical Difficulty Planned Unit Development, such motion may be made as a tentative grant of relief, subject to review by the Planning Commission, Zoning Administrator, Township Engineer or other person or official with expertise, with a view of obtaining recommendations on any conditions that may be relevant and authorized by law, and for the further purpose of ensuring that the grant of relief would not violate applicable law. If a motion authorizing such a tentative grant of relief is made, the Township Board, in the same motion, should request the completion of all reviews by other boards or persons by a specific date, so that relief may be expeditiously finalized.

Article 13
RESERVED FOR FUTURE USE

Section 13.1

Article 14
OFF-STREET PARKING AND LOADING

Section 14.1 PURPOSE

The purpose of this Article is to prescribe provisions, criteria and standards for off-street parking and loading areas. The Township recognizes that inadequate off-street parking and loading areas may lead to traffic congestion and loss of economic opportunities, as well as unauthorized parking in adjacent lots and on nearby streets. Excessive parking and loading areas are an inefficient use of resources, and increase the potential for drainage problems. This Article seeks to balance the public and the private needs for off-street parking and loading areas.

Section 14.2 PARKING REQUIREMENTS

14.2.1 Intent: Parking spaces shall be provided and adequately maintained by each property owner in every zoning District, with the exception of the DD District, for the off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance, except as otherwise provided by this Ordinance.

14.2.2 General Provisions:

A. Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications or a change in use result in an increase in the required parking under this Ordinance, additional parking shall be provided and maintained as required by this Ordinance.
B. No parking area or parking space or loading area which exists at the time this Ordinance becomes effective or which later is provided for the purpose of complying with the provisions of this Ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless and until equal or better parking facilities meeting the requirements of this Ordinance are approved and provided.
C. Required parking areas shall be used only for the parking of vehicles.
D. All parking spaces shall be designed and located consistent with all applicable barrier free and handicapped parking requirements under federal, state, county, township and local law.

14.2.3 Right-of-way: No parking space located within or along the traveled portion of any street shall be counted toward the off-street parking requirements set forth in this Ordinance.

14.2.4 Reductions in Off Street Parking Requirements : In order to reduce the amount of unnecessary paved areas in Burt Township, an applicant may request a reduction in the required number of off street parking spaces. The Planning Commission shall have the flexibility to consider and grant a parking reduction where the applicant can demonstrate that the required number of parking spaces is excessive for their needs, and that the parcel has sufficient land area to allow for the construction of additional parking if the use of the parcel changes.

14.2.5 Joint Use of Parking Areas: The joint use of parking areas by two or more users may be approved by the Zoning Administrator whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.

A. Computing Capacities: In computing capacities of any joint parking area, the total parking space requirement is the sum of the greatest number of parking spaces required for the

individual uses that will occur at the same time. If the maximum space requirements for individual uses occur at distinctly different times, the total number of off-street parking spaces required for joint use may be reduced by the Zoning Administrator.

B. Record of Agreement: A copy of an agreement between joint users shall be filed with and must be approved by the Zoning Administrator, and recorded with the Register of Deeds of Alger County prior to the issuance of the Zoning Permit. The agreement shall include provisions for the continued long-term use and maintenance of the parking area as well as the allocation of parking spaces to each use.

14.2.6 Measurements and Calculations:

A. Definition of Usable Floor Area: The gross floor area used or intended to be used for services to the public, including those areas occupied by fixtures and equipment used for display or sale of merchandise, but excluding floor areas which are used exclusively for storage, housing of mechanical equipment integral with the building, maintenance facilities, or other areas where customers, patients, clients, salesmen, and the general public are denied access. Floor area, whether usable or gross, shall be measured from the exterior faces of exterior walls, except in a case where an interior building wall separates two uses or users. In such a case, the floor area shall be measured from the inside face of such an inside wall.

B. Fractional Space: When a calculation determining the number of required parking spaces results in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.

C. Employees: Requirements for parking stated in terms of employees shall be based upon the maximum number of employees likely to be on the premises during the largest shift.

D. Seating Capacity: When benches, pews or other similar seating is used, each 18 inches of that seating shall be counted as one seat, unless Table 14-1 specifies otherwise.

14.2.7 Parking Space Requirements:

A. Parking spaces shall be not less than ten feet (10') wide and twenty feet (20') long, as shown in Figure 14-1.

B. Plans and specifications showing the number of required off-street parking spaces for every use, as listed on Table 14-1, shall be provided and approved prior to the issuance of a zoning or building permit. If there is more than one principal use on a lot, then the combined parking requirements for each of the permitted uses must be met unless there is an approved joint use agreement as set forth above. If a use is not listed, then the Zoning Administrator may apply the off-street parking standards for a similar use. Accessible parking spaces required under the Americans with Disabilities Act shall be counted toward the number of parking spaces required under this section. Loading and unloading spaces required under Section 14.3 shall not be counted toward the number of parking spaces required under this section.

C. Any proposed use for which there is no comparable use parking standard on Table 14-1, shall conform with the standard for that use in the most recent edition of Parking Standards published by the American Planning Association.

Table 14-1
PARKING STANDARDS

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
RESIDENTIAL & RELATED USES	
Bed and breakfast operations	One (1) space for each sleeping room, plus two (2) spaces for permanent residents.
Boarding houses, Bed & Breakfast Inns, STR	One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater.
Community residential care facilities 6 or less persons	Four (4) spaces.
Convalescent Homes, convents or similar uses	One (1) space for each three (3) beds, plus one (1) space for every three (3) employees.
Manufactured Housing Parks	Two (2) spaces for each manufactured home site,plus one (1) space for each mobile home park employee.
Multiple-family dwellings	Two (2) spaces for each dwelling unit.
Single- and two-family dwellings	Two (2) spaces for each family dwelling unit.
CIVIC, NONPROFIT, INSTITUTIONAL, PUBLIC & PRIVATE, RECREATION & RELATED USES	
Public buildings	One (1) space for each two hundred (200) sq. ft. of gross floor area used by the public, and one (1) space for each six hundred (600) sq. ft. of gross floor area not used by the public.
Religious institutions and houses of worship	One (1) space for each three (3) seats or six (6) feet of pews in the main unit of worship.
COMMERCIAL & RELATED USES	
Automatic teller machine (ATM) (free standing, not applicable when associated with another use)	Two (2) spaces per machine.
Automobile service and repair garages, gasoline filling and service stations (see convenience retail establishments)	Three (3) spaces for each repair and service stall, plus one (1) space for every employee.
Other business service establishments: • Advertising and mailing • Banks and credit unions • Employment services • Investment companies • Real estate companies	One (1) space for every two hundred (200) sq. ft. of usable floor area.
Drive-through restaurants or fast-food establishments	One (1) space per fifty (50) sq. ft. of eating area, plus one (1) space for each employee on the largest working shift.
Food service establishments:	
Carry-out food or walk-up, establishment including bakeries, shops and delicatessens if carry-out only, or if all seating is exterior only.	One (1) space for each employee, plus five (5) spaces.
Restaurant or establishment for sale and consumption, of beverages, food or refreshments on the premises including drive-in, but not including drive-through restaurants	One (1) space for each one hundred and fifty (150) sq. ft. of usable floor area, or one (1) space for each four (4) persons allowed within the maximum occupancy load as established by the local fire marshal.

ADA Requirements must be met

Table 14-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
General retail stores, except otherwise specified herein	One (1) space for every two hundred and fifty (250) sq. ft. of usable floor area.
Motels, hotels, and auto courts	One (1) space for each sleeping unit, plus, one (1) space for each two (2) employees.
Personal service establishment	One (1) space per two hundred and fifty (250) sq. ft. of retail sales area, and one (1) space for each four hundred (400) sq. ft. of service area.
Planned commercial or shopping center	One (1) space for each two hundred and fifty (250) sq. ft. of usable floor area.
Repair services	One (1) space for each four hundred (400) sq. ft. of usable floor area, plus one (1) space for each employee.
Supermarket, self-service food store	One (1) space for every hundred (100) sq. ft. of usable floor area.
Taverns, bars	One (1) space for every seventy-five (75) sq. ft. of usable floor area, or one (1) space for every three (3) seats, whichever is greater.
Vehicle wash (automatic)	One (1) space for each stall.
Vehicle wash (self-service or coin operated)	One (1) space for each stall.
Indoor Entertainment	
All indoor entertainment facilities	One (1) space for every two hundred (200) sq. ft. of usable floor area except movie theaters and live-theaters One (1) space for every 3 seats.
Outdoor Entertainment	
Campground	One (1) 20'x30' spaces for every campsite.
Golf courses open to the public	Four (4) spaces for each hole, plus one (1) space for each employee, plus required spaces for each accessory use, such as a restaurant or bar.
Golf driving range & miniature golf course	One (1) space for each tee, plus one (1) space for each employee on the largest work shift.
Marinas	One and one-half (1-1/2) spaces per boat mooring slip.
Trailheads and ski areas	One (1) space for each sleeping space, plus four (4) for each ski lift seat, and one (1) for each ten (10) feet of tow rope; for trailhead spaces see 10.12.35 Trails and Trail Easements.
INDUSTRIAL & RELATED USES	
Industrial or manufacturing establishments, testing laboratories, creameries, bottling works, printing and engraving shops, and industrial service establishments	One space for every two (2) employees for industries working two (2) or more shifts. One space for every three (3) employees for industries working one shift or one space for every 400 square feet of gross floor area, whichever is greater.
Mini-warehouse (self-service storage facility)	One (1) space per ten (10) storage units plus one (1) space per employee.
Research and development establishments	One (1) space per employee on the largest shift.
Wholesale trade establishments and warehouses	One (1) space for every eight hundred (800) square feet of gross floor area.

ADA Requirements must be met

Table 14-1 continued

USE	NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE
PLANNED UNIT DEVELOPMENTS	
Planned Unit Developments: • Commercial • Industrial Park • Institutional • Mixed use • Residential	Parking standards shall be established by the Planning Commission after receiving the recommendation of the Zoning Administrator based on the mix of proposed uses compared to the standards for those, or the most similar uses in this Table 14-1.

14.2.8 Location of Parking Areas: Unless otherwise permitted under this Ordinance, all off-street parking areas shall be located on the same lot or on adjacent premises in the same District as the use they are intended to serve. If on adjacent premises, they shall be under the ownership of the applicant or part of an approved joint parking area under Section 14.2.5. All parking areas shall be fully accessible for the parking of motor vehicles and suitable for the uses described in this Article. If no parking is available on the same or an adjacent lot, the applicant shall submit a request with the Planning Commission for a Special Use Permit, which shall be approved only upon a finding of no significant negative impact on adjacent uses of land.

14.2.9 Parking Area Plan Review: Whenever vehicle parking spaces are required for a given use, plans and specifications for the construction or alteration of an off-street parking area shall be submitted to the Zoning Administrator for review and approval before a zoning and/or building permit is issued. Such plans and specifications shall indicate the location of buildings and parking areas, basis of capacity calculation, ADA parking and applicable ramp location requirements that are required for proposed site, identify the number of ADA parking spaces required by the American Disabilities Act and the parameters of each space proposed, size, site design, surfacing, marking, lighting, drainage, curb cuts, entrances, exits, landscaping, signage, and any other detailed feature essential to the complete design and construction of the parking area. For site development requirements for off-street parking and loading, see Section 14.4.

14.2.10 Reserved for Future Use.

14.2.11 Special Parking Restrictions for Residential Districts:

A. Reserved for Future Use.
B. Vehicle parking
    1. Mobile homes and recreational vehicles or equipment intended or adaptable for sleeping purposes shall remain unoccupied and shall not be connected to sanitary sewer facilities, or have a fixed connection to electricity, water or gas, except as otherwise provided for in this Ordinance.

Section 14.3 LOADING AND UNLOADING SPACE REQUIREMENTS

14.3.1 Loading Space Requirements: Plans and specifications showing the number of required off-street loading and unloading spaces for every use, including the means of ingress and egress and interior circulation, shall be provided and approved prior to the issuance of a zoning or building permit. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least ten thousand (10,000) square feet and every lot used for office or research purposes on which there is a building having a total floor area of at least twenty thousand (20,000) square feet, shall be provided with one off-street loading space. One additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds one hundred thousand (100,000) square feet. If there is more than one principal use on a lot, then the greater of the loading and unloading requirements for each of the permitted uses must be met. Each loading and unloading space required by this section shall not be less than twelve (12) feet in width, fifty (50) feet in length, and fourteen (14) feet in height. Accessible parking spaces required under the Americans with Disabilities Act and parking spaces required under Section 14.2 shall not be counted toward the number of loading and unloading spaces required under this section.

14.3.2 Access: Access to a loading and unloading space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

14.3.3 Site Requirements: Off-street loading spaces and access drives shall be paved, drained, lighted, and shall have appropriate bumper or wheel guards where needed. Any light used for illumination shall be so arranged as to reflect the light away from adjoining premises and streets.

Section 14.4 PARKING, LOADING, AND UNLOADING AREA SITE DEVELOPMENT REQUIREMENTS

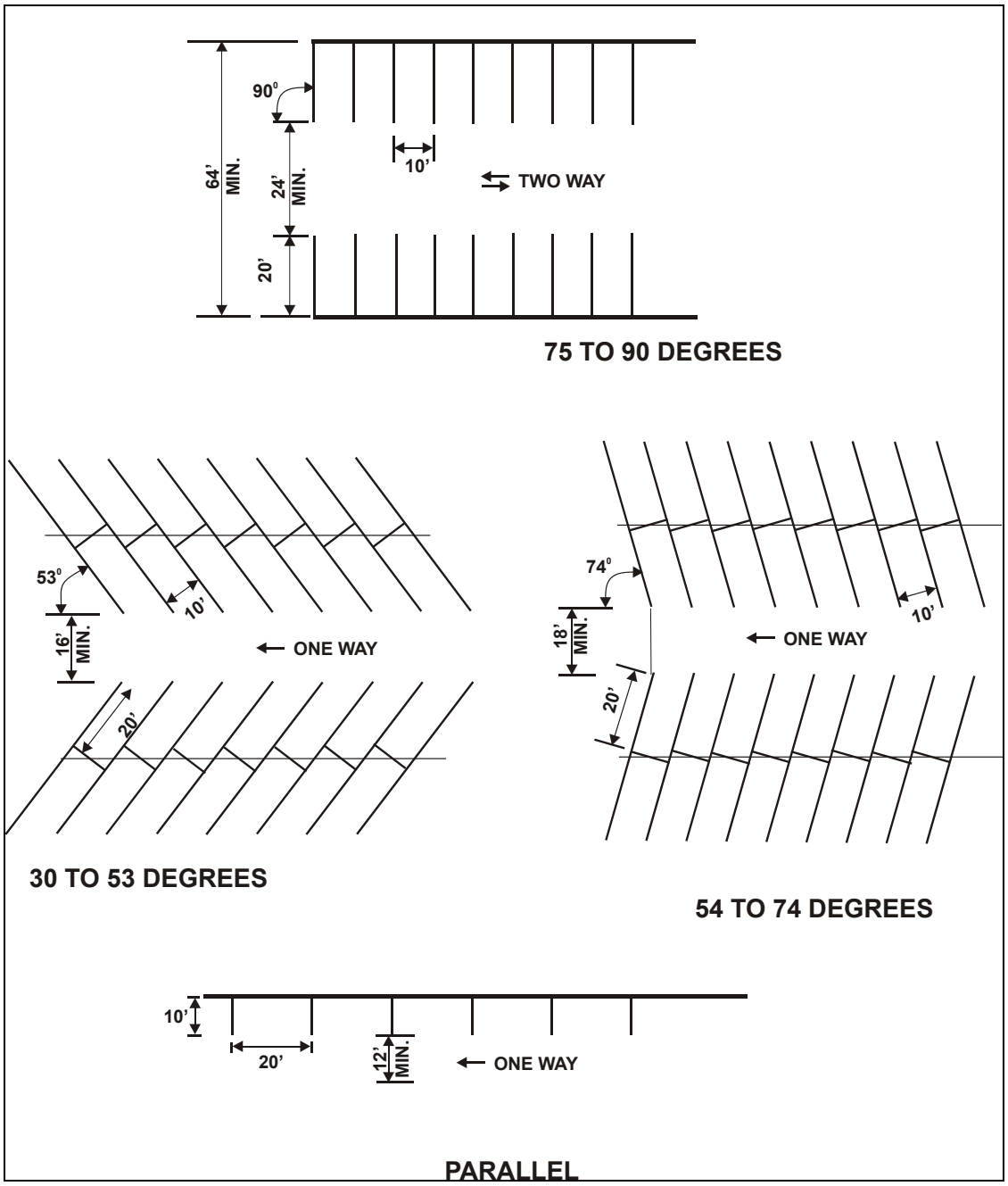
14.4.1 Site Development Requirements: All off-street parking, loading, and unloading areas shall be designed, constructed, and maintained in accordance with the following standards and requirements. For the purposes of this section, "parking area" shall mean any area serving as a parking area or a loading and unloading area:

A. Each parking, loading or unloading space shall meet the minimum dimensional standards established in Section 14.2 or 14.3, as appropriate, depending upon the use and layout of the area; each space shall be definitely designated and reserved for parking, loading or unloading purposes exclusive of space requirements for adequate ingress and egress.
B. Each parking area shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
C. Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. See also the access requirements of Section 14.4.1.D Except for parking areas accessory to single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than twenty-five (25) feet wide for two-way access and at least fifteen (15) feet wide for one-way access.
D. Each parking, loading, or unloading space shall be provided with adequate access by means of maneuvering lanes. The width of required maneuvering lanes for parking spaces varies, depending upon the proposed parking pattern as follows and as illustrated in Figure 14-1:
    1. For right angle parking patterns, seventy-five (75) to ninety (90) degrees, the maneuvering lane width shall be a minimum of twenty-four (24) feet.
    2. For parking patterns, fifty-four (54) to seventy-four (74) degrees, the maneuvering lane width shall be a minimum of eighteen (18) feet.
    3. For parking patterns, thirty (30) to fifty-three (53) degrees the maneuvering lane width shall be a minimum of sixteen (16) feet.
    4. For parallel parking, one-way drives or boulevards, the maneuvering lane width shall be a minimum of twelve (12) feet.
E. Parking areas shall be surfaced with a material that shall provide a durable and substantially smooth surface as determined by the Zoning Administrator, consisting of asphalt, concrete, pavers, aggregate stone or gravel, and shall be graded and provided with adequate drainage. Surface drainage may not be directed or permitted to flow from or across the parking area onto the public right-of-way. The required parking area and/or surface shall be maintained and replaced if necessary, as long as the building it serves is occupied or the use is continued.
F. Except for single-family and two-family residential lots, adequate lighting satisfying the requirements of Section 15.2 shall be provided for each parking area.
G. Where a parking area with a capacity of four (4) or more vehicles and serving any non-residential use, or a parking area with a capacity of eleven (11) or more vehicles and serving

any residential use, adjoins a residential use, a greenbelt, buffer strip or berm (see section 15.4.1) shall be provided between the parking area and the adjoining residential property, or a fence or wall no less than four (4) feet in height shall be erected.

H. When safe and feasible, adjoining parking areas of businesses on abutting properties in any District may be connected so that drivers of motor vehicles do not need to enter onto a street or road and then immediately exit in order to go from one establishment to another. The particular design of such connections shall be approved by the Zoning Administrator following consultation with the County Road Commission Engineer.

Figure 14-1
PARKING SPACE DIMENSIONS



ADA Requirements must be met

Article 15
LIGHTING, LANDSCAPING, BUFFERING & FENCING

Section 15.1 PURPOSE

The purpose of this Article is to provide regulations and requirements for lighting, landscaping, buffering and fencing the perimeter of certain activities in order to protect the character of the surrounding area, discourage theft, stabilize soils, control wind-blown dust and debris, prevent light from glaring onto adjoining properties, reduce stormwater runoff, increase groundwater infiltration and reduce noise.

Section 15.2 LIGHTING REQUIREMENTS

A. All outdoor lighting above 150 watts, including illuminated signs, shall be placed, and shielded to reduce glare and reflect light away from adjacent Residential Districts and adjacent dwelling units as well as to prevent interference with the vision of persons on adjacent highways.
B. All freestanding outdoor lighting shall not exceed thirty (30) feet in height except to light a public athletic field and lighting located in public rights-of-way used to light public streets.
C. All off-street commercial parking areas open to the public shall be illuminated by natural or artificial light during all hours of operation, and not more than thirty (30) minutes after the business closes.
D. All lighting in business districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent roads and streets or adjacent property.
E. Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent roads and streets or adjacent property.

Section 15.3 F. Applicant shall furnish a photometric designed light plan layout and specification of fixtures proposed, including foot-candle breakdown for entire site plan. Note that the intent of the lighting plan is to identify light levels throughout proposed site, and that no light trespass shall occur onto adjacent properties. All lighting must conform with dark sky lighting guidelines.RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY

15.3.1 General: No structures or buildings shall be placed, nor shall any landscaping be planted in the right-of-way of a public road or street.

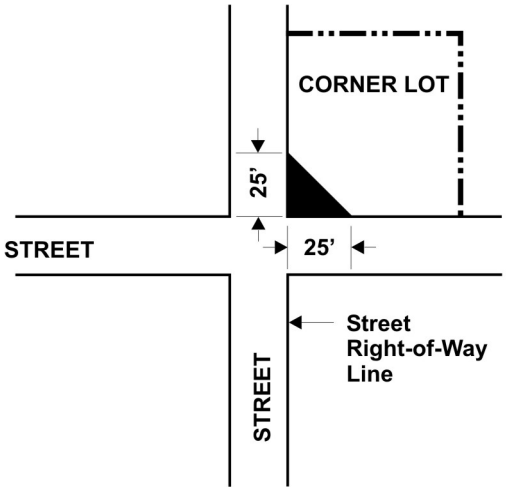
15.3.2 Clear Vision Areas:

A. In order to preserve sight distance, an unobstructed view shall be maintained within the triangular areas illustrated on Figures 15-1 and 15-2 and described below:
    1. Where the speed limit is less than thirty (30) miles per hour, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring twenty-five (25) feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.
    2. Where the speed limit is thirty (30) miles per hour or more, at the intersection of two streets, or where a street intersects with an alley: a triangle defined by measuring fifty (50) feet in length along each street/alley right-of-way line from their point of intersection, the third side being a diagonal line connecting the first two.

3. At the intersection of a driveway and a street: Two sides of the triangle defined by measuring twenty (20) feet in length along the edge of the driveway and along the street right-of-way line and the third side being a diagonal line connecting the first two. Both sides of the driveway shall be protected.

B. No shrubs, ground covers, boulders, berms, fences, or other material constituting visual obstructions shall exceed a height of thirty (30) inches above grade of the lower roadway or driveway adjacent to the triangular areas.

Figure 15-1 CLEAR VISION AT CORNER LOTS



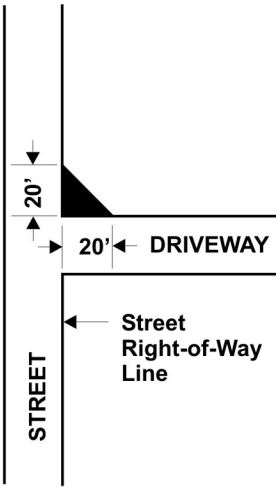


Figure 15-2 CLEAR VISION AT DRIVEWAYS

Section 15.4 REQUIRED VEGETATION

15.4.1 Required Vegetation: Except where existing vegetation is adequate to achieve the screening requirements of this Ordinance as determined by the Planning Commission, a greenbelt, buffer strip, or berm when required by this Ordinance or by the Planning Commission as a condition to the approval of a Site Plan, Special Use Permit, Planned Unit Development Permit or variance, shall be installed and maintained in a healthy living condition for the duration of the principal use of property in accordance with the following requirements. Where the Ordinance or Planning Commission does not specify which option to use, the applicant shall choose. Necessary drives and accessways from public rights-of-way through greenbelts, buffer strips or berms may be permitted. This Section does not apply to uses by Right unless there is a variance request which requires consideration of landscaping.

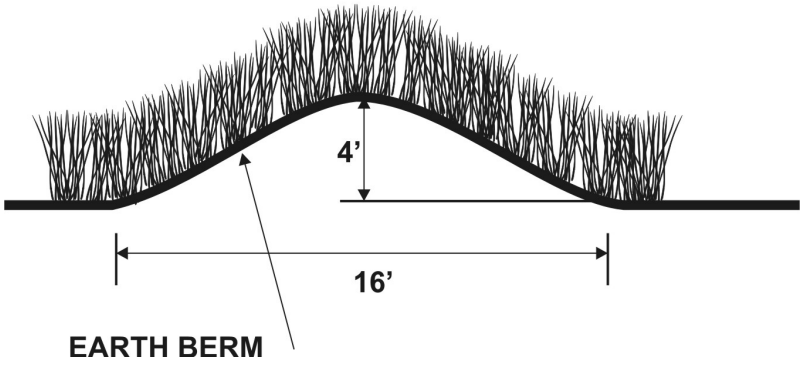
A. A greenbelt shall consist of an open space strip running along the property line at least thirty (30) feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner, subject to any applicable Township Ordinances.

B.

C. A berm shall consist of a linear mound of earthen material rising to a height of at least four (4) feet with a minimum base of sixteen (16) feet covered and maintained as grass or ground cover and constructed in accordance with the diagram below, or with a base of at least four (4) times the desired height of the berm. A berm shall not be higher than a permitted fence in the location. A fence or living fence may be erected on a berm, so long as the combined height of the berm and the fence does not exceed the permitted fence height

in the location. The width of a berm may be reduced by up to fifty percent (50%) if a retaining wall is used, but the retaining wall must be on the side of the berm not facing the nearest property line. See Figure 15-3.

Figure 15-3
BERM DIMENSIONS



15.4.2 Keep Landscaping in Living Condition: It shall be the owner's responsibility to see that any landscaping installed as a condition of development approval is maintained in a neat, clean, orderly and healthful condition. This includes, among other things, proper pruning, mowing of lawns, weeding, removal of litter, replacement of plants when necessary, and the regular watering of all plants.

15.4.3 Native Vegetation: Planting of landscaping using vegetation native to Burt Township is strongly encouraged.

15.4.4. Maintain Native Vegetation: Every property owner is encouraged to protect existing native vegetation along roadways. See guidelines in Section 6.

Section 15.5 SCREENING

15.5.1 Transition Zone Between Land Uses and the Street: Any nonresidential land use, plus all hotels, motels, apartment buildings and mobile home parks shall have screening constructed along all adjoining boundaries with residentially zoned or used property and along all public rights-of-way. Either a landscape buffer pursuant to Section 15.4, fence or solid wall pursuant to Section 15.6 may be used.

15.5.2 Mechanical Equipment: When located outside of a building, support equipment including air conditioning and heating devices, but not including plumbing or exhaust vents or chimneys, is to be screened to the height of the particular piece of equipment, as follows:

A. Roof-Mounted or Wall-Mounted Equipment: To be screened by architectural features from the view of pedestrians on abutting streets and parcels.
B. Other Exterior Equipment: To be screened by landscaping, a solid wall or fencing from the view of pedestrians on abutting streets and parcels. Such equipment is encouraged to be installed on the rear slope of the building.

The above requirement does not apply to single-family residential or two-family residential uses.

15.5.3 Outdoor Storage of Trash or Rubbish: All areas used for the storage of trash or rubbish in dumpsters and other commercial containers shall be screened by a solid fence, wall

or dense plant materials no less than six (6) feet in height to keep from the view of pedestrians on abutting streets and parcels. If a fence is used, view obstructing doors at least six (6) feet in height shall be installed and kept closed except when accessing.

Section 15.6 FENCES AND WALLS

A. Fences are structures that may be erected along property lines or within yards, irrespective of the setback requirements of this Ordinance.
B. No fence or wall more than six (6) feet in height shall be erected unless a building permit has been obtained from Alger County; no building permit is needed for a living fence. A living fence is not limited to the height requirements of other fences.
C. A fence or wall shall not be constructed in such a manner as to expose structural elements of the fence or wall to adjacent properties while concealing those elements from within the property on which the fence or wall is located. For example, in the case of a picket fence, the pickets must be placed on the side of the fence closest to the nearest adjacent property line. In other words, the finished side of the fence must face the abutting property.
D. No fence, wall, or structural screen other than plant material shall be erected higher than eight (8) feet in a nonresidential district.
E. In the NR, R-1, RR, BAY, LS/R, FR, and any residential PUD districts, fences between the primary structure and the roadway shall not exceed four (4) feet in height. These fences may not be solid for not more than three (3) feet in height nor constructed of poultry netting (chicken wire). Temporary snow fencing may be put up for the months of October through May only. No fence, wall, planting or structure shall, within ten (10) feet of any public or private right-of-way, be of such a nature as will impede clear vision of an intersecting sidewalk, street, alley or driveway (see Section 15.3).
F. Fences and walls shall not contain barbed wire, electric current or charge of electricity (except in GC, RF and RP Districts). Glass spikes or other sharp protruding objects are disallowed. Notwithstanding the foregoing provision, security fences six (6) feet high or more may include up to eighteen (18) inches of barbed wire in the GC district, or surrounding a public utility, a police facility or a correctional facility. Such barbed wire shall slant inward towards the facility or be straight up. Security fences with barbed wire in any other location or surrounding any other use require a special use permit.
G. The Zoning Administrator may require the removal, reconstruction or repair of any fence, wall or screen not in good condition and posing a safety or health risk.

Section 15.7 EXCEPTIONS TO ARTICLE 15 LANDSCAPING, BUFFERING, AND FENCING

A. Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
B. Any fence, landscape screen, wall or hedge which does not conform to this Ordinance and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair; unless otherwise regulated by this Ordinance.
C. A farm animal security electric fence is also permitted in the RR and RF Districts subject to, and when the requirements for having farm animals in that district have been met, provided that the electric fence is set back a minimum of five (5) feet from the property boundary line.
D. The words “--electric current or charge of electricity--” as used herein are meant to apply to security type fences but are not meant to apply to simple low voltage garden enclosure electric fences commonly used in residential and other areas.

E. The above provisions of this section of this Ordinance are not intended to take precedence over State of Michigan laws which if applicable pre-empt local government ordinances for commercial agricultural activities under the State of Michigan Right to Farm Act 93 of 1981 as amended, or other State of Michigan laws regulating agricultural activities which if applicable also pre-empt this Ordinance.

Article 16
SIGNS

Section 16.1 PURPOSES

The purpose of this Article is to establish requirements for placement of signs on private and public property in Burt Township.

A. It is acknowledged that the Township's economic well-being is heavily dependent upon the resort and tourist industry. A natural appearing landscape and North Woods small town character is essential to continuing to attract tourists. This dependence makes the preservation of the natural and built environment from unnecessary and cluttered signage a matter of critical importance to this Township.
B. These sign standards are declared to be necessary to protect the public health, safety, and general welfare of the citizens of Burt Township, and are based on the following objectives:
    1. To reflect the primary purpose of signs as being the identification of a particular user or use on a property, but not necessarily every activity or service performed thereon.
    2. To enhance pedestrian, bicycle, snowmobile and traffic safety, by avoiding the creation of obstacles or traffic hazards that may be distracting or confusing to motorists, or which may impair the ability of motorists to see pedestrians, read other traffic signs or see other vehicles.
    3. To avoid excessive use of signs in order to give each use optimum visibility to passer-by traffic and if possible, to prevent one sign from blocking the view of another sign.
    4. Enhance the effectiveness of necessary directional and warning signs.
    5. To preserve property values from the negative impacts of blighted, unsafe, cluttered and otherwise unregulated signs on abutting property or in the area.
    6. To encourage native plants and other landscaping materials around ground signs so as to compliment the site and integrate the sign with the buildings, parking areas and natural site features.
    7. To protect the natural character and image of Burt Township by encouraging the design of institutional, business, and industrial signs that reflect the Township's favorable environment as a permanent and seasonal home community.
    8. To maintain and enhance economic stability by retaining aesthetic appeal to tourists, resorters and visitors, and encouraging signing practices that will compliment the Township's natural environment and preserve its scenic and natural beauty by minimizing visual obstructions to the natural landscape.
    9. To encourage the use of aesthetically pleasing sign materials and colors, and to encourage signs to be predominately natural in appearance, through the use of rough cedar, fir, pine, or other types of weather tolerant wood or material of equivalent character.
    10. To avoid bright lights and reflection, and to protect views of the night sky from poorly shielded lights.
C. The standards in this Article are determined to be the minimum necessary to achieve the above stated purposes.
D. Compliance with this Article does not relieve the applicant for sign approval from the responsibility for compliance with other local, state or federal sign regulations, nor does the issuance of a Sign Permit grant permission to the applicant to place signs on any property including road rights-of-way other than property owned or otherwise legally under the control

of the applicant. The issuance of a Sign Permit only assures the applicant that the sign meets the requirements of the Township Zoning Ordinance.

Section 16.2 DEFINITIONS

The following definitions apply only to words and phrases used in this Article.

1. Banner: A sign made of natural, synthetic or plastic material used to call attention to a land use or product, service or activity; however, not including pennants or flags.
2. Billboard: An off-premises sign owned by a person, corporation or the entity that engages in the business of selling the advertising space on that sign and is subject to regulation under the Highway Advertising Act, Public Act 106 of 1972.
3. Business Center Sign: A sign which gives direction, name, and identification to a business center and which does not contain any additional information regarding individual stores, businesses, institutions, organizations, located within the planned complex or contiguous stores.
4. Changeable Message Sign: A sign on which the message can be changed by hand, mechanically, electrically, or electronically. Examples include a time and temperature sign, current gasoline prices, special product sales or prices, upcoming events or special greetings.
5. Directional Sign: An on- or off- premises sign which provides no advertising display or commercial message, but is used to direct visitors or customers to a particular land use.
6. Entrance Way Sign: A sign that designates the street entrance way to a residential or industrial subdivision, apartment complex, condominium development, or permitted institution, from a public right-of-way.
7. Flag: A sign made of natural, synthetic or plastic material having a distinctive size, color and design used as a symbol or emblem. A flag of a nation or state is not a sign.
8. Flashing Sign: Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use.
9. Governmental Sign: A sign authorized by a local unit of government, the County, the Township, a governmental agency, the State of Michigan, or the Federal government, for street direction, destination, hazardous condition, traffic control, public notice or identification purposes.
10. Ground or Pole Sign: A freestanding sign supported by one (1) or more uprights, poles, braces or some other structure, placed in or upon the ground surface and not attached to any building.
11. Height of a Sign: Unless otherwise specified, the height of a sign is the distance to the top of the sign face above ground level or grade level of the access road, which ever is higher.
12. Home Occupation Sign: A non-illuminated sign announcing a home occupation or professional service.
13. Identification Sign: A sign containing the name of a business operating on the premises where located, the type of business, owner or resident, and/or the street address and sets forth no other advertisement display.
14. Illuminated Sign: A sign that provides artificial light by either emission (usually from inside) or reflection (usually either from light above or below the sign).

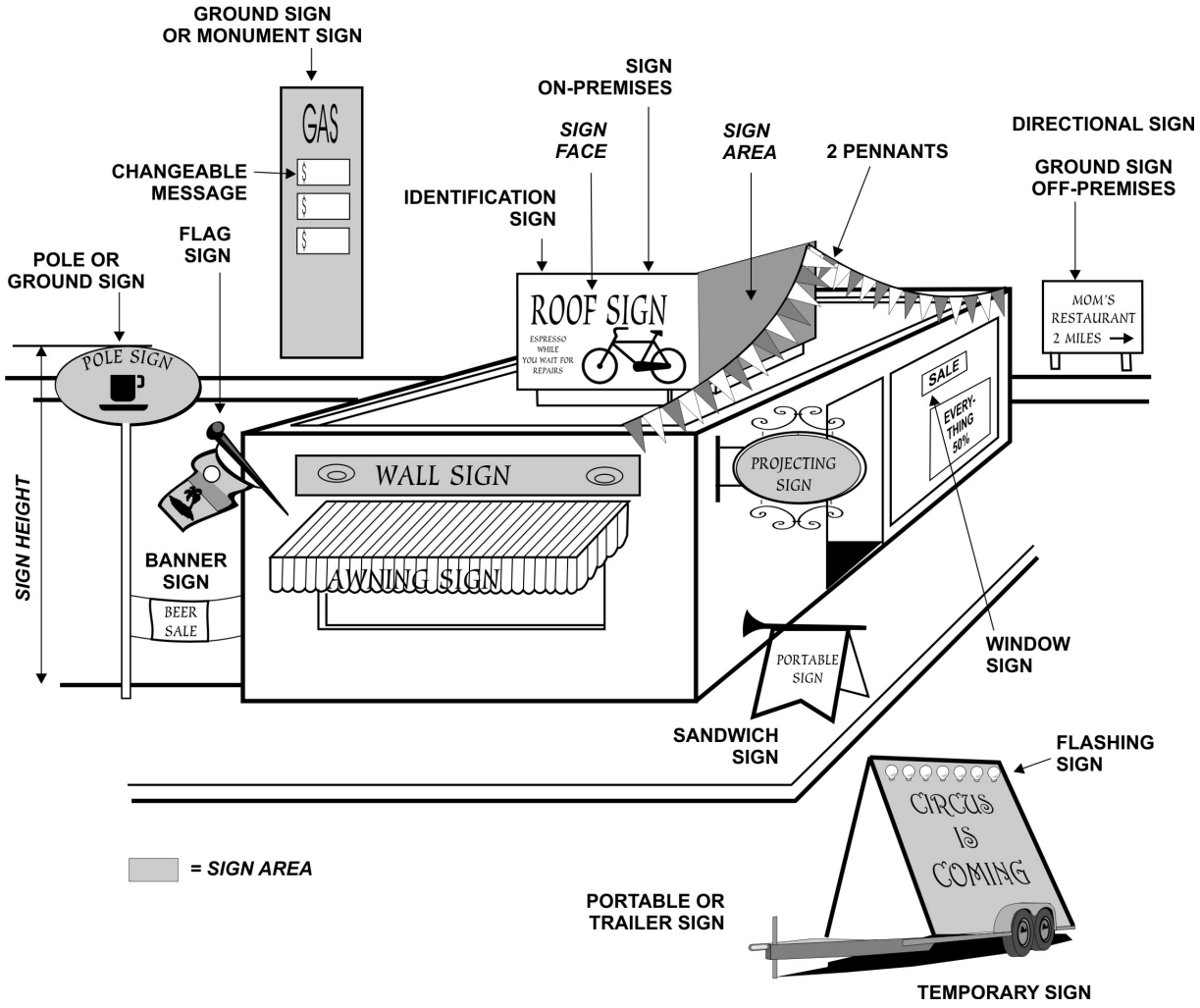
15. Informational Sign: A small, non-advertising sign used to identify architectural features of a land use such as building entrances, drop boxes, restrooms, handicapped ramps and similar features.
16. Ingress-Egress Sign: A sign located adjacent to the entrance or exit drives of a development to identify the points of vehicular ingress and egress.
17. Marquee Sign: An "identification or business" sign attached to a marquee, canopy, or awning projection from the building.
18. Nonconforming Sign: A sign lawfully existing on the effective date of this Ordinance which does not conform to one (1) or more of the regulations set forth in this Ordinance.
19. Off-Premises Advertising Sign: A sign which advertises a business or activity conducted elsewhere than on the premises where the sign is located.
20. Pennant: A small, often triangular, tapering flag used in multiples as a device to call attention to a land use or activity.
21. Portable Sign: A freestanding sign not permanently anchored or secured to either a building or the ground (such as a sandwich sign), and includes trailered or similarly mounted signs or signs on parked vehicles where the sign is the primary use of the vehicle or wheeled object while it is parked.
22. Projecting Sign: A sign which is affixed to any building or structure other than a marquee and projects in such a way that the message is not parallel to the wall to which it is attached.
23. Residential Neighborhood Identification Sign: A free-standing ground/pole sign used to identify a subdivision plat, condominium project, apartment complex or residential PUD.
24. Roof Sign: A sign erected, constructed, or maintained upon, or which projects above, the roof line of a building.
25. Sign: Any identification, description, illustration, display or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information. For the purpose of removal, signs shall also include all sign poles and similar supporting structures. House or building numbers and tenant nameplates under one-square foot in size on or next to a door or on a mailbox are not considered signs.
26. Sign Area: Sign area includes the entire face of the sign but excludes the supporting structure. For ground/pole signs, projecting signs and sandwich signs, the area of only one face is used in calculating total sign area.
27. Seasonal Commodity Sign: An on- or off-premise sign which indicates the name of the farm, the sale of farm products produced seasonally on the premises, the location of the premises, and/or the hours open to the public.
28. Sign Face: That part of a sign structure which is used to graphically communicate a message or announcement.
29. Temporary Sign: A display sign, banner, or advertising device with or without a structural frame such as a portable or trailer sign, intended for a limited period of display, such as grand openings, vehicle shows, displays, craft shows, benefits, fund raisers, festivals, holidays or public demonstrations.
30. Wall Sign: A sign which is attached directly to or painted upon a building wall which does not project more than twelve (12) inches therefrom. The exposed face of the sign

must be in a plane parallel to the building wall or structure (such as a water tower). The sign shall not extend above the height of the building, wall or structure.

Figure 16-1 illustrates many of the different types of signs defined above.

Figure 16-1
SIGNS

SIGNS



Section 16.3 PROHIBITED SIGNS

A. The following limitations, obligations, and prohibitions apply to all signs:
   1. Any sign installed prior to the effective date of this Ordinance without a Sign Permit, when in fact the prior Ordinance required a permit, is prohibited.
   2. Any sign, unlawfully installed, erected or maintained after the effective date of this Ordinance, is prohibited.
   3. No portion of a privately-owned sign, or its supporting structures, such as poles or cables, shall be placed on, or within the air space above, publicly owned property, a public right-of-way (such as a street or sidewalk), or a proposed public right-of-way.
   4. Any sign which revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement on the sign face such as flashing lights, letters or objects achieved by electrical, electronic or mechanical means, excepting those movements associated with displaying time and/or temperature, shall be prohibited.
   5. No sign shall be erected by other than a public road authority at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
   6. Signs and sign structures that are no longer in use as originally intended or have been abandoned; or are structurally unsafe or are insecurely affixed to a substantial structure, or otherwise constitutes a hazard to safety and health, or those not kept in good repair are prohibited.
   7. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way are prohibited.
   8. Billboards, except in the GC District are prohibited.
   9. A sign erected on a roof of a building above the roofline is prohibited.
   10. Advertising devices such as banners, balloons, flags, pennants, pinwheels, robots, searchlights or other devices with similar characteristics are prohibited, except when used temporarily for periods not to exceed fifteen (15) days to announce the opening of a new type of business or use by a new owner.
   11. Any sign on a motor vehicle or trailer which is continuously parked in a position visible to traffic on a public road or parking area for a period longer than fourteen days in a 60-day period is prohibited.
   12. Any sign greater than eighty (80) square feet in any district is prohibited.
B. Signs remaining after a business or activity has terminated must be removed within thirty (30) days.

Section 16.4 SIGNS ALLOWED IN ANY DISTRICT WITHOUT A PERMIT

A. Subject to other applicable requirements and permits, the following signs are authorized without a Sign Permit but shall still conform with all other applicable requirements of this Article:
   1. Official Fire Number Sign. One per lot or parcel, not illuminated and not exceeding one and one-half (1.5) square feet.
   2. Small Sign**.** Two signs per lot or parcel, not illuminated, and each not exceeding four (4) square feet in area. These signs may not exceed a height of eight (8) feet above ground level or grade of the access road; whichever is higher. These signs may carry any lawful message except no home occupation is permitted additional signs.
   3. No Hunting. No hunting, no trespassing, dangerous animal and on-premise directional signs shall not exceed two (2) square feet each. Except for no trespassing signs which may be placed at any spacing interval, no other sign addressed in this Section may be placed closer than three hundred (300) feet from one another per lot or parcel.
   4. Governmental Signs. Governmental signs and signs identifying conservation areas owned and maintained by public or quasi-public entities like land trusts are permitted in all districts, but may not exceed the maximum sign area permitted in the district or fifty (50) square feet, whichever is larger.
   5. Ingress/Egress Signs. Ingress/egress signs are permitted, however:
      a. Only one sign per legal driveway.
      b. An ingress/egress directional sign may not exceed one and one-half (1.5) square feet.
   6. Flags. Non-governmental flags are signs subject to the sign regulations of this Article and shall not exceed a total of thirty-two (32) square feet and shall not exceed 3 flags. No flag pole may exceed thirty (30) feet above ground level.
   7. Warning Signs. Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire danger, and explosives, are permitted. Warning signs may not exceed three (3) square feet unless the governmental body erecting the sign makes a fact specific determination that a larger sign is needed in that location.
   8. Historical Site Signs. A sign erected by a government agency which exclusively denotes a government-recognized historical site is permitted. This sign shall not exceed three square feet unless otherwise provided by a state or federal program.
   9. Trail Signs. Signs on public hiking, biking, snowshoeing, skiing and snowmobile trails identifying the trail, providing direction and/or identifying the availability of services or businesses ahead, provided the sign area of each sign is not more than two (2) square feet.
   10. For Sale Sign. Any identification, address, or "for sale" sign affixed to a wall, mailbox, post, lamp post, or pillar; and which is not larger than four (4) square feet in display surface.
   11. Construction Site Identification Signs. Such signs may identify the development project, the owner or developer, architect, engineer, contractor and subcontractors, funding sources, and may contain related information including, but not limited to, sale or leasing information on lots in a subdivision, site condominium or PUD. Not more than one such sign, not exceeding thirty-two (32) square feet in sign face area, shall be erected per site. In the place of the one large sign up to four (4) individual smaller signs may be

erected on the site, upon the condition that each such smaller sign shall not exceed four (4) square feet in sign face area per sign. All such signs shall be removed not more than one (1) year after the sale of seventy (70%) of the lots or dwelling units within the development.

12. Seasonal Commodity Sign & Banners. Seasonal commodity signs (such as for garden produce or products like maple syrup) or special seasonal banners (such as welcoming hunters with a beverage special) shall not have a total sign face greater than thirty-two (32) square feet. Such signs shall not be set in place for use until one (1) week before the beginning of the season and shall be removed within one week of the close of the season and may not remain hanging for more than ninety (90) days. Additional banners are permitted if draped over a permitted wall sign and if not larger in area than a permitted wall sign.
13. Special Temporary Event Signs. One sign not exceeding thirty-two (32) square feet in sign face indicating a special temporary event such as a carnival, circus, festival or similar event, placed on the lot where the activity is to take place. Such signs may be erected not sooner than four (4) weeks before the event and must be removed not later than seven (7) days after the event. A lot or parcel may not have both a seasonal commodity banner and a special temporary event sign.
14. Yard Sale Signs. Yard sale, or garage sale signs or other similar temporary activity signs not covered in the foregoing categories, so long as such signs meet the following restrictions:
    a. Not more than one (1) such sign may be located on any lot or parcel.
    b. No such sign may exceed six (6) square feet in surface area.
    c. Such signs shall be erected not more than three (3) days prior to the event and shall be removed immediately following the event.
    d. Such signs shall not be erected more than once every three (3) months.
15. Sandwich and Related Signs: One sandwich or similar portable sign without any lights or moving images is permitted on a lot or parcel if not greater than eight (8) square feet on each sign face, provided the sign is not in the right-of-way.
16. Political Signs. Signs erected in connection with elections or political campaigns. Such signs shall be removed within ten (10) days following the election or conclusion of the campaign. No such exempt sign may exceed six (6) square feet in sign face area. Any larger political signs require a Sign Permit to ensure placement in a location which does not create a traffic hazard.
17. Memorial Sign. Memorial signs or tablets, names of buildings, and dates of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material.

B. Other temporary signs, not listed in subsection (A), shall be regarded and treated in all respects as permanent signs which require a permit.

Section 16.5 SIGNS AUTHORIZED WITH A PERMIT

A. Residential District Sign Regulations
Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:

1.One sign to announce the sale or rent of property shall not exceed six (6) square feet.

2.Churches shall be permitted total sign area of twenty (20) square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.

3.One sign per vehicle entrance which identified a platted subdivision development or mobile home park not exceeding thirty-two (32) square feet and eight (8) feet in height.

4. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed twelve (12) square feet and eight (8) feet in height.

5. One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated or have working parts. The sign shall not exceed a height of five (5) feet. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. The sign shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public roadway or private driveway.

6. Signs permitted by Section 16.5 are exempt from the setback requirements of Article 5, Schedule of District Regulations. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

B. Commercial District Sign Regulations

1. Signs are permitted in the DD and GC Districts on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of one hundred (100) square feet of sign area for each developed parcel.

2. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a name district from that of the occupants, as in a shopping center, an additional two (2) square feet of sign area for each ten (10) feet or fraction of street frontage, with a maximum of two hundred (200) square feet, is permitted only for signs identifying the developed premises.

3. Signs shall be subject to the following setback requirements; minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right - of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Signs shall be subject to the height regulations for the DD and GC Districts.

C. Resource Production District Sign Regulations

1. Where a farm or other agricultural operation is permitted within the Resource Production District, one sign is permitted, not to exceed twenty (20) square feet to advertise agricultural goods or other items for sale at that location.

D. Inland Buffer Zone (IBZ) District Sign Regulations.
All signs within the Inland Buffer Zone (IBZ) are subject to appropriate regulations as provided in Article 16 Signs, with the following exceptions and provisions:

1. All signs must be harmonizing in design and color with the surroundings. Signs may not be illuminated by neon or flashing devices.

2. Sign restrictions are established in two categories, on-premises and off- premises. An off-premises sign is located off the property for which the sign information is provided, in a location visible from a road or highway. Three types of off-premises signs are permitted: safety signs or symbols, public site identification signs, and commercial directories.

3. Commercial directories for permitted commercial uses may be established at various lakeshore access road intersections along H-58 and Michigan 77.

4. On-premises signs that can be seen from Inland Buffer Zone roads must be limited to public site identification signs and business identification signs. One such sign is allowed per property, and it must be on the premises and relate to the use of those premises. Posting and trespassing signs are exempt. On-premises signs must be at least 15 feet from the street line or road. One name plate or sign, not illuminated, equal to or less than 3' x 2' (6 square feet) is permitted. One temporary sign, not illuminated, equal to or less than 3' x 2' (6 square feet) advertising the sale, lease, or rental of the property is permitted.

E. Cluster Sign Regulations

1. A sign that lists and identifies a number of institutions, organizations, churches and/or businesses which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in zoning districts, except FR, NR, R-1, and Bay. A cluster sign at one location shall have a maximum sign area of sixty (60) square feet. The cluster sign must be maintained by either the Township or recognized civic organization or church.

F. Conditional Use and Residential Zone-Non-Residential Principal User Sign Regulation

1. On-premise signs are permitted to identify or advertise an approved conditional use or activity and shall not advertise a specific product not produced on the premises. Signs shall have a maximum sign area of sixteen (16) square feet and not exceed eight (8) feet in height. Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Sign regulations in this Section shall not apply to any conditional use or non- residential principal use located in the DD and GC Districts, or to churches, multiple family dwellings, nursing home occupations which are regulated elsewhere in this section.

Section 16.6 CONSTRUCTION REQUIREMENTS

A. All signs shall conform with the following requirements related to construction.
   1. Codes. All signs shall conform to the latest edition of the applicable building and electrical codes, particularly as relates to wind load, bracing and anchorage.
   2. Fastenings. All signs must remain safe and secure during the period of use. All parts of the signs, including bolts and cables, shall remain painted, and free of corrosion.
   3. Fire Escapes. A sign may not obstruct a fire escape.
   4. Lighting. External lighting shall be down directed and shielded from view and shall be focused upon the sign to avoid stray lighting. Lighting should be of no greater wattage than necessary to make the sign visible at night and should not unnecessarily reflect on adjacent properties or impair the vision of drivers. Flashing, rotating, and intermittent lighting is prohibited. Reflective sign lettering is preferred to externally illuminated signs. No externally lighted signs are permitted in the NR, R-1, and RR districts. Internally lighted signs are prohibited in all districts except DD and GC.
   5. Identification. All signs for which a permit is required shall identify the name and operating telephone number of the person responsible for the sign.
   6. Proximity to Electrical Conductors. Signs and all supporting structures shall be no closer to electrical utilities than is permitted by applicable codes. No sign, including cables and supports, shall, in any event, be within six feet (6') of any electrical conductor, electrical light pole, electric street lamp, traffic light, or other public utility pole.
   7. Sanitation. Property surrounding any ground sign shall be maintained in a clean and sanitary condition. It shall be free from weeds, rubbish, and flammable material.
   8. Landscaping. The area beneath and around a sign shall be landscaped with plants and material so as to complement the site and integrate the sign with buildings, parking areas, and natural site features.
   9. Responsibility for Compliance. The owner of the parcel on which a sign is placed and the person maintaining the sign are each fully responsible for the condition and the maintenance of the sign, and the area around the sign.

Section 16.7 NONCONFORMING SIGNS

A. It is the intent of this Section to permit the continuance of all permanent signs or outdoor advertising structures existing at the effective date of this Article, although such sign or outdoor advertising structure may not conform with the provisions of this Article, except for permanent signs in a public right-of-way which are illegal. It is also the intent that nonconforming signs shall not be enlarged upon, expanded or extended. Further, it is the intent that nonconforming signs shall be gradually eliminated and terminated upon their natural deterioration, destruction, removal or replacement. The continuance of all nonconforming signs and outdoor advertising structures within the Township shall be subject to the conditions and requirements set forth below.
   1. Structural Changes: Signs may be repaired, or renovated, and kept in good repair, provided that, the faces, supports, or other parts of any nonconforming sign or outdoor advertising structure shall not be structurally changed, altered, substituted, or enlarged

unless the resultant changed, altered, substituted, or enlarged sign or outdoor advertising structure conforms to the provision of this Article for the use it is intended.

2. Placement: No nonconforming sign shall be relocated on a property, unless located in conformance with this Ordinance and sized so as to conform with this Ordinance.
3. Illumination: Illumination may not be added to any nonconforming sign.
4. Destruction: If a nonconforming sign is destroyed more than sixty (60) percent of its replacement cost, exclusive of foundations, it may not thereafter be repaired, reconstructed, or replaced except in conformity with all the provisions of this Ordinance.
5. Change on Sign Face: The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premises sign under circumstances where such a sign would not be allowed.)

B. A sign shall be considered abandoned if:
   1. The sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted for more than one-hundred twenty (120 days); or
   2. The sign does not display a well-maintained message for a consecutive one-hundred twenty (120) days; or
   3. The owner of the sign cannot be located at the owner's last known address, as reflected on the records of the Township; or
   4. A structure designed to support a sign no longer supports the sign for a period of one-hundred twenty (120) consecutive days.

C. A sign shall not be considered abandoned if it is seasonally removed and reinstalled year after year

D. The **Pre-existing Permanent Building Footprint (PPBF)** does not apply to signs.

Section 16.8 FIRST AMENDMENT PROTECTION

The number, size, placement and related characteristics of signs is specifically regulated in this Ordinance. All signs allowed under this Ordinance may contain any lawful message.

Section 16.9 RESERVED FOR FUTURE USE

Section 16.10 PERMIT REQUIREMENTS

A. Application for a Sign Permit to erect or replace a sign regulated under Section 16.5 shall be made to the Zoning Administrator, by submission of the required forms, fees, exhibits, and information by the owner of the property on which the sign is to be located, or by his agent, or lessee. The application shall contain the following information unless a site plan meeting the requirements of Section 18.24 has already been submitted and the following sign information is included on it:
   1. The property owner's name and address in full.
   2. Applicant's name and address, phone, fax and email address.
   3. Address of property on which sign is to be situated.
   4. Business to which sign belongs or relates.
   5. Total display area in square feet.
   6. Proposed setback from right-of-way.

7. A scale drawing of the property at one inch equals twenty (20) feet, showing the location of all buildings/structures and their uses, and the location of the proposed sign on the lot, building or structure.
8. Sign type and purpose.
9. Sign height.
10. Height and width of building to be served.
11. Drawing of proposed sign indicating proposed copy or message.
12. Evidence of knowledge of all applicable building code requirements.

B. Sign Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the design and construction set forth in such approved plans and applications, and no other design.
C. The Zoning Administrator shall not approve plans or issue Sign Permits for any sign which does not conform to the provisions of this Ordinance.
D. The Zoning Administrator shall maintain a record of all Sign Permits issued, and said record shall be open for public inspection.
E. A Sign Permit shall become null and void if the work for which the permit was issued has not been completed within a period of twelve (12) months after the date of the permit. Said permit may be extended for a period of thirty (30) days upon request by the applicant.

Section 16.11 SIGN PERMIT FEES

Sign Permit fees shall be established by Resolution of the Township Board. A copy of current fees is available from the Zoning Administrator.

Section 16.12 ILLEGAL SIGNS

For all signs hereafter erected without issuance of a required Sign Permit, the Zoning Administrator shall issue a citation per the requirements of Article 18.

Section 16.13 APPEALS

The Board of Appeals may authorize a variance of the requirements of this Article, provided the standards established in Article 19 of this Ordinance are fully met; however, the Board of Appeals may not grant a variance for a larger sign or total sign area larger than that permitted in this Article.

Article 17
RESERVED FOR FUTURE USE

Section 17.1 SUBTITLE

Article 18
ADMINISTRATION

Section 18.1 PURPOSE AND INTENT

This Article sets forth the provisions and the requirements for submittal, review and approval of applications under this Ordinance and for addressing complaints and suspending and revoking permits. These provisions are intended to clearly describe administrative duties and responsibilities, permit procedures and conditions to improve citizen and property owner understanding and to ensure efficiency in the administration of the Ordinance. These provisions are presented in five parts:

Part I -- Administrative Duties and Responsibilities. See page 18-1
Part II -- Permit Application, Review and Approval Procedures. See page 18-7
Part III -- Notice and Hearing Procedures. See page 18-19
Part IV -- Site Plan Review Procedures. See page 18-23
Part V -- Complaints, Permit Suspension, and Revocation and Violation Procedures. See page 18-36

Section 18.2 AUTHORIZATION

This Article is adopted pursuant to Section 305 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, which requires the Township Board to establish the means of administration of the Zoning Ordinance, identify the persons or officers responsible for administration, and establish fees to pay for the cost of administration, and pursuant to Article IV and Article V Section 501 of the Michigan Zoning Enabling Act to provide authority for use of site plan review.

Part I -- Administrative Duties and Responsibilities

Section 18.3 RESPONSIBILITY FOR ADMINISTRATION

18.3.1 Parties Responsible for Administration: The provisions of this Ordinance shall be administered by the Township Zoning Administrator, the Township Planning Commission, the Township Board and the Township Attorney or other legal representative specifically retained for such purpose, in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, and the delegation of responsibility assigned by this Ordinance.

18.3.2 Responsibility of Township Board: The Township Board shall have the primary responsibility for supervision of the administration and enforcement of the Ordinance. In order to carry out this responsibility, the Township Board may adopt and file rules, guidelines and forms to assist the Zoning Administrator and the Township Planning Commission in administering and enforcing this Ordinance. Until such rules or guidelines are adopted, any existing rules, guidelines, the Zoning Ordinance, and the Michigan Zoning Enabling Act shall guide the administration of this Ordinance.

18.3.3 Office of Zoning Administrator: The Township Board shall maintain an office of the Zoning Administrator and employ a Zoning Administrator to act as its officer to effect the proper and consistent administration and enforcement of this Ordinance. The terms of employment and rate of compensation shall be established by the Township Board. The Zoning Administrator or his or her deputized agents shall have the power of a Zoning Enforcement Officer, whose

jurisdiction is the enforcement of this Ordinance. Acting in this capacity, the Zoning Administrator shall, among other responsibilities be empowered to: review and approve requests for Zoning Permits; issue violation notices and appearance summons; seek the issuance of warrants for the arrest of alleged violators through the office of the County Prosecutor or other legal representative specifically retained for such purpose; or bring any enforcement or civil action for violation and enforcement of this Ordinance or any permit, approval, or condition of any permit or approval, through the office of County Prosecutor or other legal representative specifically retained for such purpose.

18.3.4 Secretary: There shall be a Secretary on the Planning Commission and Zoning Board of Appeals for the purposes of preparing a public record of minutes, resolutions, transactions, findings and determinations. The Secretary may perform other duties related to the conduct of the Planning Commission or Board of Appeals business as may be required from time to time by the officers of the Planning Commission or Board of Appeals provided the Secretary of the respective Commission and Board is solely responsible for the accuracy of such duties, and all documents prepared by the recording secretary shall be signed by the official secretary of the Planning Commission or official secretary of the Board of Appeals. The Secretary shall be a member of the Planning Commission or Zoning Board of Appeals unless the Township Board authorizes funds to hire a recording secretary, if the task is not delegated to a Township employee.

18.3.5 Building Inspector: The Alger County Building Inspector shall coordinate all building permit issuance and inspections with the Township Zoning Administrator. No building permit shall be issued without first a determination by the Zoning Administrator that the use is permitted in the District in which the property is located and that the dimensional standards of the Ordinance are met. All zoning permits shall indicate by the signature of the Zoning Administrator that required zoning conformance has been verified. If such verification is not present, the building permit shall not be issued and no construction activity may commence.

Section 18.4 DUTIES OF THE PLANNING COMMISSION

18.4.1 Members:

A. The Township Planning Commission shall consist of no more than seven (7) members who shall have the rights and duties to act in accord with Public Act 282 of 1945, as amended, and in accord with those duties set forth in Public Act 110 of 2006.
B. Since attendance at Planning Commission meetings is required for optimal function of the roles of the Planning Commission, members of said commission are appointed subject to the following attendance criteria:
    1. Member(s) shall be expected to notify the chairperson or his/her designee of his/her expected absence prior to a meeting.
    2. Member(s) shall attend a minimum of 75% of the regular meetings per calendar year unless excused by the Chairperson.
    3. Member(s) shall not be absent for more than three (3) consecutive regular meetings, irrespective of calendar year, unless excused by the chairperson. The Planning Commission Secretary shall be responsible to report the non-compliance of attendance criteria of any Planning Commission member to the Planning Commission. The Chair of the Planning Commission shall notify the Township Board of any non-compliance of attendance criteria of a Planning Commission member by letter, recommending removal of said member from the Planning Commission.

Under extenuating circumstances such as a serious or chronic health condition, or family illness, the Planning Commission may, by motion and simple majority vote, defer the action specified above. Said member is exempt from voting privileges in the action.

C. Members of the Planning Commission shall be removable from office as provided for in Michigan Zoning Enabling Act.
D. The membership of the Planning Commission shall be geographically representative of the Township, as feasible, and also include the greatest and most varied available expertise. Other membership requirements are found in the Michigan Zoning Enabling Act, including the requirement for one member to come from the Township Board.

18.4.2 Duties: The Planning Commission shall perform the following duties:

A. The Planning Commission shall direct the Zoning Administrator to prepare forms, rules, procedures and guidelines for the proper administration and enforcement of the Ordinance which are to be forwarded to the Township Board for action prior to implementation.
B. Rules of Procedure: Prepare and adopt rules of procedure consistent with the Michigan Zoning Enabling Act and this Ordinance.
C. Conduct Public Hearings: Conduct public hearings on matters requiring a public hearing, or which in the Planning Commission's discretion warrant, a public hearing prior to action.
D. Make a comprehensive review and recommend changes to the Master Plan and/or Zoning Ordinance as deemed necessary but not less than once every five (5) years.
E. Act on Major Applications: Review and take appropriate action on all applications for zoning Text Change, Rezoning, or Conditional Rezoning, Special Land Use Permits, Condominium Projects, Subdivision Plats and PUD Permits.
F. Advise on Ordinance Amendments: Review and advise the Township Board on all applications for amendments to the Zoning Ordinance and on any amendments proposed by the Planning Commission.
G. This Section shall not be construed to diminish the Planning Commission's authority and duties regarding the Township's Master Plan, as amended, or those imposed by the Michigan Zoning Enabling Act or by other laws or regulations.

Section 18.5 DUTIES OF THE ZONING ADMINISTRATOR

It shall be the responsibility of the Zoning Administrator and his or her employees to be thoroughly versed in the provisions of this Ordinance and to enforce the provisions of this Ordinance and in so doing shall perform the following duties:

18.5.1 Issue Permits: Receive and review applications for zoning approval. All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall issue Zoning Permits, Temporary Zoning Permits, Special Land Use Permits, PUD Permits, Condominium Project Permits and Certificates of Zoning Compliance and other permits when all applicable provisions of this Ordinance have been complied with. The Zoning Administrator shall attend Planning Commission, Zoning Board of Appeals and such other meetings related to administration of this Ordinance as necessary or when requested. The issuance of permits includes the authority to impose any condition authorized by this Ordinance. The Zoning Administrator shall attend planning commission meetings to review and update the commission on current permiting events and any issues needing to be reviewed.

18.5.2 File Applications: The Zoning Administrator shall maintain files of all applications for zoning approval and for all Certificates of Zoning Compliance and shall keep records of all

permit approvals and denials. Such files and records shall be open to public inspection. Copies shall be furnished upon request at a cost established by the Township Board.

18.5.3 Official Copies: The Township Clerk shall maintain one official copy of a current Zoning Ordinance and Zoning District Map.

18.5.4 Inspections: The Zoning Administrator shall make as many inspections of buildings or premises as necessary in order to properly carry out the enforcement of this Ordinance or any permit, approval, or condition of a permit or approval, or order under this Ordinance. At a minimum the property shall be inspected upon staking for any building, and prior to occupancy.

18.5.5 Record of Complaints: The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance. These records shall be public record.

18.5.6 Report to Board: On behalf of the Planning Commission, the Zoning Administrator shall report to the Township Board periodically; and once a year, shall summarize for the period since the last previous report, the number of requests for zoning approval or enforcement, including the number of requests approved, approved with conditions, and denied, by type of request, including, zoning Text Changes, Rezonings, or Conditional Rezonings, Zoning Permits, Special Land Use Permits, PUD Permits, Condominium Project Permits, Certificates of Zoning Compliance, all minor design modifications, administrative waivers, all complaints of violations, all interpretations made, appeals and variances granted by the Zoning Board of Appeals, all rezoning requests and text changes processed. The Zoning Administrator shall include any recommendations regarding zoning changes or proposed amendments which would improve the content and/or enforcement of the Zoning Ordinance.

18.5.7 Prepare Record of Decisions: The Zoning Administrator shall establish notebooks or other records for listing each decision, waiver, interpretation, or enforcement action made under this Ordinance. This record shall be organized for easy reference by date and decision to help ensure consistency of future decisions. The Zoning Administrator shall keep a special zoning orders book, which shall list, with a brief description, all variances, conditional use permits, rezoning, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Orders Book and Map shall be open to public inspection.

18.5.8 Prepare Forms, Manuals and Guidelines: The Zoning Administrator, with the assistance of the Planning Commission, shall periodically prepare or update forms, procedure manuals and guidelines for the smooth administration of the Zoning Ordinance. All such forms, manuals and guidelines shall be reviewed and approved by the Planning Commission and approved by the Township Board. A form, procedure or guideline may be implemented by the Zoning Administrator for not more than sixty (60) days after being established without Planning Commission or Township Board approval.

18.5.9 Enforce the Zoning Ordinance: The Zoning Administrator shall be the principal Ordinance enforcement officer. He/she shall ensure conformance with issued permits, investigate alleged Ordinance violations, including the conditions of permits or approvals, issue tickets and violation notices, appear in court or other jurisdictional proceedings, and undertake such other enforcement activities as may be delegated by the Township Board or Township

Planning Commission. Other individuals may be hired for this purpose, or the task may be delegated to others who work under the supervision of the Zoning Administrator. Once a case is shifted to the Township Attorney or other legal representative retained for such purpose, the Zoning Administrator and Township Attorney or other legal representative shall share enforcement responsibility.

18.5.10 Administrative Waivers:

A. Authority and Limit of Waiver. The Zoning Administrator is authorized to grant administrative waivers to the provisions of this Ordinance for a use permitted by right in a manner and an amount not to exceed a ten (10) percent variation from any the site development standards, parking and loading requirements, sign requirements, lot width-to-depth ratios and the specific dimensional, area, and similar provisions and requirements contained in this Ordinance. This authority does not extend to waiver or consideration of different land uses other than those expressly permitted within a zoning district nor to a Special Land Use, PUD, Condominium Project, natural shoreline buffer or reduced setbacks under Sections 5.3 and 6.7, increased accessory building height under 7.9.B or other use subject to Site Plan Review. See also Section 9.2.C concerning nonconforming lots of record.

B. Criteria. Upon receipt of a written request for an administrative waiver, the Zoning Administrator shall prepare a report of the situation and all factual data concerning the site in terms of: (1) what the situation would be if developed pursuant to the standards stated in this Ordinance, (2) what the situation would be if the administrative waiver were granted, (3) what impacts, if any, on the public and neighboring property owners would result if the administrative waiver were granted, and (4) the conclusion on the waiver request and the rationale for that conclusion. No administrative waiver shall be granted if doing so would create a nuisance or result in significantly more noise, odor, dust, bright or flashing lights, or similar negative impact on the public or abutting property. Decisions rendered by the Zoning Administrator shall be in the form of a letter which specifically states a determination on each of the items listed above. An appeal on any administrative waiver may be made by any affected person to the Zoning Board of Appeals within fourteen (14) days following the decision. No decision by a Zoning Administrator on an administrative waiver shall be effective until after this fourteen (14) day period has passed. In the event of an appeal, the effect of the decision is stayed. All abutting property owners shall receive notice of any administrative waiver request and when a decision on the waiver is expected to be made, prior to a determination by the Zoning Administrator. Abutting property owners may file a written statement on the administrative waiver request with the Zoning Administrator, but the decision of the Zoning Administrator shall be based on the standards contained in this Section.

C. Appeals. An appeal of an administrative waiver decision may be made to the Zoning Board of Appeals pursuant to Article 19 of this Ordinance.

D. Reporting. Any waivers granted by the Zoning Administrator shall be reported to the Planning Commission each month at the Planning Commission meeting.

18.5.11 Modifications of Approved Permits or Site Plans

A. The Zoning Administrator may authorize insignificant deviations from an approved site plan or from Zoning Permits, Special Land Use Permits, Planned Unit Development Permits and Condominium Project Permits. A deviation is insignificant if it has no discernible impact on the site, neighboring properties, the general public, or those intended to occupy or use the proposed development. All requests for modifications of an approved site plan or permit issued under the provisions of this Ordinance shall be in writing on a form provided by the Zoning Administrator. The Zoning Administrator shall keep a record of any authorized deviation.

B. Minor site design modifications or changes in permits (including approved site plans) are permissible with the approval of the permit issuing authority. Such permission may be obtained without a formal application, public hearing, or payment of any additional fee. For purposes of this section, minor modifications are those which will have no foreseeable effect or discernible impact to natural features on the property, beyond the property boundary such as minor changes in the location of buildings or structures, the alignment of utilities, and the alignment of walkways, interior roadways and parking areas. Minor changes for good cause may be authorized provided no such changes shall increase the size or height of structures, increase the number or type of dwelling units or square feet of nonresidential uses, add another land use, reduce the efficiency or number of public facilities serving the development, reduce usable or other required open space, or encroach on or impair air, water, other natural resources and natural features. Minor modifications or changes shall not violate a requirement of this Ordinance, or involve a modification or change that otherwise would require a variance from the ZBA. The Zoning Administrator shall keep a record of all minor design modifications or changes granted and report each modification as part of the monthly Planning Commission meeting and in an annual report under Section 18.5.6.
C. Any modification, change, or deviation not qualifying as a minor or insignificant deviation is considered to be a major modification, change, deviation or amendment and must be approved by the permit issuing authority following the same procedure required for the original permit or approval.
D. All other requests for changes in approved plans will be processed as new applications. If such requests are required to be acted upon by the Planning Commission or Zoning Board of Appeals, new or modified conditions may be imposed, but the applicant retains the right to reject such additional conditions by withdrawing his request for a modification, change, deviation or an amendment and may then proceed in accordance with the previously issued permit.
E. An applicant requesting approval of a request for an insignificant deviation or a minor design modification or change shall submit a written request to the Zoning Administrator identifying the requested changes and stating the reasons for making the request. Action on all changes shall be given in writing, and may be appealed by an affected person to the Zoning Board of Appeals pursuant to Section 19.4.

18.5.12 Training: Each Zoning Administrator shall successfully complete training on the roles and responsibilities of the office and how to perform all basic tasks within twelve (12) months of appointment as Zoning Administrator.

18.5.13 Relief from Personal Responsibility: The Zoning Administrator, officer or employee charged with the enforcement of this Ordinance, while lawfully acting for the Township, shall not thereby render himself or herself liable personally, and he or she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any lawful act required or permitted in the discharge of his or her official duties. Any suit instituted against the Zoning Administrator, or any officer or employee acting on behalf of the office of the Zoning Administrator, because of a lawful act performed by the employee in the lawful discharge of his or her duties and under the provisions of the Ordinance shall be defended by the Township Attorney, or other legal representative of the Township, until the final termination of the proceedings. In no case shall the Zoning Administrator or any of his or her subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Ordinance; and the Zoning Administrator, any officer or employee acting on behalf of the Zoning Administrator acting in good faith and without malice, shall be free from liability for lawful acts performed under any of its provisions or by reason of any act or omission in the lawful performance of his or her official duties in connection herewith.

Section 18.6 RESERVED FOR FUTURE USE

Part II -- Permit Application, Review and Approval Procedures

Section 18.7 GENERAL APPLICATION AND REVIEW PROVISIONS

The general provisions of this Part II of Article 18 shall apply to all applications for development approval and procedures under this Ordinance, unless otherwise stated. Additional procedures specific to review of site plans are found in Part IV of this Article, procedures specific to Special Land Use applications are found in Article 10 (especially Section 10.4), and procedures specific to Planned Unit Developments are found in Article 12 (especially Section 12.5). Procedures related to zoning Text Changes, Rezonings and Conditional Rezonings are found in Article 20, Section 20.4. Procedures related to Variances, Appeals and Ordinance Interpretations are found in Article 19.

18.7.1 Authority to File Applications: Applications shall be submitted to the Zoning Administrator by the owner, or any other person having a recognized interest in the land for which the development is proposed, or their authorized agent.

A. Applicant is Not Owner: If the applicant is not the owner of the land, or is a contract purchaser of the land, a letter signed by the owner consenting to the submission of the application shall be submitted.
B. Applicant is Not Sole Owner: If the applicant is not the sole owner of the land, a letter signed by the other owners or an association representing the owners consenting to or joining in the application shall be submitted.

18.7.2 Application Submission Schedule: The schedule for the submission of applications shall be established by the Zoning Administrator and made available to the public.

18.7.3 Application Contents: Applications required under this Ordinance shall be submitted on a form approved by the Planning Commission and Township Board except as noted in Sec. 18.5.9 and made available to the public.

18.7.4 Simultaneous Processing of Applications: Whenever two or more forms of review and approval are required under this Ordinance (e.g., a Special Land Use Permit and a Variance), the applications for those development approvals may, at the option of the Zoning Administrator, be processed simultaneously, so long as all applicable requirements are satisfied for both applications.

18.7.5 Fees:

A. Determination of Fees. The Township may charge reasonable fees sufficient to cover the costs of administration of this Ordinance. The Township Board may from time to time adopt by resolution a fee schedule to accompany all applications submitted under this Ordinance. Fees shall be based on actual direct costs of inspection and supervision or consultation with qualified professionals (where reasonably necessary), resulting from the enforcement of this Ordinance, including the enforcement of conditions of a permit or approval, and may include

the cost of filing approvals with other entities, such as with the County Register of Deeds. Such fees may also include but are not limited to all costs associated with conducting a public hearing or inspection, including publishing the newspaper notice and any map, sending required notices to property owners and renters, photocopying, staff time, Planning Commission, Township Board and/or Zoning Board of Appeals meeting time, mileage and any costs associated with reviews by qualified professional planners, engineers, scientists, and/or other qualified professionals. The fee schedule and any amendments shall be available at the Township Clerk's office following adoption by the Township Board.

B. Fees to be Paid. No application shall be processed until the established fee has been paid and a receipt obtained from the Office of the Zoning Administrator; except that the Township Board in the resolution establishing zoning fees, may exempt Township projects or the projects of other governmental agencies from all or part of the fees. The Office of Zoning Administrator shall keep accurate records of all fees. Such records are public records open for public inspection.

C. Additional Costs and Fees for Professional Reviews.

1. If the Planning Commission, Zoning Board of Appeals, or Zoning Administrator determines that the basic zoning fees will not cover the actual costs of application review, or if the Planning Commission, Zoning Board of Appeals, or Zoning Administrator determines that review of the application including any site plan, and/or participation in the review or appeal by a qualified professional engineer, planner, attorney or other qualified professional is necessary, then the applicant shall deposit with the Township Treasurer such additional fees in an amount determined by the Zoning Administrator to equal the estimated amount of additional costs. The additional estimated amount of zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay for additional costs. If the amount held in escrow becomes less than ten (10) percent of the initial escrow deposit or less than ten (10) percent of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally deficient or defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following the final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal. Failure of the applicant to make timely payment of any balance due will entitle the Township to place a lien on the subject property for the unpaid balance.
2. Professional review shall result in a report to the Township indicating the extent of conformance or nonconformance with this Ordinance and identifying any problems which may create a threat to public health, safety or the general welfare or to the quality of the air, water or natural resources of the Township. Mitigation measures, alterations or alternatives to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant shall receive a copy of any professional review hired by the Township and a copy of the statement of expenses for the professional services rendered.

D. Refund of Fees. Application fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeded the amount

due, in which case the amount of the overpayment shall be refunded to the applicant, subject to a ten (10) percent administrative fee.

18.7.6 Pre-Application Conference:

A. General Overview. Except for PUDs (see Article 12, Section 12.9.3), a pre-application conference is optional prior to submission of any application for development approval under this Ordinance. The purpose of a pre-application conference is to familiarize the applicant and the Township staff with the applicable provisions of this Ordinance required to permit the proposed development, and to inform the applicant about requirements for the preparation of the application.

B. Initiation of Pre-Application Conference. Any potential applicant may request a pre-application conference with the Zoning Administrator. Along with the request for the pre-application conference, the applicant may provide to the Zoning Administrator a description of the proposed development, the type of development approval sought, the location of the proposed project, and any other appropriate supporting documents such as a concept plan, maps, drawings, models, and any other information the Zoning Administrator deems necessary for the pre-application conference.

C. Meeting. The Zoning Administrator shall schedule a pre-application conference after receipt of a request for a pre-application conference and any appropriate submission materials. At the pre-application conference the applicant, the Zoning Administrator, and any other Township staff and regional, state, federal or adjacent local government representatives the Zoning Administrator deems appropriate to attend the pre-application conference, shall discuss the proposed development, and based upon the information provided by the applicant, identify what Ordinance provisions generally apply to the proposed development.

18.7.7 Reserved for Future Use.

18.7.8 Determination of Sufficiency:

A. Application Must be Complete. All applications for a Zoning Permit, Temporary Zoning Permit, Certificate of Zoning Compliance, Special Land Use Permit, Planned Unit Development Permit, Condominium Project Permit, Subdivision Plat, Variance, Appeal, Text Change, Rezoning, or Conditional Rezoning or other authorization requested under this Ordinance must be complete before the permit issuing authority or approving body or official is required to consider the application.

B. Determination of Sufficiency. Within fourteen (14) calendar days following receipt of the application, the Zoning Administrator shall determine if the application is complete, meets all relevant threshold requirements and includes data in sufficient detail to evaluate the application to determine whether it complies with the requirements of this Ordinance. An application not reviewed for sufficiency within fourteen (14) calendar days, shall be considered complete and shall be processed as such.

C. Determined Insufficient. If the Zoning Administrator determines the application is not sufficient, written notice shall be provided to the applicant specifying the application's deficiencies. If the applicant fails to correct the deficiencies within sixty (60) days, the application shall be considered withdrawn. When the application is determined sufficient, it shall be reviewed pursuant to the procedures and standards of this Article.

18.7.9 Preparation of Staff Report: After an application is determined sufficient, and as appropriate, the Zoning Administrator shall refer the application to the appropriate Township staff, and direct the applicant to contact any other review agencies for comment. The Zoning Administrator shall review the application and where a site plan, Special Land Use, Condominium Project, PUD, Variance, Ordinance Interpretation, Text Change, Rezoning, or Conditional Rezoning is involved, prepare a Staff Report. Where a Staff Report is required, it shall be made available to the public five (5) calendar days before the first scheduled public hearing on the application. The Staff Report shall report whether the application complies with all appropriate standards of this Ordinance. Conditions for approval may also be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal. A Staff Report shall also be prepared on requests for rezoning or a text change. Staff reports may be prepared by a consultant to the Township where authorized by the Township Board.

18.7.10 Scheduling of Public Hearing: When an application for development approval is subject to a public hearing (see Section 18.16.1, Timing of Notice, for when a public hearing is required), the Zoning Administrator shall ensure that the public hearing(s) on the application is scheduled for a regularly scheduled meeting or a meeting specially called for that purpose by the decision-making or advisory body reviewing the application. The public hearing(s) shall be scheduled so there is sufficient time for a Staff Report to be prepared and for the public notification requirements of Section 18.16 to be satisfied.

18.7.11 Decision on Permits: The bodies and officials responsible for review of permit applications under this Ordinance shall approve all applications that conform as submitted with the requirements of this Ordinance; shall approve with conditions all applications that would conform if certain conditions, authorized by this Ordinance were met; and shall deny all applications that do not conform with this Ordinance and would not likely conform even if mitigating conditions were imposed as a condition of approval.

18.7.12 Expiration of Permits:

A. Zoning, Special Land Use, Planned Unit Development or Condominium Project Permits shall expire automatically, if, within one (1) year after the issuance of such permits, significant actual construction has not commenced or use has not commenced where no actual construction is required. Significant means more than one-third of the estimated expense of the development.
B. The permit issuing authority may extend a permit for a period of up to six (6) months from the date when a permit would otherwise expire if it concludes that:
    1. The permit recipient has proceeded with due diligence and in good faith, and
    2. Conditions have not changed so substantially as to warrant a new application. One successive extension may be granted for a period of up to six (6) months upon the same findings. All extensions may be granted without resort to the formal application and review processes. Fees required for an extension shall be according to the Township fee schedule.

Section 18.8 ZONING PERMITS

The following provisions shall apply in the issuance of any Zoning Permit in addition to any other requirements for a particular use contained in this Ordinance:

18.8.1 Commencement:

A. No clearing of an undeveloped lot except as provided for under 7.34 and no grading, excavation, or filling of land for a building or structure shall be commenced; no erection, addition to, alteration of, or moving of any building or structure shall be undertaken, nor shall any land be changed to a use of a different use type, use category, or use class under this Ordinance, nor to any different use group under the State Construction Code, PA 230 of 1972, except in accordance with and pursuant to one of the following permits or approvals:
   1. A Zoning Permit or a Certificate of Zoning Compliance has been secured from the Zoning Administrator.
   2. A Special Land Use Permit has been approved in compliance with the provisions of Article 10 of this Ordinance.
   3. A PUD Permit has been approved in compliance with the provisions of Article 12 of this Ordinance.
   4. A Condominium Project Permit has been approved in compliance with the provisions of Article 7 of this Ordinance.
   5. A platted Subdivision has been approved in compliance with the provisions of Article 7 of this Ordinance.
   6. Except upon a written order of the Zoning Board of Appeals, no Zoning Permit shall be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance. Such order shall not be final until the minutes of the ZBA meeting at which the decision was made have been approved by the ZBA.

B. The above provision does not apply to bona fide forest management, logging or agricultural activities that are regulated under the Michigan Right to Farm Act 93 of 1981 as amended and the Right to Forest Act 676 of 2002, which if applicable pre-empt local government ordinances, or that are provided for elsewhere in this Ordinance; nor to other activities as provided for in other parts of this Ordinance such as for the moving of a tent/yurt or RV for temporary habitation as permitted under the conditions/provisions of 7.13.1.

18.8.2 Application for Zoning Permit:

A. All applications for a Zoning Permit shall require an accurate scale map showing the following, unless waived by the Zoning Administrator:
   1. The location, shape, area, dimensions, and legal descriptions of the parcel, location of easements and centerline of road.
   2. The location, dimensions, height and bulk of the existing and/or proposed structures to be erected, altered, or moved on the parcel.
   3. All existing and proposed uses of buildings, structures and land.
   4. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers, and other users.
   5. The yard, open space, driveway or access by easement, and parking space dimensions.
   6. The proposed plan and specific off-street parking and unloading spaces, if applicable.
   7. Any wetlands or flood plains, critical sand dunes or high risk erosion areas, lakes, streams or other water resources which may be on the property.
   8. Any change to the ground contour of the parcel involved.
   9. Any other information deemed necessary by the Zoning Administrator to properly administer this Ordinance.
   10. A list of any permits that will be required for the development or use from Federal, State, County, Township or local agencies.

B. Land uses requiring site plan review per Article 18, Part IV, starting with Section 18.20, shall submit a site plan in place of the information required in A. above, and all development of the site shall be in accordance with an approved site plan.

C. A copy of the deed or proof of equitable title shall be required with any application for a Zoning Permit for any new principal or accessory structure on any non-platted parcel in order to assure compliance with dimensional requirements of this Ordinance, to protect easements from encroachment, and to assure conformance with the Land Division Act, Public Act 288 of 1967, as amended. The Zoning Administrator may examine electronic copies of recorded deeds to meet this requirement.
D. Site photos satisfactory to the Zoning Administrator are required that clearly and accurately document the natural shoreline buffer.
E. Any zoning permit application for a new residence on a parcel for which ingress and egress is via a private road shall include a signed copy of the Burt Township "Private Road Acknowledgment"

18.8.3 Affidavit of Compliance: Each application form for a Special Land Use Permit, Condominium Project, Planned Unit Development Permit, Conditional Rezoning or other development requiring a site plan for which a Zoning Permit is required, shall contain a signed and notarized affidavit stating that the applicant understands, and agrees to comply with the following laws when applicable to the lot, tract or parcel in question. The applicant shall further affirm that said lot, tract or parcel is not currently, and that the proposed use or construction will not be, in violation of the following laws. The Affidavit of Compliance shall be deemed part of and a condition to the permit or approval.

A. The Land Division Act, Public Act 288 of 1967, as amended, being MCL 560.101 et seq., or the Condominium Act, Public Act 591 of 1978 as amended, being MCL 559.101 et seq.
B. The District Health Department Sanitary Code.
C. The Flood Plain regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 31, as amended.
D. Michigan Public Health Code, Public Act 368 of 1978, as amended, being MCL 333.12751, et seq.
E. Farmland and Open Space Preservation provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 361, as amended, being MCL 324.36101, et seq.
F. Wetlands Protection provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 303, Section 324.30301 et. seq., as amended.
G. Inland Lakes and Streams provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 301, Section 324.30101, et.seq., as amended.
H. "Miss Dig Law", Act 53, as amended.
I. Airport Zoning Act, Public Act 23 of 1950, as amended, being MCL 259.431, et seq.
J. Stille-DeRossett-Hale Single State Construction Code Act, Public Act 230 of 1972, as amended, being MCL 125.1501, et seq., and all of its associated codes related to building, plumbing, electrical, etc.
K. The Alger County Drain Commissioner Standard Construction Specifications for open and closed drains, 1956 PA 40, as amended.
L. The Township Subdivision Control Procedures pursuant to Public Act 288 of 1967, as amended, being MCL 560.101 et seq.
M. The Alger County Soil Erosion and Stormwater Control Ordinance, and any applicable regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 91, Section 324.9141 et. seq., as amended.
N. Michigan Department of Environmental Quality rules for Land Divisions, as amended.
O. The High Risk Erosion provisions of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 323, as amended, being MCL 324.32305, et seq.
P. The Critical Sand Dune regulations of the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 353, as amended, being MCL 324.35321, et seq.

Q. Any Township**,** County Road Commission or Michigan Department of Transportation driveway or access management regulations under Public Act 200 of 1969, as amended, being MCL 247.321.
R. All Township ordinances that are applicable to the proposed building, structure or land use, most notably those associated with a public water or public sewer tap-in, or well-head protection area.
S. All other State, Federal or local laws, rules, or regulations known to be applicable to the proposed building, structure or use of the property.

18.8.4 Withholding Permit:

A. Section 18.8.3 notwithstanding, the Zoning Administrator may withhold any Zoning Permit, Temporary Zoning Permit, Special Land Use Permit, Condominium Project Permit, PUD Permit, or Certificate of Zoning Compliance pending verification that an applicant has received required Township, County, State or Federal permits including but not limited to sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, flood plain, culvert, or driveway permits. Likewise, wherever this Ordinance authorizes permit approval by the Planning Commission, Township Board or the Zoning Board of Appeals, the Planning Commission, Township Board or Zoning Board of Appeals shall condition final approval of the requested development activity upon the receipt of any of the above mentioned Township, County, State or Federal approvals and/or direct the Zoning Administrator not to issue the requested permit until said permits or approvals from other jurisdictions or agencies have been obtained and copies filed with the Zoning Administrator.
B. The Zoning Administrator may refuse to issue a Zoning Permit to a person who is responsible for an unresolved violation of this Ordinance at the requested location, or another location within the jurisdiction of this Ordinance, until such time as the violation is satisfactorily corrected where such other unresolved violation poses reasonably similar risks.

18.8.5 Previous Approvals: Nothing in the Ordinance shall require changes in the plans, construction, or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively pursued within ninety (90) days after the effective date of this Ordinance; and the entire building shall be completed as authorized within two (2) years after the date of approval of the application, and provided that the construction was lawfully completed in accordance with the Ordinance, permit and permit conditions.

18.8.6 Inspections: The Zoning Administrator shall inspect sites on which new permanent buildings will be erected prior to issuance of a Zoning Permit and at such other time as is necessary to ensure conformance with this Ordinance and the conditions of any permit or approval.

Section 18.9 TEMPORARY ZONING PERMITS

Temporary Zoning Permits for temporary buildings, structures and uses shall conform with the following requirements:

18.9.1 Application: Temporary Zoning Permits for those uses specifically authorized in Section 7.15 may be approved, modified, conditioned, or denied by the Zoning Administrator based on the standards established in Section 18.9.3 and subject to such conditions as are reasonably necessary to minimize adverse impacts on abutting property, and protect the public health,

safety and general welfare. The Zoning Administrator may refer the application for a Temporary Zoning Permit to the Planning Commission for a decision. The Planning Commission shall apply the procedures and standards in this Section, the same as the Zoning Administrator.

18.9.2 Permits: A written temporary Zoning Permit shall be issued for all temporary buildings, structures and uses that comply with this Ordinance and shall contain the following information:

A. The applicant's name.
B. The location and effective dates of all permitted temporary buildings, structures or uses.
C. Conditions specified by which the permit was issued, such as:
    1. Use and placement of signs.
    2. Provision for security and safety measures.
    3. Control of nuisance factors.
    4. Elements of a performance guarantee.
    5. Signature of the Zoning Administrator on the permit.

18.9.3 Conditions of Approval: A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following criteria is met:

A. The proposed use is clearly of a temporary nature.
B. The temporary use shall not endanger the public health, safety or welfare of the Township, or adjacent residents.
C. Structures of temporary uses shall be provided, if required, with safe, sanitary and effective systems for water supply and disposal of wastes, approved by the Health Department.
D. The proposed temporary use shall meet all lot, yard, setback and other requirements of this Ordinance,
E. The proposed temporary use is not a major Special Land Use of the respective zoning district.
F. The nature and intensity of the temporary use and the size and placement of any temporary building or structure shall be planned so that the temporary use, building or structure will be compatible with existing development on abutting property.
G. Except for a garage sale, the temporary use shall not be located within an accessory building or structure accept as otherwise provided for in this ordinance.
H. The parcel shall be of sufficient size to adequately accommodate the temporary use, building or structure.
I. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
J. Off-street parking areas are of adequate size for the particular temporary use, building or structure, are safely located, and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
K. Signs shall conform to the provisions of this Ordinance (see Article 16).
L. Any lighting or noise shall be directed and controlled so as to not create a nuisance to neighboring property owners.
M. All the criteria specific to a particular temporary use as provided in Section 7.13 are met.
N. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance and other applicable federal, state, or local laws, regulations, ordinances or codes.

18.9.4 Renewable Temporary Zoning Permits: Temporary Zoning Permits which are renewable may be renewed in the same manner as issuance of the original permit, except the

application for renewal shall be filed at least fifteen (15) days prior to the expiration date of the current permit, and applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit. Fees may be assessed in accordance with the Township Fee Schedule.

18.9.5 Performance Guarantee for a Temporary Use: The Zoning Administrator may require a performance guarantee in the form of cash, check or savings certificate or irrevocable bank letter of credit be deposited with the Township Treasurer in an amount equal to the estimated cost of removing any temporary structure for which a Temporary Zoning Permit is authorized under this Section for use in the event it is not removed by an applicant at the end of an authorized period. Prior to the issuance of a temporary permit, the applicant shall sign an affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned to the applicant when all the terms and conditions of the temporary Zoning Permit have been met (See Sec. 18.13) and the temporary use or structure has been removed by the applicant.

18.9.6 Permit Revocation: A Temporary Zoning Permit may be revoked at any time for any of the following reasons:

A. Nonconformance with the requirements of this Section and/or a permit issued thereunder.
B. Evidence that the Temporary Zoning Permit was obtained by misrepresentation or fraud.
C. That one (1) or more of the conditions of the Temporary Zoning Permit have not been met; and
D. That the temporary use is in violation of any statute, ordinance, law, or regulation.
E. The Temporary Zoning Permit has expired by its terms or the provisions of the Ordinance.

18.9.7 Cessation of Temporary Use Upon Revocation: Upon expiration or revocation of a Temporary Zoning Permit for a temporary use, building or structure, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. Any use or structure established under a temporary use permit shall not give rise to any vested rights of use or property except for a limited lawful use during the term of and in accordance with the Temporary Zoning Permit.

18.9.8 Appeal: An appeal of a decision by the Zoning Administrator relative to approval or denial of a Temporary Zoning Permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Section 19.4 of this Ordinance.

Section 18.10 CERTIFICATE OF ZONING COMPLIANCE

18.10.1 Certificate of Zoning Compliance Required: No land shall be occupied or used and no building shall be used or changed in use for which a Special Land Use Permit, PUD Permit, Condominium Project Permit, Conditional Rezoning or other use for which major site plan approval was granted, until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the building and its intended use complies with the provisions of this Ordinance and the permit and its conditions.

18.10.2 Notification for Inspection Prior to Occupancy: The holder of every Special Land Use Permit, PUD Permit, Condominium Project Permit, or other use for which major site plan approval was granted, shall notify the Zoning Administrator within 24 hours after completion of

the work authorized by such permit for a final inspection and issuance of a Certificate of Zoning Compliance.

18.10.3 Certificates for Existing Buildings: Certificates of Zoning Compliance may be issued upon request for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, such uses of land are in conformity with the provisions of this Ordinance. Where the certificate is issued for building, or use not in conformity with this Ordinance, the certificate shall specify the degree of nonconformity including but not limited to use type, use intensity, structures, and dimensions.

18.10.4 Certificates for New or Changed Uses:

A. Application for Certificates of Zoning Compliance shall be in writing to the Zoning Administrator on a form furnished for that purpose, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance or any permit or permit condition issued or approved under this Ordinance.
B. If such certificate is refused for cause, the applicant therefore shall be mailed a notice of such refusal and cause thereof, within the aforesaid five (5) day period.
C. Except upon a written order of the Zoning Board of Appeals, a Certificate of Zoning Compliance shall not be issued for any building, structure or use of land that would be in violation of any of the provisions of this Ordinance or any permit or condition issued or approved under this Ordinance.

Section 18.11 ZONING APPROVAL RUNS WITH THE LAND AND STATUS OF PRIOR USES

The approval to engage in any land use activity or to construct a building or structure that has received a Zoning Permit, Certificate of Zoning Compliance, Special Land Use Permit, PUD Permit, Condominium Project Permit or other permit issued under the authority of this Ordinance, or any Variance granted by the Zoning Board of Appeals, runs with the land, and not with the owner, just like a nonconforming use right. Thus, any person who builds or uses land based on a valid permit or approval granted under the terms of this Ordinance, and later dies, should rest assured that the rights, limitations and conditions granted in that permit automatically transfer to the new owner(s) of the land, provided there were no violations applicable to the land that were unresolved by the previous owner prior to his/her death. By the same token, any person may sell property to another person, who will enjoy the same rights, privileges and restrictions as the seller, provided that the seller, prior to the sale, used the property in conformance with a lawful permit and the land use was not in violation of the Ordinance prior to the sale.

Section 18.12 CONDITIONAL APPROVALS AND RECORDING CONDITIONS WITH REGISTER OF DEEDS

18.12.1 Conditional Approvals:

A. As provided in the Michigan Zoning Enabling Act, PA 110 of 2006, site plans for Special Land Uses, Planned Unit Developments, Condominium Projects, Variances or other discretionary decisions may be approved with reasonable conditions.
B. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with

adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall meet the following requirements:

1. Be designed to protect the air, water and other natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents, and landowners adjacent to the proposed land use or activity, and the community as a whole.
2. Be related to the valid exercise of the police power, and to the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning requirements; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
4. Be in compliance with the conditions of any permits and approvals issued for the project by other jurisdictions or agencies.

18.12.2 Recording Conditions with the Register of Deeds: At the direction of the body or official making the final decision to approve or approve with conditions a Planned Unit Development, Special Land Use, Variance or other discretionary approval authorized by this Ordinance, or as otherwise may be specified by this Ordinance, or at the discretion of the Zoning Administrator, an approval or approval with conditions may be recorded with the County Register of Deeds. The following requirements shall be met with each recording:

A. The applicant shall record an affidavit, which has received the approval of the Township Attorney or other legal representative specifically retained for such purpose, with the County Register of Deeds containing the full legal description of the project site, the approved site plan, the specific terms of any permit, any documents that pertain to permanent preservation of open space, the date of final Township approval, and declaring that all improvements will be carried out in accordance with the approved site plan or variance unless an amendment thereto is adopted by the Township. In addition, all deed restrictions and easements associated with the property shall be duly filed with the Register of Deeds of the County, and copies of all recorded documents shall be presented to the Zoning Administrator. These documents shall be binding upon the landowners, their successors and assigns, and shall constitute the development regulations for the land. The applicant shall submit proof to the Zoning Administrator that these documents have been recorded with the County Register of Deeds within ninety (90) calendar days of project approval or the approval shall be rendered invalid. Once the proper documents have been recorded with the County Register of Deeds, the applicant may proceed, consistent with the approved Site Plan and Permit, to develop the land.
B. A copy of any agreement between joint users of parking areas shall be filed with the application for a Zoning Permit and recorded with the Register of Deeds. The agreement shall include a guarantee for continued use of the parking facility by each party and clearly spell out maintenance responsibilities. A copy of all recorded documents shall be presented to the Zoning Administrator.
C. All documents to be recorded with the County Register of Deeds at the initiative of the Township, shall be first reviewed and approved as to form and content by the Township Attorney or other legal representative of the Township retained for that purpose.

Section 18.13 PERFORMANCE GUARANTEES AND PERFORMANCE BONDING FOR COMPLIANCE

18.13.1 When Performance Guarantee May be Required: In authorizing any Zoning Permit, Temporary Zoning Permit, Special Land Use Permit, Planned Unit Development Permit, Condominium Project, platted Subdivision, Site Plan approval, Conditional Rezoning or

Variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee (See Sec. 18.9.5) be furnished: (1) to insure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; and (2) to provide sufficient resources for the Township to complete required improvements or conditions in the event the permit holder does not; or (3) to insure the discontinuance of a temporary use by a stipulated time.

18.13.2 Improvements Covered: Improvements that shall be covered by the performance guarantee include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The term "improvements" should not be construed to mean the project itself, but rather those features associated with the project which are deemed necessary to protect the health, safety and welfare of Burt Township's resources and future users or inhabitants of the proposed project. The term “improvements” does not include improvements for which a performance guarantee has been deposited pursuant to the Land Division Act, Public Act 288 of 1967, as amended. The performance guarantee shall meet the following requirements:

A. Form: The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Township Treasurer, which names the property owner as the obligor and the Township as the obligee.
B. Time when Required: The performance guarantee shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Township shall deposit the funds in an interest bearing account in a financial institution with which the Township regularly conducts business.
C. Amount and Type: The amount and type of the performance guarantee shall be determined by the body or official making the decision to approve the request, or if they have not done so, by the Zoning Administrator. The amount of the performance guarantee should be sufficient to cover the estimated cost of the improvements or conditions. The performance guarantee shall be reasonable, appropriate, and commensurate with the scope of the project. Additional guidelines for establishing the amount of a performance guarantee may be prescribed by resolution of the Township Board.

18.13.3 Return of Performance Guarantee: The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in proportion to the work completed on the applicable improvement or condition and may be written as an element of the conditions surrounding the approval of the project.

18.13.4 Withholding and Partial Withholding of Performance Guarantee: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Planning Commission or Township Board indicating either approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

A. The Planning Commission shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Planning Commission within thirty (30)

days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

B. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Township may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee. Any unused balance remaining would be returned to the applicant; any excess expense would be recorded as a lien on the property.

18.13.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

Section 18.14 RESERVED FOR FUTURE USE

Section 18.15 RESERVED FOR FUTURE USE

Part III -- Notice and Hearing Procedures

Section 18.16 PUBLIC NOTICE

18.16.1 Public Notification: All applications for development approval requiring public hearings shall comply with the Michigan Zoning Enabling Public Act 110 of 2006, Timing of Notice, and the other provisions of this Section with regard to public notification.

A. Content: All notices for public hearings, including those by publication in a newspaper or mail shall:
   1. Identify application: Identify the name of the applicant or the applicant's agent.
   2. Describe nature and scope of application: Describe the nature, scope and purpose of the application or proposal.
   3. Location: Describe the land involved by street address or if there is no street address by nearest cross street, and area (size of the parcel). This requirement is waived for any rezoning involving 11 or more properties.
   4. Date, time and place of public hearing: Indicate the date, time and place of the public hearing(s).
   5. Notify public where they may be heard: Include a statement that the public may appear at the public hearing in person or by counsel, be heard and submit evidence and written comments with respect to the application.
   6. Written comments: Include a statement describing when and where written comments will be received prior to the public hearing.
   7. Add information concerning how handicapped access will be accommodated if the meeting facility is not handicapped accessible.
B. Published Notice: When the provisions of this Ordinance require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice and publishing the notice in a newspaper of general circulation that has been selected by the Township. The content and form of the published notice shall be consistent with the requirements of Section 18.16.1.A. above, and state law.
C. Written (Mailed) Notice

1. General: When the provisions of this Ordinance require that written or mailed notice be provided, the Zoning Administrator shall be responsible for preparing and mailing the written notice. Notice shall be mailed to:
   a. All property owners of the land subject to the application.
   b. All property owners within three hundred (300) feet of the boundary of the land subject to the application.
   c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 18.16.2, Registration to Receive Notice by Mail.
   d. For applications for Planned Unit Development Permits, Condominium Project Permits, Special Land Use Permits, and Rezonings of ten (10) or less properties, occupants of all structures within three hundred (300) feet of the boundary of the land subject to the application. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
   e. For appeals of administrative decisions, requests for Ordinance interpretation and variance requests to the Zoning Board of Appeals, occupants of single and two (2) family dwellings within three hundred (300) feet of the land subject to the application if a specific property is involved.
2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed.

D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance, notice shall be provided not less than fifteen (15) days before the hearing.

E. Once the Zoning Administrator has determined an application is complete pursuant to Section 18.7.8 on a petition for a zoning Text Change, Rezoning, or Conditional Rezoning, or an application for a Special Land Use Request, Planned Unit Development, Condominium Project, Subdivision Plat, Variance, or other request to the Zoning Board of Appeals, the Township Board shall be sent a copy of the petition or application by the Zoning Administrator within five (5) days after receipt thereof for review by the Township.
   1. The Township Board may review the petition and make comment or recommendation within thirty (30) days after receipt thereof. If no written correspondence is received by the Zoning Administrator, the Planning Commission or Zoning Board of Appeals shall assume the Township has no objection or other input to offer.
   2. The Township Board's comments or recommendations shall be submitted in writing and addressed to the Township Planning Commission or Zoning Board of Appeals as appropriate, in care of the Zoning Administrator.
   3. The Township Planning Commission or Zoning Board of Appeals shall give due consideration to the recommendations of the Township Board, but shall not be obligated to follow them.

18.16.2 Registration to Receive Notice by Mail:

A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to Section 18.16.1.C., Written (Mailed) Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall provide copies of these requests to the Zoning Administrator who shall be responsible for providing this notification. Fees may be assessed in accordance with Public Act 267 of 1976, as amended for the provision of this notice.
B. Requirements for Eligibility: To be eligible for registration, the requesting party must provide the Township Clerk information in the form required by the Township Clerk to ensure notification can be made. All persons that have been registered must re-register bi-annually to remain registered and continue to receive notification pursuant to this Section.

18.16.3 Deferral of Review of Application:
A. Submission of Request: An applicant may request that a decision-making or advisory body's consideration of an application at public hearing be deferred by submitting a written request for deferral to the Zoning Administrator.
B. Zoning Administrator Review: The Zoning Administrator shall consider deferral requests of less than thirty (30) days, and shall grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted by the Zoning Administrator.
C. Decision-Making or Advisory Body Review: The decision-making or advisory body reviewing the application shall consider deferral requests of more than thirty (30) days, and shall grant such requests for good cause. The date of the public hearing at which the application will be heard shall be set at the time the deferral is granted by the decision-making body or advisory board. The body may defer consideration at a public hearing on its own motion at any time.
D. Applicant to Pay Costs of Deferral: The applicant shall pay all the direct costs of additional notice, staff time and per diem expenses associated with a deferral of review of an application.

18.16.4 Withdrawal of Application:
A. Submission of Application: Any request for withdrawal of an application shall be submitted in writing to the Zoning Administrator.
B. Prior to Notice of Public Hearing: The Zoning Administrator shall approve a request for withdrawal of an application if it has been submitted prior to the time of notice of a public hearing.
C. Withdrawal: The Planning Commission may allow an applicant to withdraw an application at the request of the applicant at the public hearing.

18.16.5 Notification of Decision: Notification of a decision on an application for development approval shall be provided by the Zoning Administrator to the applicant by mail within fourteen (14) days after the decision. A copy of the decision shall also be made available to the public at the offices of the Zoning Administrator, during normal business hours.

18.16.6 Reconsideration of Applications:
A. General: Whenever any application for development approval is disapproved, a similar application for all or a part of the same land shall not be considered for a period of one (1) year after the date of disapproval unless a Waiver of Time Limit is approved by the decision-making body pursuant to the requirements of Section 18.16.6.B, Waiver of Time Limit. Only one request for Waiver of Time Limit may be submitted by the applicant during the one-year period.

B. Waiver of Time Limit: The Waiver of Time Limit shall be approved only upon a finding by two-thirds of the membership of the decision-making body that:
   1. Substantial Change in Circumstances: There is a substantial change in circumstances relevant to the issues or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
   2. New or additional information: New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or
   3. New application materially different: A new application is proposed to be submitted that is materially different from the prior application; or
   4. Material mistake of fact: The final decision on the application was based on a material mistake or omission of fact that if known, would likely have resulted in a different determination.

18.16.7 Examination and Copying of Application/Other Documents: At any time upon reasonable request and during normal business hours, any person may examine an application, the Staff Report and materials submitted in support of or in opposition to an application in the office of the Zoning Administrator, subject to recognized exceptions under the Freedom of Information Act or other state or federal law. Copies of such materials shall be made available at a reasonable cost.

Section 18.17 PUBLIC HEARINGS

18.17.1 Public Hearing Procedures: All public hearings including but not limited to amendments to the text of this Ordinance and Zoning Map on a rezoning; Conditional Rezoning; Planned Unit Development Permits; Condominium Project Permits; Special Land Use Permits; and Variances, Ordinance Interpretations and Appeals, held pursuant to this Ordinance shall comply with the following procedures.

A. Conduct of Public Hearing
   1. Burden of Proof or Persuasion: The burden of demonstrating that an application complies with applicable review and approval standards of this Ordinance is on the applicant, not the Township.
   2. Rights of All Persons: Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.
   3. Exclusion of Testimony: The Planning Commission, the Zoning Board of Appeals, or the Township Board may place reasonable and equitable limitations on the presentation of evidence and arguments including, as they believe necessary in a particular instance, excluding testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious.
   4. Offers of Testimony: In the event any testimony or evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence shall have an opportunity at that meeting to offer such testimony or evidence in writing for the record. Such offer shall be made at the public hearing and promptly provided.
   5. Continuance of Public Hearing:

a. General: The body conducting the public hearing may, on its own motion or at the request of any person, continue the public hearing to a fixed date, time and place and may keep the public presentation portion of the public hearing open to take additional testimony up to the point a final decision is made. An applicant shall have the right to request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body conducting the public hearing only upon good cause shown.

b. Notice: A public hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this Section, provided that the continuance is set for a date within thirty-six (36) hours, and the date, time and place of the continued hearing is announced at the time of the continuance and there is continued compliance with the Open Meetings Act (Public Act 267 of 1976, as amended, Section 15.265(5)).

B. General Procedures and Findings at Public Hearing

1. Time: The body conducting the hearing shall act in accord with any time limits established in this Ordinance. Action shall be taken as promptly as possible in consideration of the interests of the applicant and the citizens of the Township, and shall include a statement of a recommendation or decision of approval or disapproval (whichever is appropriate).
2. Form of Decisions: The form of all decisions shall include at least the following elements:
   a. Summary of information: A summary of the relevant information presented before the decision-making body.
   b. Summary of evidence in record: A summary of all documentary evidence submitted into the record.
   c. Statement of findings: A statement of findings or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were applied with respect to the relevant review standards, if required by state law.
   d. Recommendation or decision: A motion that includes approval, approval with specified conditions or disapproval (whichever is appropriate) based on the findings above.

Section 18.18 FINAL UPON APPROVAL OF MINUTES

A decision is final upon approval of the minutes of the body conducting the hearing at the next regularly scheduled meeting or at a special meeting of the decision-making body and as signified by the signature of the chairperson.

Section 18.19 RESERVED FOR FUTURE USE

Part IV -- Site Plan Review

Section 18.20 AUTHORIZATION

Section 502 of the Michigan Zoning Enabling Act, PA 110 of 2006 permits a Township to require the submittal, review and approval of a site plan detailing what is proposed on a property, in order to ensure conformance with this Ordinance and the applicable regulations of other government agencies, prior to granting zoning approval. Site plan review is a very important tool to ensure that the public health, safety and welfare of the community is protected as land is developed or redeveloped.

Section 18.21 PURPOSE AND INTENT

It is the purpose of this Part IV of Article 18 to require site plan review for certain buildings, structures and uses that can be reasonably expected to have a significant impact on the air, water, and other natural resources, traffic patterns, the character of development and existing land uses in the area, or the capacity of public infrastructure and services.

The requirements contained in this Part IV are intended to reduce the hazards to life and property due to fire, flooding, soil erosion, poor surface water drainage, inadequate private sewage disposal systems, pollution, dust, fumes, noise vibrations, noxious odors and other hazards; and to promote and facilitate the adequate provision of a system of roads, streets and parking, sewage disposal, drainage, public education, recreation and other public requirements, and to promote the harmonious relationship of land uses through proper design.

Section 18.22 SITE PLAN REVIEW PROCESS

18.22.1 Site Plan Review by the Planning Commission: The Planning Commission shall review the site plan requirements under the terms of this Ordinance. The Planning Commission may consult with and seek recommendations from the following persons who may have expertise in various aspects of site plan revew:

A. The Burt Township Zoning Administrator.
B. The Alger County Drain Commissioner.
C. The Alger County Road Commission Managing Director or a designated employee of the Alger Road Commission; or when the site plan involves property which is on a state highway, MDOT shall be invited to comment.
D. The Director of the District Health Department or a designated employee of the Environmental Health Division or the person responsible for provision of public utilities to the site if a septic system or well is not to be used.
E. A representative of the local Fire Department, or a designated representative.
F. A representative of the Alger Sheriff's Department or Township Police.
G. A representative of the National Park Service when the site plan is for property which abuts lands of significance to the National Park Service.

18.22.2 Staff Support: The Burt Township Zoning Administrator shall provide administrative support to the Planning Commission including legal notices and records. Site Plan Review files shall be maintained in the Zoning Administrator's Office and open to public inspection during normal working hours.

18.22.3 Professional Assistance: As provided for in Section 18.7.5, the Township may employ the services of experienced and knowledgeable professionals to assist with the review of site plans, with all costs paid by the applicant.

Section 18.23 JURISDICTION

18.23.1 Land Uses Subject to Site Plan Review:

A. Either a major or a minor site plan is required to be submitted for review as specified in Section 18.23.3, for all of the following land uses:
   1. All residential developments requiring a Zoning Permit other than individual single-family homes, duplexes, and accessory buildings associated with them, unless located within seventy-five (75) feet of the shoreline of Lake Superior or ordinary highwater mark or the shoreline of an inland lake, stream or river.
   2. All nonresidential developments requiring a Zoning Permit.
   3. Any use by right with conditions specified as requiring site plan review in this Ordinance.
   4. All platted Subdivisions and Condominium Projects involving more than two dwelling units..
   5. All Special Land Uses.
   6. All Planned Unit Developments.
   7. All Conditional Rezoning requests.
   8. All expansions or enlargements to nonconforming uses or nonconforming structures that results in a need for ten (10) or more additional parking spaces, per the standards of this Ordinance.
   9. Any other land use requests referred to the Planning Commission by the Zoning Administrator.

18.23.2 Site Plan Review Meetings: The Planning Commission shall review site plans at regular meeting or special meetings as necessary, and action shall be taken on all site plans submitted for review unless withdrawn by the applicant. The Planning Commission shall also approve, deny or approve with conditions site plans for Special Land Uses (see Article 10), PUDs (see Article 12) and Condominium Projects (see Article 7) as part of the review and approval process for those uses.

18.23.3 Major and Minor Site Plans:

A. All site plans associated with a platted Subdivision, a Condominium Project, an application for a Special Land Use Permit, or a PUD Permit, and all other site plans for new land uses or expansions or changes of use of existing land uses requiring more than ten (10) new parking spaces or a principal structure of more than five-thousand (5,000) square feet, or more than two (2) acres in affected area for nonresidential land uses, shall be classified as major site plans which go through the site plan review procedures specified in Sections 18.24, 18.26, 18.27, 18.28 and 18.29.
B. All other site plans are classified as minor site plans unless the Zoning Administrator determines that the proposed project may have a significant impact on air, water and other natural resources, traffic patterns or future development in the vicinity, in which case the site plan shall be processed as a major site plan.
C. The standards of Section 18.25, as well as any other relevant standards of this Ordinance, shall be applied to determine if a major or minor site plan conforms with this Ordinance.

18.23.4 Minor Site Plans:

A. The Zoning Administrator shall review and approve the following site plans without their submission to the Planning Commission, except that where the applicant, Planning Commission, or the Zoning Administrator so requests; then the site plan shall be reviewed by the Planning Commission before final action by the Zoning Administrator:
   1. Accessory uses incidental to a conforming existing use where said use does not require any Variance and where said site plan conforms with all the requirements of this Ordinance.
   2. Expansion and/or addition to an existing conforming use where said site plan conforms with all the requirements of this Ordinance.
   3. Accessory storage buildings in all Zoning Districts.
   4. Increases in off-street parking areas, parking buildings and/or structures, increases in loading/unloading spaces, and landscape improvements as required by this Ordinance.
   5. For those Special Land Uses so specifically identified in this Ordinance (See Article 10).
   6. Amendments to approved site plans (see Section 18.29).
   7. Final site plans.
   8. Any other site plan review not delegated for review by the Planning Commission.
B. The Zoning Administrator shall apply all applicable standards and procedures of this Ordinance in approving, conditionally approving or denying minor site plans.
C. Except where the Planning Commission requests a meeting to review a minor site plan, the minor site plan shall be reviewed and approved, approved with conditions, or denied by the Zoning Administrator. The Zoning Administrator shall not act before ten (10) calendar days following the date of determination of the sufficiency of the site plan application per Section 18.24.1. The Zoning Administrator shall determine compliance of the site plan with the standards in Section 18.25, taking into account any comments received from any other agency or official the Zoning Administrator requested and received a response from regarding the proposed site plan.

18.23.5 Relationship to Variances: If it is evident that in order for a site plan to be approved, one or more variances must be obtained, the Zoning Administrator shall so inform the applicant and explain the procedural steps and implications of initiating a variance request immediately following action by the Planning Commission, if the Planning Commission makes the final decision on the site plan. The applicant shall make the decision as to when or whether to proceed with a variance request.

Section 18.24 SITE PLAN REVIEW PROCEDURES

18.24.1 Application: The owner or his/her designated agent shall file an application requesting site plan review with the Zoning Administrator on a special form designated for that purpose and as adopted or periodically updated by the Planning Commission. The owner and/or applicant shall include his/her full name, address, telephone number, fax number, e-mail address and his/her signature on the application. All site plans shall comply with the terms of the Soil Erosion and Sedimentation Control Act MCL 324.9101 et seq, and “as built” plans or construction drawings shall be filed with the Zoning Administrator immediately after construction is completed that demonstrates compliance with this Act.

A. Complete Application: An application that does not fully comply with the submittal requirements of this Ordinance (see Tables 18-1 and 18-2) in the opinion of the Zoning Administrator, shall be returned to the applicant. The Zoning Administrator shall make a determination of whether an application is complete within fourteen (14) calendar days of submittal of the application. See Section 18.7.8.

B. An application for a major site plan determined to be complete by the Zoning Administrator shall be scheduled for review by the Planning Commission.
C. An application for a minor site plan determined to be complete by the Zoning Administrator shall be processed in a timely fashion by the Zoning Administrator, pursuant to Section 18.23.4.

18.24.2 Site Plan: Each application for Site Plan Review shall contain the required quantity plan view line drawings in Table 18-1, and shall include all of the following information unless specific waivers are granted by the Zoning Administrator for the number of copies in Table 18-1 or those items specified in Table 18-2. Waivers of specific required information may be granted upon a written finding that no good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived; that public health, safety and general welfare will not be unnecessarily compromised by a waiver; and that the purpose and intent of the site plan review requirements specifically and the Ordinance generally will still be achieved. All waivers shall be recorded in a log maintained by the Zoning Administrator listing the applicant, application number, the standard requested to be waived, and the decision of the Zoning Administrator.

Table 18-1
REQUIRED COPIES OF SITE PLANS

Type of Project	# of Copies (unless fewer are required by the Zoning Administrator)	Requirements for Site Plans
Conservation PUD with less than 15 lots or dwelling units	12	Section 18.24.2
Major Site Plan	12	Section 18.24.2
Minor Site Plan	12	Section 18.24.2

Table 18-2
SITE PLAN SUBMITTAL REQUIREMENTS AND ELEMENTS THAT MAY BE WAIVED BY THE ZONING ADMINISTRATOR

Requirements for Site Plan Completeness	Portion of Site Plan Eligible for Waiver by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Rural Cluster Development
A. A scale drawing at no smaller than 1" =50' (1" = 20' for land under five (5) acres) with the scale proportional to the size of the project showing maximum detail on one (1) or more sheets of paper measuring not more than twenty-four (24) by thirty-six (36) inches may be submitted.	None	Scale may be changed	Scale
B. Property dimensions, total acreage of the site, legal description of the property, plat name, lot numbers, property lines including angles, dimensions, and reference to a section corner, quarter corner, or point on a recorded plat, as well as existing or proposed deed restrictions or previous zoning approval limiting the property and in the case of a condominium development, the proposed master deed.	None	None	None
C. All existing natural features including vegetation, streams, lakes, ponds, etc. on site and within five-hundred (500) feet. The location of stands of trees and individual trees, apart from the stands of trees having a caliper of twelve (12) inches or greater, four feet above existing grade, with an indication as to which will be retained and which will be removed or altered by earth changes. Also, all other significant vegetation to be retained and the location of all proposed landscaping, buffer strips, greenbelts, berms, fences or walls shall be shown.	None	All	None
D. Existing and proposed public rights-of-way and/or private easements.	None	None	None
E. Water courses and water bodies including surface drainage ways.	None	All	None
F. Location, width and name of abutting streets and proposed streets, drives, sidewalks, and easements serving the development, and the location of all roads and driveways within 200 feet of the parcel.	None	None	None
G. Location, shape and building footprint of proposed buildings and intended uses thereof, as well as building dimensions, floor area, finished floor elevation, building height and lot coverage.	None	Finished floor elevation	
H. Location, dimensions and design of off-street parking areas, including type of surface materials, maneuvering lanes, service lanes, off-street loading spaces and other service areas within the development.	None		None
I. Location of water supply and the location and design of waste water systems and solid waste disposal facilities (including trash receptacles and dumpsters). All utility lines must be indicated along with the location and specifications of any proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials, as well as any containment structures or clear zones required by government authorities.	None	All	None

Requirements for Site Plan Completeness	Portion of Site Plan Eligible for Waiver by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Rural Cluster Development
J. Proposed grades of any site retention and detention facilities, and site drainage pattern at a minimum of two (2) foot intervals. Show benchmark location and location of site retained water with calculations. Written documentation prepared by a registered civil engineer indicating that the peak rate of stormwater runoff after development will not exceed the peak rate of stormwater runoff occurring before development (for a storm with a twenty-five (25) year frequency and twenty-four (24) hour duration.	None	All	Site drainage pattern at a minimum of two (2) foot intervals.
K. Proposed location of proposed uses of common open spaces and recreational facilities, including all pedestrian or bicycle trails, if applicable.	None		
L. Proposed location of accessory buildings and use, including free-standing signs and on-site lighting.	Free-standing signs		
M. A location map at a smaller scale indicating the relationship of the site to the surrounding land use.	All		
N. North arrow, scale, descriptive legend, name and address of applicant, name and address of the licensed professional surveyor, engineer, landscape architect or architect involved in development of the site plan, the professional seal of the preparer, and date prepared or last amended. The property owners and applicants' names, addresses and phone numbers shall also be indicated.	None	Name and address of surveyor, engineer, landscape architect or professional planner involved in development of the site plan, the professional seal of the preparer, only if no professional was involved in the development of the site plan	
O. Distance of proposed structures from rear, side, and front lot lines.	None		
P. The zoning of the site and of all adjacent property and the location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.	None	The location of any building or structure with a base area larger than ten (10) square feet on adjacent property within two-hundred (200) feet of the parcel boundary.	
Q. The location of all proposed outside storage and the manner in which it is to be screened and accessed.	None		
R. Dimensions and number of proposed lots or condominium units.	None		
S. Any variances to be requested.	None		
T. All areas within the 100-year floodplain, regulated wetlands, sand dunes, or high-risk erosion areas on to the site.	None		
U. A completed Environmental Permits Checklist.	None		
V. For projects requiring an Impact Assessment pursuant to Section 18.24.3, a completed Impact Assessment Work Sheet on a special form designed for the purpose and as adopted or periodically updated by the Site Plan Review Committee shall accompany the Site Plan.	None	N/A	None

Requirements for Site Plan Completeness	Portion of Site Plan Eligible for Waiver by Zoning Administrator		
	Major Site Plans	Minor Site Plans	Rural Cluster Development
W. Identification of any historic structures or likely archeological locations based on a reasonable review of available information and a description of the procedure to be followed in the event historic or archeological information or artifacts turn up during the development process.	None		
X. Any other information required by the Zoning Administrator to establish compliance with the Ordinance.	All		
Y. All site plans shall comply with the terms of the Soil Erosion and Sedimentation Control Act MCL 324.9109 et seq, and "as built" plans or construction drawings shall be filed with the Planning Commission immediately after construction is completed that demonstrates compliance with this Act.	All		
Z. Stormwater drainage plans addressing a *100 year storm* design base including: flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related temporary as well as permanent management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like. On sites having limited area as in existing built-up community areas with small lots, the Planning commission may permit controlled exception to the 100 year storm base for good and sufficient reasons.	All		

18.24.3 Impact Assessment Submittal Requirements: With each application for a major site plan, and for all PUD, Subdivision plat and Condominium Project applications, a written impact assessment shall be submitted which includes the following information:

A. A written description of the environmental characteristics of the site prior to development, i.e., topography, soils, vegetative cover, drainage, streams, creeks, wetlands, or ponds.
B. Existing and proposed future types of uses and other man-made facilities.
C. The number of people to be housed, employed, the number of visitors or patrons and vehicular and pedestrian traffic.
D. Phasing of the project including ultimate development proposals.
E. Natural features which will be retained, removed and/or modified including vegetation, drainage, hillsides, streams, wetlands, woodlands, wildlife and water. The description of the areas to be changed shall include their effect on the site and adjacent properties. An aerial photo may be used to delineate the areas of change.
F. The method to be used to serve the development with water and sanitary sewer facilities.
G. The method to be used to control drainage on the site and from the site. (See Table 18.2.J for storm water plan requirements)
H. If public sewers are not available to the site the applicant shall submit a current approval from the District Health Department or the Department of Environmental Quality indicating approval of plans for sewage treatment.
I. The method to be used to control any increase in effluent discharge to the air or any increase in noise level emanating from the site. Consideration of any nuisance that would be

created within the site or external to the site whether by reason of dust, noise, fumes, vibration, smoke or lights.

J. An indication of how the proposed use conforms with existing and potential development patterns and any adverse effects.
K. Description of measures to control soil erosion, sedimentation and stormwater runoff during grading and construction operations and until a permanent ground cover is established.
L. Type, direction and intensity of outside lighting. (See 15.2 Lighting Requirements)
M. General description of existing and proposed deed restrictions, if any.
N. Names and addresses of persons responsible for preparation of the impact statement.
O. The "environmental provisions" of Article 6 and/or 7 shall be addressed when applicable.

18.24.4 Site Plan Review Fee: A fee shall be charged to the applicant for site plan review based on a schedule developed by the Planning Commission and approved by the Township Board.

Section 18.25 STANDARDS FOR SITE PLAN REVIEW APPROVAL

18.25.1 General Site Plan Review Standards: In reviewing a major or a minor Site Plan, the Planning Commission shall consider the following standards as applicable. Additional standards for uses by right with conditions (Article 10), Special Land Uses (Article 10), Condominium Projects (Article 7) and PUDs (Article 12) also apply and shall be reviewed as part of the Site Plan Review process. The Zoning Administrator shall prepare a checklist of the following standards to ensure each is reviewed and compliance is determined prior to approval.

A. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
B. Ingress and egress to the property and proposed structures thereon shall provide motor vehicle and pedestrian safety and convenience, efficient traffic flow and control, and easy access in cases of fire, catastrophe or emergency.
C. Every structure or dwelling unit shall have access to a public or approved private street, walkway, or other areas dedicated to common use.
D. Appropriate measures shall be taken to ensure that dewatering on a site will not adversely affect neighboring properties or the Township storm drainage system.
E. Provisions shall be made for the construction of storm sewer facilities including grading, gutters, piping and treatment of turf to handle storm water, prevent erosion and the formation of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicle or pedestrian traffic or create puddles in paved areas.
F. As many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and, where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.
G. Any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing, or landscaping.
H. Existing stands of trees and large individual trees will be preserved to the extent feasible, especially along property boundaries and any lot line shared with a public road.
I. Off-street parking and loading areas where required, shall be satisfactory in size, shape and design and not present noise, glare, odor or other nuisance effects on adjoining properties and properties in the proposed development above a level enjoyed by existing similar uses in the area, or in that zone.

J. The type, dimensions and character of open spaces, landscaping, screening and buffering shall enhance the design, character, use and value of the property and abutting lands and waters. Any exterior lighting shall be designed to prevent unnecessary illumination of the night sky and shall be shielded from adjacent properties.

K. Signs, if any, and their proposed size, shape, height and lighting relative to glare, traffic safety, and economic effect, shall be aesthetically pleasing, compatible and in harmony with signs, structures and uses of adjoining properties.

L. Garbage storage and disposal and recycling bins shall be designed to ensure no vermin or rodent infestation and easy access to facilities which are screened from view from the street or abutting properties when not in use.

M. The applicant shall demonstrate that reasonable precautions will be made to prevent hazardous substances from entering the soil or water with special attention to the following:
   1. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers, or wetlands.
   2. Secondary containment for above ground areas where hazardous substances are stored or used shall be provided. Secondary containment shall be sufficient to store the substances for the maximum anticipated period of time necessary for the recovery of any released substances.
   3. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan groundwater discharge permit.
   4. State and federal rules for record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to groundwater, including direct and indirect discharges, shall be allowed without required permits and approvals.
   5. Underground storage tank installation, operation, maintenance, closure, and removal shall be in accordance with the requirements of the Michigan Department of Environmental Quality.
   6. Bulk storage facilities for pesticides and fertilizers shall be in compliance with requirements of the Michigan Department of Agriculture.
   7. No hazardous substances shall be stored in designated wellhead protection areas.

N. Stormwater drainage plans addressing a *100 year storm* design base including: flows onto the site from adjacent sites and roads, storm water impact on the site (soils, impervious surfaces, potential impervious surface, retention ponds, detention ponds, and related temporary as well as permanent management facilities as appropriate), and the storm water outfall, or flow control into adjacent drainage courses, ditches and the like. On sites having limited area as in existing built-up community areas with small lots, the Planning Commission may permit controlled exceptions to the *100 year storm* base for good and sufficient reasons.

   All storm water drainage plans shall be approved and sealed by a Michigan Registered Professional Civil Engineer. The Planning Commission may waive this requirement, defer the requirement, or request a fully engineered storm drainage plan.

O. Historic structures and historic or archeological artifacts will be properly respected and preserved.

P. On site pathways, bicycle paths, and snowmobile trails shall minimize negative impacts on other users of the site and adjoining property and shall connect with abutting trails or pathways whenever feasible. New uses shall not impede the use of existing off site trails.

18.25.2 Other Regulations: Before granting approval of any application, the Zoning Administrator orPlanning Commission shall be reasonably sure that the proposed development fully complies with all the following, as are relevant and may condition approval of the site plan on conformance with any of the following:

A. All applicable State and Federal laws administered by the Michigan Department of Transportation, Department of Environmental Quality, Department of Natural Resources, Department of Agriculture and the U.S Environmental Protection Agency (EPA).
B. County, Township and local ordinances.
C. The adopted published rules, standards or policies of the Burt Township Planning Commission.
D. The published rules, standards or policies of the Alger County Drain Commissioner.
E. The published rules, standards or policies of the Alger County Road Commissioners.
F. The published rules, standards or policies of the District Health Department.
G. The fire safety and emergency vehicle access requirements of the Michigan Building Code and/or any local Fire Code having jurisdiction.
H. The published rules, standards or policies of the Burt Township Board.
I. Any approval shall include the filing of copies of any permits required under any laws described in Section 18.8.3, the compliance of which shall be made a condition of the approval of a site plan.

Section 18.26 SITE PLAN APPROVAL

A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the standards required in the Zoning Ordinance, and with other applicable ordinances, and state and federal statutes.

A. An approval of a site plan for a Special Land Use, Condominium Project, Subdivision Plat or Planned Unit Development does not constitute the final approval of a Special Land Use Permit, Condominium Project Permit, Subdivision Plat, or PUD Permit. Standards for review and approval of a Special Land Use Permit are described in Article 10. Standards for review and approval of a Condominium Project and Subdivision Plats are in Article 7. Standards for review and approval of a PUD are in Article 12. Standards for review and approval of a Conditional Rezoning request are in Article 20.
B. Site plans may be approved with reasonable conditions as provided in Section 18.12.

Section 18.27 REVIEW PERIOD LIMITATIONS

The Planning Commission shall act on a complete application within thirty (30) calendar days after its acceptance as a complete application by the Zoning Administrator. This time limitation may be extended only by the mutual consent of the applicant and the Planning Commission chairperson.

Section 18.28 APPEAL TO ZONING BOARD OF APPEALS

Any applicant for Site Plan Review that feels aggrieved by the decision of the Zoning Administrator or Planning Commission may appeal the decision to the Zoning Board of Appeals within thirty (30) calendar days of receipt of the decision. The Zoning Board of Appeals shall review the decision of the Zoning Administrator or Planning Commission to ensure that it is consistent with the standards contained in this Ordinance and rules established by agencies responsible for site plan review. The Zoning Board of Appeals shall give written justification for their decision. The Zoning Board of Appeals may not grant a Variance to any element of a site

plan unless an application for a Variance has been filed therefore; any such Variance request shall be reviewed relative to the requirements of Article 19, Section 19.6.

Section 18.29 AMENDMENT TO SITE PLAN

No changes shall be made to an approved site plan prior to, during or after construction except upon mutual agreement between the applicant and the Township and by application to the Zoning Administrator.

Section 18.30 CONFORMITY TO APPROVED SITE PLAN

Property which is the subject of site plan approval must be developed in strict compliance with the approved site plan and any amendments thereto, which have received the approval of the Planning Commission. If construction and development does not conform with such approved plan, the permit holder or land owner shall be notified of a violation of this Ordinance and if the circumstances warrant, issued a stop work or cease operations order per the requirements of Section 18.34.

Section 18.31 AS BUILT SITE PLANS

Once a project for which a site plan was approved is completed, two (2) sets of "as built" site plans showing the exact building footprints, driveways, parking areas, landscaping, utilities, sidewalks, bike paths and trails shall be signed by the licensed professional who prepared them and delivered to the Zoning Administrator within one (1) month of completion of the project (for each phase of a project if multi-phased). The Zoning Administrator may waive this requirement, except where major utilities, new streets and/or large buildings are involved.

Section 18.32 RESERVED FOR FUTURE USE

Section 18.33 RESERVED FOR FUTURE USE

Part V -- Complaints, Permit Suspension, Revocation, and Violation Procedures

Section 18.34 COMPLAINTS, SUSPENSION, AND REVOCATION OF PERMITS

18.34.1 Complaints Regarding Violations: Whenever the Zoning Administrator becomes aware of or receives a complaint alleging a violation of this Ordinance, the Zoning Administrator shall investigate the complaint, take whatever action is warranted and inform the complainant what actions have been or will be taken. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed or communicated to the County Sheriff's Department or to any Township Officials or Township Police shall be reported to the Zoning Administrator.

18.34.2 Persons Liable: The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

18.34.3 Procedure for Violations: If the Zoning Administrator becomes aware of or receives a complaint of an alleged violation, the process shall be as follows:

A. A complaint form shall be assigned a number.
B. A preliminary visit shall be made at the site to identify the alleged violation.
C. If a violation is identified, the landowner and/or contractor shall be informed, in writing, of the nature of the violation, informed of the action necessary to correct the violation and the date when the compliance is to be completed. The owner or contractor shall also be informed of their right to appeal the decision of the Zoning Administrator. This action may be taken in person or by certified mail.
D. Where the violation is one of unlawful construction, reconstruction, or removal, a "Stop Work" notice form shall be attached to the site or delivered to the contractor or owner. The owner or owner's agent shall also be informed of their right to appeal the decision of the Zoning Administrator.
E. The site of the alleged violation shall be re-inspected on the date when the owner or contractor was informed compliance was to be completed.
F. If compliance has not been completed, and an appeal of the decision of the Zoning Administrator has not been filed, the Township Board shall be informed, to determine further action.
G. Notwithstanding the foregoing, in cases when delay would seriously threaten the effective enforcement of this Ordinance, if the violation continues, such as if the violation is one of unlawful construction, reconstruction, alteration, removal or usage, or poses a danger to the public health, safety or welfare, then the Zoning Administrator may seek enforcement without prior written notice by requesting the Township Attorney or other legal representative specifically retained for such purpose to invoke any one of the remedies authorized in this Ordinance.

18.34.4 Suspension of a Permit: Any permit issued shall become invalid if the authorized work is not initiated within one (1) year of receipt of a permit, or is suspended or abandoned for a period of six (6) months after the time of commencing the work unless the development proposed shall have passed its first building inspection. See also Section 18.7.12.

18.34.5 Permit Revocation:

A. A Zoning, Special Land Use, Planned Unit Development, or Condominium Project Permit may be revoked by the permit-issuing authority in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based, or in case of failure or neglect to develop or maintain the property in accordance with the plans submitted, the requirements of this Article, or any additional requirement lawfully imposed by the permit-issuing authority or Zoning Board of Appeals. Upon permit revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.
B. Before a Minor Special Land Use or Zoning Permit may be revoked, the owner, contractor or alleged violator shall be notified in writing of the reason for such revocation and their right to appeal the decision of the Zoning Administrator to the Zoning Board of Appeals.
C. Before a Major Special Land Use Permit, Planned Unit Development or Condominium Project Permit may be revoked, the permit recipient shall be given a ten (10) day advance notice of intent to revoke, along with the alleged reasons for the revocation and the right to obtain an informal hearing on the allegations. If the permit is revoked, the Zoning

Administrator shall provide the permittee a written statement of the decision and the reasons therefore.

D. No person may continue to make use of land or buildings in the manner authorized by any Zoning, Special Land Use, Planned Unit Development or Condominium Project Permit after such permit has been revoked in accordance with this section.

Section 18.35 JUDICIAL REVIEW

18.35.1 Time Period for Judicial Review: A person having an interest affected by a decision of the Zoning Board of Appeals and/or any other body, board or official under this Zoning Ordinance, and who has otherwise exhausted their administrative remedies under this Ordinance, may appeal to the Circuit Court for the County of Alger. All such appeals shall be filed with the Alger County Clerk, within 30 days after the Zoning Board of Appeals and/or any other body, board or official under this Zoning Ordinance issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning Board of Appeals, if there is no chairperson, or within 21 days after the Zoning Board of Appeals and/or any other body, board or official under this Zoning Ordinance approves the minutes of its decision.

Article 19
ZONING BOARD OF APPEALS

Section 19.1 PURPOSE

It is the purpose of this Article to establish a Zoning Board of Appeals, also known as the Board of Appeals, to establish its responsibilities and to establish standards for its operation.

Section 19.2 CREATION OF ZONING BOARD OF APPEALS

A. Establishment: There is hereby established a Zoning Board of Appeals in accordance with Public Act 110 of 2006. The Board of Appeals shall perform its duties and exercise its powers so that the health, safety and welfare of the public may be secured; and that substantial justice be done.
B. Membership, term of office of the Board of Appeals:
   1. The Board of Appeals shall consist of not less than three (3) and not more than seven (7) members who shall be appointed by the Township Board and shall serve in accordance with Public Act 110 of 2006. The term of an appointment shall be for three (3) years. Any vacancy on the Board of Appeals shall be filled for the unexpired term in the same manner as in the case of the original appointment.
   2. The membership of the Board of Appeals shall be as representative as possible, geographically, and also, to include the greatest and most varied available expertise. One member of the Board of Appeals shall be a member of the Township Planning Commission, but that person may not be a member of the Township Board.
   3. For each three members on the Board of Appeals there shall be one alternate member. Where there is more than one alternate member, there shall be a first alternate member and a second alternate member. The alternate member with the most seniority on the Board shall be the first alternate. The alternate members may take part in all deliberations of the Board but shall not have a vote unless a regular member is unable to vote because of absence or a conflict of interest. The first alternate member shall have the priority to replace the first regular member that is absent or unable to vote. The second alternate member shall replace the second regular member that is absent or unable to vote.
C. Attendance: Since regular attendance is required for optimal function of the Board of Appeals, members of said Board are appointed subject to the following attendance criteria:
   1. Member(s) shall be expected to notify the chairperson or the chairperson's designee of his/her expected absence prior to a meeting.
   2. Member(s), unless excused by the chairperson, shall not be absent for more than two (2) consecutive meetings, irrespective of calendar year.
      a. The Board of Appeals Secretary shall be responsible to report the non-compliance of attendance criteria of any Board of Appeals member to the Appeals Board chairperson.
      b. The Chair of the Appeals Board shall notify the Township Board of any non-compliance of attendance criteria of any Appeals Board member by letter, recommending removal of said member from the Appeals Board.
      c. Under extenuating circumstances, such as a serious or chronic health condition, or family illness, the Appeals Board may, by motion and majority vote, defer the action specified above. Said member is exempt from voting privileges in the action.
D. Removal of members and conflict of interest:

1. Members of the Board of Appeals shall be removable by the Township Board for nonfeasance, including nonperformance of duty, or misfeasance, including misconduct in office, or for malfeasance upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure to do so shall constitute misconduct in office.
2. A conflict of interest may include, but is not limited to considering property a Board of Appeals member owns or has a legal or financial interest in or adjacent property, or considering a request by a party with whom a Board member has close ties, such a family member, relative or close friend.

E. Scope of Powers: The Board of Appeals may reverse or affirm, wholly or partly, 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 office or body from whom the appeal was taken, but no more, and may issue or direct the issuance of a permit—if, following a review of the facts, the relevant Ordinance requirements, and the prior decision of the Zoning Administrator or Planning Commission, the Board of Appeals concludes the Ordinance requirements were not properly applied. The Board of Appeals shall have the power to make final determinations, within its jurisdiction and duties herein prescribed, in such a way that the objectives of this Ordinance may be equitably achieved in order there shall be uniform interpretation and flexibility in the enforcement of this Ordinance or to fulfill any other responsibilities bestowed upon the Board of Appeals by this Ordinance. At the same time, the Board of Appeals shall be aware that this responsibility does not extend to creating regulations, only to applying regulations which is a narrow quasi-judicial responsibility, and not a legislative one. The power to adopt land use regulations rests solely with the Township Board.

Section 19.3 RULES OF PROCEDURE, LIMITS ON AUTHORITY OF THE BOARD OF APPEALS, AND USE VARIANCES

A. The Board of Appeals shall by a majority vote of its entire membership, adopt rules of procedure or by-laws to govern its procedures on such matters as officers, voting, conduct of meetings, and related matters as it may consider necessary or advisable. The Board of Appeals shall choose its own chairman, and in his or her absence, an acting chairman who may administer oaths and compel the attendance of witnesses.
B. Meetings of the Board of Appeals shall be held at the call of the Chairperson and at such other times as the Board, in its rules of procedure, may specify. There shall be a fixed place for each meeting and all meetings shall be open to the public. The Board of Appeals shall keep a record of its proceedings showing the action of the Board and the vote of each member on each motion considered.
C. All findings of the Board of Appeals shall be in writing. Determinations and findings of the Board shall be made within a reasonable time period after an application has been filed.
D. All members of the Board of Appeals present at a meeting shall vote on every matter unless a member of the Board has a conflict of interest. A member of the Board of Appeals shall abstain from a vote in which the member has a conflict of interest, and the member shall state the nature of the conflict of interest prior to participating in a hearing on the matter.
E. The concurring vote of a majority of all the members of the Board of Appeals shall be necessary to reverse an order, requirement, decision or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass or to effect any variation under this Ordinance.
F. The Board of Appeals shall not have the power to alter or change the zoning district classification of any property or to authorize any use of land not expressly permitted in the

district, nor to make any change in the terms or intent of this Ordinance; these powers are reserved to the Township Board.

G. No Use Variances are allowed in this jurisdiction.

Section 19.4 ZONING APPEALS

The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provisions of this Ordinance. The procedure for appealing to the Zoning Board of Appeals, or requesting a variance, ordinance interpretation or filing any other request is as follows:

A. The appeal shall be taken within such time as prescribed by this Ordinance or the Rules of Procedure of the Zoning Board of Appeals.
B. A fee, prescribed by the Township Board, shall be submitted to the Zoning Administrator at the time of the filing of the application form.
C. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by an officer, department, board, agency, or bureau of the, township, county, state, federal, or other legally constituted form of government.
D. The person, firm, agent, or attorney thereof making the appeal shall file an appeal by completing and signing the application form provided by the Zoning Administrator.
E. All persons, not licensed to practice law in the State of Michigan, shall file a written statement signed by the principal stating the agent's right to act upon their behalf.
F. A completed application form shall be submitted to the Zoning Administrator. The application shall state the reasons for the appeal and the order or ruling appealed. When applicable, the legal description of the property involved shall be stated in the notice of appeal. Before the appeal is processed, the fees shall be collected. An application that does not fully comply with the submittal requirements shall be returned to the applicant. The Zoning Administrator shall forthwith transmit to the secretary for the Zoning Board of Appeals the application and all papers constituting the record from which the appeal was taken.
G. 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 application of appeal shall have been filed, that by reason of facts stated in the appeal application, a stay would in his or her opinion cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of competent jurisdiction.
H. When a properly executed application form has been filed, the secretary of the Zoning Board of Appeals, upon consultation with the chairperson for the Zoning Board of Appeals, shall schedule the matter for a public hearing.
I. Notice of the public hearing shall be published per the requirements of Section 18.16.
J. The notice shall be provided to individuals per the requirements of Section 18.16.1.C and 18.16.2.
K. Once all the necessary information has been received, the Board of Appeals shall return a decision on a case in a timely manner, or if time frames are included within its rules of procedure, then within the time specified in the rules of procedure.
L. Appeal fees shall be established from time to time by the Township Board sufficient to cover all costs incurred by the Township pursuant to the processing of any appeal, including but not limited to the costs of advertisements, investigations and Zoning Board of Appeals member meeting fees. See Section 18.7.5.

M. No decision of the Zoning Board of Appeals shall be presumed final until after eight (8) days following the meeting at which the decision was made. No Zoning Permit shall be issued by the Zoning Administrator based on a decision of the Board of Appeals before eight (8) days have expired.

Section 19.5 NON-USE VARIANCE STANDARDS

The Board of Appeals shall have the power to authorize, upon appeal, a dimensional non-use variance from requirements of the Zoning Ordinance, provided the applicant has proven a "practical difficulty", by demonstrating as follows:

A. That strict compliance with the Ordinance would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome;
B. That the problem is due to a unique circumstance of the property;
C. That the specific conditions relating to the property are not so general or recurrent in nature, in the zoning district, so as to require an amendment to the Zoning Ordinance, instead of a variance;
D. The property problem was not created by the action of the applicant;
E. That the granting of the variance will not cause a substantial adverse effect upon property values in the immediate vicinity, or in the district in which the property of the applicant is located;
F. That the requested variance will relate only to the property under the control of the applicant;
G. That the non-conforming dimensions of other lands, structures, or buildings in the same zoning district shall not be considered grounds for the issuance of a variance;
H. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure in the zoning district in which it is located;
I That the variance would do substantial justice to the applicant as well as to other property owners in the district;
J. That the granting of the variance will ensure that the spirit of the Ordinance is observed, public safety secured and substantial justice applied;
K That the requested variance shall not amend the permitted uses of the zoning district in which it is located.

Section 19.6 RULES FOR GRANTING VARIANCES

The following rules shall be applied in the granting of a variance*:*

A. The Zoning Board of Appeals shall specify, in writing, such conditions regarding the character, location, and other features which will, in its judgment, secure the objectives and intent of this Ordinance, provided there is an applicable standard in this Ordinance to serve as the basis for such condition. The breach of 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 has been commenced within one (1) year after the hearing date when the variance was granted.

Section 19.7 INTERPRETATION AND OTHER POWERS

The Board of Appeals shall have the power to:

A. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.

B. Determine the precise location of the boundary lines between zoning districts when there is confusion or a dispute concerning the Zoning Map.
C. Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district. The classification of the unmentioned use does not automatically permit the use, it only identifies the district in which it may be located and the zoning regulations with which it must conform.
D. Determine the signage, landscaping, buffering, off-street parking and loading space requirements of any use not specifically mentioned in this Ordinance, by applying the most comparable provisions for other similar uses.
E. When making an interpretation, the Board of Appeals shall carefully consider the definitions in Article 2, the meaning of all the relevant sections in the Ordinance, past decisions of the Board of Appeals on similar matters, research and any conclusions by the Zoning Administrator, consultant, Township Attorney, or outside attorney hired by the Township, and shall make a decision on the narrowest grounds feasible so as not to upset the meaning and application of this Ordinance.

Section 19.8 DETERMINATION OF A LOT OF RECORD

The Board of Appeals shall have the power to make "Lot of Record" determinations in accordance with the following procedure:
A. Upon application of any person claiming to be the owner of the legal or equitable title to a parcel of land which was the subject of a deed or land contract, not recorded in the Office of the Register of Deeds on the effective date of this Ordinance, the Board of Appeals is authorized to conduct a hearing to determine whether a variance should be granted to such owner entitling him to have the parcel treated as a "lot of record" as defined in Article 2 of this Ordinance.
B. The Board shall grant said variance when it finds by a preponderance of the evidence that the instrument purporting to transfer title to the parcel of said owner was executed prior to the effective date of this Ordinance. In making its determination, the Board is authorized to consider all matters it deems relevant, including but not limited to, the tax roll of the Township, the relationship of the parties to the purported transfer, the degree of formality of the purported document of transfer, and the testimony of the applicant and his or her witnesses.
C. Such a determination shall have only the effect of equating such an owner with the owner of a lot of record and shall not relieve such owner from complying with the other requirements set forth in this Ordinance.

Section 19.9 NONCONFORMITY APPEALS

Nonconforming buildings or structures may be structurally changed, altered, or enlarged upon appeal in cases of practical difficulty, and when approval of said appeal will not have an adverse effect on surrounding property, and when consistent with the requirements in Section 9.9.

Section 19.10 APPEAL CONCERNING SITE PLAN REVIEW, SPECIAL LAND USE OR PUD

A. Any applicant for Site Plan Review Article 18, Part IV, that feels aggrieved by the decision of the Zoning Administrator or Planning Commission may appeal the decision to the Zoning Board of Appeals within thirty (30) calendar days of receipt of the decision. The Zoning Board of Appeals shall review the decision of the Zoning Administrator or Planning

Commission to ensure that it is consistent with the standards contained in this Ordinance and rules established by agencies responsible for site plan review. The Zoning Board of Appeals shall give written justification for their decision. The Zoning Board of Appeals may not grant a variance to any element of a site plan unless an application for a variance has been filed therefore; any such variance request shall be reviewed relative to the requirements of Article 19, and the standards of Section 19.5.

B. An applicant for a Special Land Use or Planned Unit Development may not appeal a decision to approve, approve with conditions, or deny the decision thereon to the Board of Appeals. Such an appeal may only be taken to Circuit Court. The determination on the number of permitted lots, dwelling units, or building sites in a PUD pursuant to Section 12.3.4 may be appealed to the Zoning Board of Appeals pursuant to the procedures in Section 19.4.

Section 19.11 ESSENTIAL SERVICES

The Board of Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, or a public service corporation for essential services, in any permitted district to a greater height or of larger or smaller area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board shall find such use, height, area, building or structure reasonably necessary for the public convenience and service. The Board of Appeals may also impose setbacks, specify the location or character of fences, buffering or landscaping requirements as a condition of approval pursuant to standards in Article 15 as may be reasonably necessary to protect abutting property from the potential nuisance effects of such essential services.

Section 19.12 HEARINGS AND REHEARINGS

A. When an application for hearing or appeal has been filed with the required information, and the fee paid, the Zoning Administrator shall place the application or appeal upon the calendar for hearing and cause to be served a notice stating the time, date, place, and purpose of the hearing pursuant to the requirements of Section 18.16. When a variance request is made for any property located in a designated High Risk Erosion Area, designated Sand Dune, wetland documented by the MDNRE, or within a 100-year floodplain, the Michigan Department of Environmental Quality also shall receive notice. Any interested party may appear and be heard at such hearing in person or by agent or attorney. Upon the date for hearing any application or appeal, the Board of Appeals may adjourn the hearing in order to obtain additional information, or to cause service of such further notice as it deems proper. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the resumption of the hearing, provided the hearing is continued within thirty-six (36) hours, pursuant to Section 15.265(5) of the Open Meetings Act, Public Act 276 of 1976.
   If an applicant fails to appear at the hearing, in person or through an agent or attorney, the Board of Appeals shall conduct the hearing and issue its decision based on the information available at the hearing.

B. No rehearing on an application denied by the Board of Appeals shall be conducted except upon the grounds of newly discovered evidence or a falsehood previously relied upon by the Board of Appeals, which, through the exercise of normal diligence, could not have been discovered before the hearing, as determined by the Zoning Administrator. A rehearing shall be processed in the same manner as the original application and a new fee shall be paid. A

request for rehearing shall be made within eight (8) days of the decision of the Board of Appeals.

Section 19.13 FINDINGS OF FACT

A. The Board of Appeals shall grant no variance or make any determination on an appeal, Ordinance interpretation or other issue requested of it unless the Board records specific findings of fact based directly on the particular evidence presented to it. These findings of fact must support conclusions that the standards imposed by the requirements of this Ordinance have been met.
B. Said findings of fact shall include, but are not limited to the following information:
   1. How the application of the Zoning Ordinance creates practical difficulty in the use of petitioner's property.
   2. Identify the unique physical circumstances or conditions or exceptional topography that create practical difficulties.
   3. Specific findings (characteristics of the land) showing that because of physical circumstances or conditions there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance. That the authorization of a variance is, therefore, necessary to enable the reasonable use of the property and that the condition is specific to this property and not general to other properties in the area.
   4. Finding that the practical difficulty was not created by the appellant and is related only to property that is owned or occupied by the appellant.
   5. A statement of the impacts of the variance, if authorized, on the property values, use and enjoyment of the property in the neighborhood or district, and on the public, health, safety and welfare.
   6. The proposed variance does not permit the establishment of any use which is not permitted by right within the district.
   7. Findings on whether the proposed development complies with the requirements, standards or procedures given in the Zoning Ordinance or an interpretation of the disputed Ordinance provisions, if applicable.
   8. Findings on any error in judgment or procedure in the administration of the relevant zoning provisions.
   9. The possible precedents or effects which might result from the approval or denial of the appeal.
   10. Findings of fact on the impact if the appeal is approved, on the ability of the Township or other governmental agency to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the appeal is approved.

Section 19.14 CONDITIONS AND PERFORMANCE GUARANTEES

In granting a variance, the Board of Appeals may impose specific conditions regarding the location or character of fencing, buffering or landscaping, or such other design changes as are reasonably necessary for the furtherance of the intent and spirit of this Ordinance and to ensure the protection of the public interest and abutting properties; see Section 18.12. To ensure compliance with such conditions, the Board of Appeals may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond per the requirements of Section 18.13. The Board may also require as a condition of approval that its decision be recorded with the Alger County Register of Deeds.

Section 19.15 RECORDS

A. Minutes of all meetings shall be recorded and shall contain the grounds of every determination made by the Board of Appeals including all evidence and data considered, all findings of fact and conclusions drawn by the Board for every case together with the votes of the members and final disposition of each case. Such minutes shall be filed in the Office of the Zoning Administrator and shall be available to the public.
B. The record of proceedings shall be contained in a file with the following information:
   1. The application (for a permit, variance, interpretation, exception).
   2. Any reports, plans, surveys, or photos.
   3. Notice of Public Hearing to affected parties in newspaper.
   4. Letter from Zoning Administrator granting or denying the application or referring it to the Board of Appeals and all other relevant records related to the case.
   5. Affidavit of publication of Notice of Hearing.
   6. Record of testimony heard and evidence presented.
   7. A copy of the zoning Article(s) and Section(s) in question.
   8. Briefs, correspondence or other communications made to or from the Board of Appeals, including any from the Township Attorney or other attorneys.
   9. Statement of facts found by Board of its knowledge regarding the request including any information gained from personal inspection.
   10. Decision of the Board as specifically related to the Findings of Fact.
   11. A copy of any other correspondence to the appellant regarding the request.
C. At its discretion, the Board of Appeals may file its decision relative to a particular property with the Register of Deeds to run as a permanent record with the property which was the subject of the decision by the Board of Appeals.

Section 19.16 BURDEN OF PROOF AND REAPPLICATIONS

A. When an appeal or application for a variance is taken to the Board of Appeals, the applicant shall have the burden of presenting to the Board sufficient evidence and argument to justify the requested order or decision.
B. No application for a variance, Ordinance interpretation, or appeal which has been denied, wholly or in part, by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the denial, except on satisfactory proof of substantially changed conditions, as determined by the Zoning Administrator.

Section 19.17 LEGAL COUNSEL

Legal counsel may be retained by the Board of Appeals for any purpose deemed necessary provided that such appointment or retainer shall be approved in advance by the Township Board.

Section 19.18 REVIEW BY CIRCUIT COURT

A. The decision of the Board of Appeals shall be final. However, any party having an interest affected by an order, determination or decision of the Board of Appeals may obtain a review thereof both on the facts and the law in the Circuit Court; provided that application is made to the Court within 30 days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, if there is a chairperson, or signed by the members of the Zoning

Board of Appeals, if there is no chairperson, or within 21 days after the Zoning Board of Appeals approves the minutes of its decision.

B. The Circuit Court shall review the record and decision of the Board of Appeals to ensure that the decision:
   1. Complies with the constitution and laws of the State.
   2. Is based upon proper procedure.
   3. Is supported by competent, material, and substantial evidence on the record.
   4. Represents the reasonable exercise of discretion granted by the Board of Appeals.
C. If the Court finds the record of the Zoning Board of Appeals inadequate to make the review required, or that additional evidence exists which is material and with good reason was not presented to the Board of Appeals, the Court shall order further proceedings before the Board of Appeals on conditions which the Court considers proper. The Board of Appeals may modify its findings and decision as a result of the new proceedings, or may affirm its original decision. Any supplementary record and decision shall be filed with the Court.
D. As a result of the review required by this section, the Court may affirm, reverse, or modify the decision of the Board of Appeals.

Article 20
AMENDMENTS

Section 20.1 PURPOSE

It is the purpose of this Article to establish the procedures and standards for amendment of the text and Zoning Map of this Ordinance.

Section 20.2 INITIATION OF AMENDMENTS

A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map of Burt Township may be amended pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006.
B. Amendments may be initiated by the Township Board, the Planning Commission or by petition of one or more persons having an interest in the property to be affected by the proposed amendment. Each petition for amendment shall be submitted to the Zoning Administrator who shall refer it for recommended action to the Planning Commission.

Section 20.3 FEES

A. The Township Board shall establish, by resolution, fees for zoning amendment petitions.
B. Such fees shall be paid in full at the time of application, and no part of such fees shall be returnable to the petitioner.
C. Fees shall not be required for amendments proposed or requested by the Township Board or the Township Planning Commission.

Section 20.4 AMENDMENT PROCEDURES

A. All petitions for text amendment, rezoning or Zoning Map change shall be submitted and reviewed per the requirements of Article 18 and of this Article.
B. All petitions for a conditional rezoning shall be reviewed and approved per the requirements of Section 20.10.
C. The Planning Commission may solicit information and testimony from officials in other public offices including, but not limited to, the following agencies:
    1. District Health Department.
    2. County Road Commission and/or MDOT as applicable.
    3. County Drain Commissioner.
    4. Any school district affected.
    5. Any City or Village or county agency affected.
    6. Any State or Federal or county agency or office with an interest in the proposed change.
    7. Any firm hired by the Township to provide a review or comments on the proposed amendment.
    8. The County Sheriff's Department and the local Fire Chief.
    9. The Soil Erosion, Sedimentation and Storm Water Control agent.
    10. Any others the Township Planning Commission believes should be notified.

Section 20.5 RESERVED FOR FUTURE USE

Section 20.6 PUBLIC HEARING

A. The Planning Commission shall establish a date for and conduct at least one (1) public hearing at a regular or special meeting on each petition for amendment; notice of which shall be given pursuant to the requirements of Section 18.16.
B. If an individual property or several adjacent properties are proposed for rezoning, notice shall be given pursuant to the requirements of Section 18.16.
C. The Planning Commission shall conduct the public hearing consistent with the hearing procedures in Section 18.17.

Section 20.7 FINDINGS OF FACT REQUIRED

A. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full along with its resulting recommendations for the proper disposition of the petition to the Burt Township Board.
B. The facts to be expressly considered by the Planning Commission shall include, but shall not be limited to the following:
    1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
    2. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?
    3. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition?
    4. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved?
    5. Does the petitioned zoning change adversely affect the environmental conditions and/or value of the surrounding property?
    6. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
        a. Surface water drainage problems.
        b. Waste water disposal problems.
        c. Adverse effect on surface or subsurface water quality.
        d. The loss of valuable natural resources such as forest, wetland, historic or scenic sites, wildlife, mineral deposits, or valuable agricultural land.
    7. Does the petitioned zoning change generally comply with the policies and uses proposed for the area in the adopted Comprehensive Plan of Burt Township? If not, and if the proposed zoning change is reasonable, in light of all other relevant factors, then the Plan should be amended before the requested zoning amendment is approved.
    8. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.
    9. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses allowed under the current zoning of the land.
    10. If a specific property is involved, can the property in question be put to a reasonable economic use in the zoning district in which it is presently located (after considering all of the uses permitted by right, by special permit or as conditional uses)?
    11. Is another procedure, such as a Variance, Special Land Use or Planned Unit Development procedure a more appropriate alternative than rezoning?

Section 20.8 PLANNING COMMISSION RECOMMENDATIONS

All findings of fact shall be made in writing and shall be a part of the public records of the meeting of the Planning Commission and the Township Board. The Planning Commission shall not forward a recommendation to the Township Board unless all of the findings in Section 20.7 and other factors identified by the Ordinance are affirmatively resolved. After the hearing, the Township Planning Commission shall submit a summary of the comments received at the public hearing, its findings of fact and the proposed amendment (including any zoning maps and other related material) to the Township Board.

Section 20.9 CONSIDERATION BY THE TOWNSHIP BOARD

A. After receiving the recommendations of the Planning Commission, the Township Board, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment. Such action shall be by a roll call vote. The amendment shall be approved by a majority vote of all of the members of the Township Board. The Township Board may hold additional public hearings if it considers it necessary. Notice of a public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given not less than fifteen (15) days before the hearing.
B. Further, it is understood pursuant to the Michigan Zoning Enabling Act, Public Act, 110 of 2006 as amended, that the Township Board shall make no change in the proposed amendment without first referring the petition back to the Planning Commission which shall have thirty (30) days from and after such referral in which to make a further recommendation to the Board, after which the Board shall take such action as it determines necessary. In the event that a petition is referred back to the Planning Commission, the Board shall make specific mention of their objections to the Planning Commissions' findings and recommendations.

Section 20.10 CONDITIONAL REZONING

A. Intent. It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
B. Application and Offer of Conditions.
    1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process. A pre-application conference is strongly suggested.
    2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
    3. The owner’s offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
    4. Any use or development proposed as part of an offer of conditions that would require a Special Land Use Permit under the terms of this Ordinance may only be commenced if a

Special Land Use Permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

5. Any use or development proposed as part of an offer of conditions that would require a Variance under the terms of this Ordinance may only be commenced if a Variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require Site Plan approval under the terms of this Ordinance may only be commenced if Site Plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
7. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Planning Commission Review. The Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 20.7.B. of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board. After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 20.7 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board may, in accordance with Section 401(3) of the Michigan Zoning Enabling Act (MCL.125.3401(3)), refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval.

1. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning.
2. The Statement of Conditions shall:
   a. Be in a form recordable with the County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
   b. Contain a legal description of the land to which it pertains.
   c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
   d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are

incorporated by reference, the reference shall specify where the document may be examined.

e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds.

f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk and Zoning Administrator shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of the County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.
5. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

F. Compliance with Conditions.
1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law. See Article 21.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or Use. Unless another time period is specified in the ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or is otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning. If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405(2). The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land. When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but

with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of the County a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions.
   1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
   2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone. Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act.

L. Failure to Offer Conditions. The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

Section 20.11 NOTICE OF AMENDMENT ADOPTION

A. Following the adoption of an amendment by the Burt Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption by the Township Board.

B. The notice of adoption shall include the following information:
   1. A summary of the regulatory effect of the amendment (including the geographic area affected) or the text of the amendment.
   2. The effective date of the amendment.
   3. The place and time where a copy of the Ordinance may be purchased or inspected.

Section 20.12 OPTIONS UPON DENIAL OF AMENDMENT REQUEST

A property owner whose amendment or rezoning request is denied may file an appeal with Circuit Court. If the property owner alleges that the denial of the amendment has the result of leaving the property owner with no reasonable or economically viable use of the property, then the property owner may request consideration of a Hardship PUD per the requirements of Article 12, Section 12.9.

Section 20.13 RESUBMITTAL

No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.

Section 20.14 COMPREHENSIVE REVIEW OF ZONING ORDINANCE

The Planning Commission shall within two years, and at intervals of not more than five (5) years thereafter, examine all the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

Article 21
VIOLATIONS & PENALTIES

Section 21.1 PURPOSE

This Article is adopted to establish provisions for violation of the Zoning Ordinance. Authority for these provisions is found in Section 407 of the Michigan Zoning Enabling Act, PA 110 of 2006, which requires the Township Board to establish a method for addressing violations.

Section 21.2 VIOLATIONS & PENALTIES

Violations of any provisions of this Ordinance are declared to be a nuisance per se.

A. It shall be unlawful for any person to commence operations of any kind that are in violation of the terms of this Ordinance and any violations shall be subject to the penalties herein prescribed.
B. Unless a violation of this Ordinance is specifically designated in 21.2.C as a municipal civil infraction, the violation shall be deemed a misdemeanor. Any person deemed guilty of a misdemeanor shall, upon conviction thereof, be punished by imprisonment in the County jail for not more than ninety (90) days or by a fine of not more than five hundred dollars ($500.00), or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate punishable offense. The Township Attorney or other legal representative specifically retained for such purpose may institute those remedies provided by statute, court rule and case law to prevent, or remove any unlawful erection, construction, maintenance or use. Damages, costs and reasonable attorney fees shall be paid to compensate the Township for its cost of Ordinance enforcement.
C. The following violations of this Ordinance may be handled as a municipal civil infraction:
    1. A violation of the terms of a Zoning Permit issued pursuant to Article 18, Section 18.8.
    2. A violation of the terms of a Temporary Zoning Permit issued pursuant to Article 18, Section 18.9.
    3. A violation of the terms of a Certificate of Zoning Compliance issued pursuant to Article 18, Section 18.10.
    4. A violation of the terms of a Site Plan approved pursuant to Article 18, Section 18.26.
    5. A violation of the terms of a Special Land Use Permit approved pursuant to Article 10.
    6. A violation of the terms of a Planned Unit Development Permit approved pursuant to Article 12.
    7. A violation of the terms of a Condominium Project approved pursuant to Article 7.
    8. A violation of any variance, condition or other approval of the Zoning Board of Appeals pursuant to Article 19.
    9. A violation of any sign permit approved pursuant to Article 16.
    10. Failure to obtain a zoning permit pursuant to Article 18 Section 18.8.
    11. A violation of Short Term Rental regulations pursuant to Article 10, Section 10.12.32.

Section 21.3 CIVIL AND CRIMINAL PENALTIES

A. The sanction for any violation of the Burt Township Zoning Ordinance which is a municipal civil infraction shall be a civil fine as provided in Section 21.2 plus any costs, damages, expenses and other sanctions, as authorized under Article 87 of Act No. 236 of the Public

Acts of 1961, as amended, the Burt Township Municipal Civil Infraction Ordinance, and other applicable laws.

B. The officials authorized to issue municipal civil infraction violation notices and municipal civil infraction violation citations under this Ordinance are listed in the Burt Township Municipal Infraction Ordinance.
C. In addition to enforcing violations as misdemeanors or municipal civil infractions, violations of this Ordinance may be enforced by civil action along with any other remedies provided by law. Violations of the Ordinance are a nuisance per se, and adjudication of responsibility for a municipal civil infraction violation of this Ordinance shall not preclude other civil proceedings to abate such nuisance.
D. Each day that a violation exists constitutes a separate offense or infraction.

Section 21.4 RESERVED FOR FUTURE USE

Section 21.5 CUMULATIVE RIGHTS AND REMEDIES

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

Section 21.6 NO PERMIT TO VIOLATORS

The Zoning Administrator may refuse to issue new Zoning Permits to a person who has failed to correct violations or to any person representing a firm which has failed to correct violations of this Ordinance or the Michigan Construction Code Act, Public Act 230 of 1972, or the Land Division Act, Public Act 288 of 1967, as amended.

Section 21.7 MUNICIPAL CIVIL INFRACTION

Schedule of Fines:

A. Fines for Municipal Civil Infraction Citations Except for Illegal Logging and Short-term Rentals.
   1. A person, corporation, or firm who violates any provision of the Zoning Ordinance of Burt Township that is found responsible for a municipal civil infraction citation, shall pay a civil fine as established by the Burt Township Civil Infraction Ordinance and annual fee schedule, plus costs and other sanctions, for each infraction.
   2. An initial civil fine ,as established by the Burt Township Civil Infraction Ordinance and annual fee schedule, shall be paid to the Burt Township Treasurer for a municipal civil infraction citation. Repeat offenses shall be subject to increased fines as established by the Burt Township Civil Infraction Ordinance and annual fee schedule. . As used in this subsection, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision of the section of the Burt Township Zoning Ordinance committed by a corporation, person, or firm within any twenty-four (24) month period and for which the person admits responsibility or is determined to be responsible.

B. Fines for Illegal Logging:

   1. <u>First Offense</u> ever in Burt Township (not limited to just the parcel in question): $500 minimum, or one-half the value of the timber harvested as determined by a forester

approved or provided by the Township plus township expenses, as determined by the Zoning Administrator.

2. Second Offense ever in Burt Township (not limited to just the parcel in question): The value of the timber harvested as determined by a forester approved or provided by the Township plus township expenses.
3. Third Offense ever in Burt Township (not limited to just the parcel in question): Twice the value of the timber harvested as determined by a forester approved or provided by the Township plus township expenses.
4. More Than Third Offense ever in Burt Township (not limited to just the parcel in question): Three times the value of the timber harvested as determined by a forester approved or provided by the Township plus township expenses for each offense over third ever in Burt Township.
5. Exception: Violations of the buffer setback regulations in Article 7.35 titled CLEARING of an UNDEVELOPED LOT shall not be considered Illegal Logging and shall be subject to the fines above under paragraph A. Fines for Municipal Civil Infraction Citations Except for Illegal Logging.

C. Penalties for Violations of Short Term Rental (STR) Provisions (Article 10.12.32)

1. Any violation of the STR provisions found in Article 10.12.32 is a civil infraction. The following conduct is a violation of the STR Ordinance:
   a. Any advertising or leasing of a STR without first having obtained a permit.
   b. The permit holder has violated any of the provisions of this Ordinance.
   c. Any false or misleading information supplied in the application process.

2. If it is discovered that an owner holds more than the allowable 2 permits, all existing permits shall be revoked immediately. An owner may reapply for a permit no sooner than twenty-four (24) months after revocation of a permit. The new permit will follow the current ordinance restrictions at the time of reapplication.

3. All other violations will be treated as follows: All owners shall be responsible for any municipal civil infractions which are imposed regarding violations of this ordinance as delineated in the existing Burt Civil Infractions Ordinance. The Zoning Administrator and any officials designated by the Burt Township Board are the authorized officials who issue municipal civil infraction citations. Each day the violation remains after written notification shall be considered a separate offense.

a. For a first violation within any calendar year, the penalty is a written notice of the violation delivered to the owner. If remediation does not occur within 10 days, this shall be considered a second violation.

b. For a second violation within the same calendar year written notice of the violation shall be delivered to the owner. For the second violation, the owner shall be subject to a municipal civil infraction punishable by a fine of double the current permit fee. If remediation does not occur within 10 days, this shall be considered a third violation.

c. For a third violation within the same calendar year written notice of the violation shall be delivered to the owner. For a third violation, the owner shall be subject to a municipal civil infraction punishable by a fine of not less than twice the amount of the previous fine, and the permit shall be revoked. An owner may reapply for a permit no sooner than twenty-four (24) months after revocation of a

permit.

4. If there are one or more violations per year during any three (3) consecutive year period, the permit shall be revoked.

5. Any revoked permit up for reapplication shall be subject to all current Ordinance regulations at the time of reapplication.

6. An owner may appeal a decision to revoke a permit to the Burt Township Zoning Board of Appeals.

Article 22
TRANSITIONAL PROVISIONS, VESTED RIGHTS, SEVERABILITY, REPEAL AND EFFECTIVE DATE

Section 22.1 TRANSITIONAL PROVISIONS

22.1.1 Violations Continue: Any violation occurring under the previous Burt Township Zoning Ordinance and repealed by Section 22.4 will continue to be a violation under this Ordinance and be subject to penalties and enforcement pursuant to Articles 18 and 21, unless the violation is brought into compliance with the provisions of this Ordinance.

22.1.2 Nonconformities Under Prior Ordinance: Any nonconformity under the previous Burt Township Zoning Ordinance and repealed by Section 22.4, will also be a legal nonconformity under this Ordinance, as long as the situation that resulted in the nonconforming status under the previous Ordinance continues to exist. If a nonconformity under the aforementioned 1995 Ordinance becomes conforming because of the adoption of this Ordinance, or because of an approved change in the use to a conforming use, then the situation will no longer be a nonconformity.

22.1.3 Approved Projects:

A. Validity: Permits and approvals that are valid on the effective date of this Ordinance, shall remain valid until their expiration date. Projects with valid approvals or permits may be carried out in accordance with the development standards in effect at the time of approval, provided that the permit or approval is valid and has not lapsed.
B. Extensions: The decision-making body that granted original approval may renew or extend the time of a previous approval if the required findings or standards for approval remain valid. Any extension granted shall not exceed the time specified for the extension of the specific permit approval in Article 18.
C. Re-Application: Any re-application for an expired approval or permit shall meet the standards of this Ordinance in effect at the time of re-application.

22.1.4 Planned Unit Developments (PUDs) Approved Prior to Effective Date of this Ordinance: Any planned unit development (PUD), or phase of a PUD, which received final Site Plan approval prior to the effective date of this Ordinance shall remain valid. Any PUD or phase of a PUD which received Preliminary Plan approval prior to the effective date of this Ordinance, but has not received final Site Plan approval within twelve (12) months of the effective date of this Ordinance shall expire.

22.1.5 Applications in Progress:

A. Projects for which no application has been submitted and accepted as complete prior to the effective date of this Ordinance shall be subject to all requirements and standards of this Ordinance.

Section 22.2 VESTED RIGHTS

Nothing in this Ordinance should be interpreted or construed to give permanent vested rights in the continuance of any particular use or zoning district, and all lands and uses subject to this

Ordinance are subject to subsequent amendment, as may be necessary to preserve or protect the public health, safety, and welfare.

Section 22.3 SEVERABILITY

This Ordinance and its various parts, are hereby declared to be severable. If any part is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby. If any part is adjudged unconstitutional or invalid as applied to a particular property, building, structure or use, the application of that part of the Ordinance to other properties, buildings, structures or uses shall not be affected. Whenever any condition or limitation is included in an approval or permit, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation to be lawful and necessary to carry out the spirit and intent of this Ordinance.

Section 22.4 REPEAL

The zoning regulations of the 1995 Burt Township Zoning Ordinance, as amended, are hereby repealed and replaced with this Ordinance.

Section 22.5 EFFECTIVE DATE

This Ordinance shall become effective on _____.

I, _____, Clerk of Burt Township, Michigan, certify that this Zoning Ordinance and Zoning Map was introduced and adopted at a meeting of the Burt Township Board convened in the Burt Township Hall, Grand Marais, MI, Michigan on_____, and shall become effective on _____.

Date of Publication was _____

_____

_____, Clerk
Burt Township, Grand Marais, Michigan

_____

_____, Supervisor
Burt Township Board