

ZONING ORDINANCE #35
FOR
ST. IGNACE TOWNSHIP
MACKINAC COUNTY
MICHIGAN

SECTION I - TITLE

This ordinance shall be know and may be cited as "The Zoning Ordinance of St. Ignace Township."

SECTION II - PURPOSE

An ordinance establishing comprehensive zoning regulations for St. Ignace Township, Michigan in accordance with the provisions of the Michigan Township Planning Act, Act 168 of 1959, and all acts amendatory thereof, to promote health, safety, convenience, prosperity and general welfare by regulating the use of land, placement of all structures, area size, and use of buildings on lots. Furthermore, it is the intent of these regulations that the most appropriate use of land will be encouraged and that these regulations will recognize the economic environmental values of all lands within the town.

SECTION IV - DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined. The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense; the word shall is mandatory, and the work may is permissive; the works used or occupied include the words intended, designed or arranged to be used or occupied; the word lot includes the words plot or parcel.

ACCESSORY USE OR STRUCTURE: A use or structure on the same lot with, and customarily incidental and subordinate to, a principal use or structure.

APARTMENT: A room or suite or rooms in a multi-family or multi-use building arranged and intended as a place or residence for a single family or a group of individuals living together as a single housekeeping unit.

APARTMENT BUILDING: Three or more dwelling units grouped in one building.

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

BED AND BREAKFAST: Also referred to as a boarding house, rooming house, lodging house, fraternity house, sorority house or dormitory. A dwelling having one (1) kitchen and used for the purpose of providing lodging and meals for pay or compensation of any kind, to more than two persons other than members of the family occupying such dwelling.

BOATHOUSE: A structure used for storage of watercraft and related equipment, and for no other purpose.

BORROW PIT: A land use involving the excavation or digging of material for use as fill at another site. Also, an excavated area where earth material has been dug for use as fill at another site.

BUILDING: Any structure for the shelter, support or enclosure of persons, animals, or property of any kind; and when separated by bearing walls without openings, each portion of such building so separated shall be deemed a separate building.

BUILDING HEIGHT: The vertical distance measured from the average grade at the building to the average elevation of the roof of the highest story.

CARE HOME: Includes rest and nursing homes, adult foster care homes, convalescent homes and boarding homes for the aged; established to render nursing care for chronic or convalescent patients.

COMMUNICATION TOWER: means any structure, whether free-standing or attached to an existing building or structure, that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures and the like.

CONDITIONAL USE: A land use or development which would not be appropriate generally or without restriction throughout the zone district but which, if controlled as a number, area, size, location, or relation to neighborhood, and as to compatibility with official town plans, would not be injurious to the public health, safety, convenience, morals, order, comfort, appearance, prosperity or general welfare.

DISTRICT: An area within which certain uses of land and buildings are permitted and all others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the district in which they apply.

DWELLING: A building or portion thereof arranged or designed to provide living facilities for one (1) or more families.

DWELLING, SINGLE-FAMILY: A detached residence designed for or occupied by one family only, including a mobile home, and connected to water, electrical supply and an approved sewage disposal system.

DWELLING, TWO-FAMILY: A residence designed for or occupied by two families, with separate housekeeping and cooking facilities for each.

DWELLING, MULTIPLE-FAMILY: A residence designed for or occupied by three or more families, with separate housekeeping and cooking facilities for each.

DWELLING, MOBILE HOME: Manufactured transportable housing designed with undercarriage wheels and towing device, and intended for occupancy as a complete year-round single-family dwelling unit upon arrival and placement on a site, with or without a permanent foundation designed to support such transportable unit. For purposes of this ordinance, the term shall include all such transportable housing 20 feet or more in length, 16 feet or more in width, and 5,000 pounds or more in weight, containing the same water supply, waste disposal and electrical conveniences as immobile housing. Double-wide housing units shall be interpreted for purposes of this ordinance as single family dwelling unit, not a mobile home.

DWELLING, MODULAR HOME: A single-family dwelling suitable for year-round occupancy, which consists of more than one module either partially or wholly factory-fabricated and containing a framework which does not contain wheels or towing tongue. When transported to a building site, it will be placed on a permanent foundation so as to be substantially affixed to the site and connected to a water supply, waste disposal system and electrical supply, thereby making it immobile housing.

DWELLING, SEASONAL OR RECREATIONAL: A residence occupied only on a part-time basis, not to exceed eight (8) consecutive months, and not requiring public services such as school bus transportation or snow plowing or roads by a governmental unit.

DWELLING UNIT: A building or portion thereof arranged or designed for permanent occupancy by not more than one (1) family for living purposes and having cooking facilities.

EXCAVATION, COMMERCIAL: The digging of soil, sand, gravel, rock, minerals, clay or other earthen material from a land surface for any of the following purposes: When primarily for carrying on a business or manufacturing operation for the purpose of sale, exchange, processing or manufacture. Does not mean grading or filling incidental to improvement of the land.

FACILITIES AND SERVICES: Those facilities and services that are normally accepted as necessary for urban living such as paved streets, public and/or private water supply and sanitary sewer disposal, storm drainage system, schools, parks and playgrounds.

FAMILY: Means as individual or a group of two or more persons related by blood, marriage, adoption, together with not more than three additional persons not related by blood, marriage, adoption, living together as a single housekeeping unit.

FARMING: Agricultural activity or the raising of livestock or small animals as a source of income.

FLOOR AREA: The total enclosed floor area of structure used for residential purposes, excluding the floor area of uninhabitable basements, cellars, garages, accessory buildings, attics, breezeways, and porches. For manufacturing, business or commercial activities which, in the case of the latter, includes customer facilities, showcase facilities, and sales facilities.

FRONTAGE: The length of the front property line of the lot, lots or tract of land abutting a public street, road or highway.

GASOLINE SERVICE STATION: Building or lot, or portions thereof, used and limited in function to retail sale of gasoline, oil, grease, anti-freeze, tires, batteries and automobile accessories, and such services such as lubrication, washing, polishing and other minor servicing to motor vehicles.

GARAGE: Means a fully enclosed building for the storage of motor vehicles not including buildings in which fuel is sold or repair of other services performed.

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

HOME OCCUPATION: means a use conducted entirely within an enclosed buildings, employing only the inhabitants hereof, and not more than two other persons, which is clearly incidental and secondary to residential occupancy and does not change the character thereof. Specifically excluded is the storage and display of merchandise not produced by such home occupation, or any activity involving any building alternations, window displays, construction features, equipment, machinery or outdoor storage, any of which is visible from off the lot on which located.

HOTEL: A building occupied as a more or less temporary abiding place of individuals who are lodged with or without meals, in which as a rule the rooms are occupied singly for hire, in which provision is not made for cooking in any individual apartment, except for the management.

JUNK YARD: Any land or building used for commercial, storage and/or sale of paper, rags, scrap metals, other scrap or discarding materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not to be used as a dump.

KENNEL: Any owned~~d~~ occupied place on which four (4) or more dogs, six (6) months of age or older are kept for any reason other than veterinary medicine, including for board, breeding or sale.

LAND USE PLAN: Refers to the St. Ignace Township Land Use Plan currently in effect.

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

LOT AREA: The total horizontal area included within lot lines. Where the front lot line is the center line of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

LOT - DEPTH OF: The average horizontal distance between the front lot line and the rear lot line.

LOT - FRONT OF: The side or sides of an interior or through lot which abuts a street; in a corner lot, the side or sides abutting either street may be considered as the front lot line provided that the side selected as the front has the required minimum lot frontage.

LOT FRONTAGE: That portion of a lot extending along a street line. In odd-shaped or triangular-shaped lots the length of the frontage may be reduced to not less than one-half (½) of any minimum frontage herein required and that the actual length of the street line shall not be less than 50 feet.

LOT INTERIOR: A lot other than a corner lot.

LOT WIDTH: The average horizontal width measured at right angles to the lot depth.

MOBILE HOME: See "Dwelling, Mobile Home"

MOTEL: A group of attached or detached dwellings not more than two (2) stories in height containing guest rooms which are provided for transient occupancy only.

NON-CONFORMING USE: The use of a building or of land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

NURSING HOME: See "Care Home"

PARKING SPACE, AUTOMOBILE: That area required for the parking or storage of one automobile including necessary aisle or driveway space providing access thereto.

PROFESSIONAL OFFICE: Rooms or buildings used for office purposes by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, etc., but not including medical or dental clinics.

RESORT: A group of attached or detached dwellings not more than two (2) stories in height containing guest rooms which are provided for transient or short or long duration generally in conjunction with a recreation facility such as a beach with or without meals furnished.

SETBACK: The minimum horizontal distance between where a structure may be placed and the normal high water mark, road, front, side or rear lot lines.

SHOPPING CENTER: A group of five (5) or more commercial establishments planned, developed and managed as a unit, with off-street parking provided on the same property and related in location, size and type of shops in the center.

SIGN: Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, which displays numerals, letters, words, trademark or other representation used for direction, or designation of any person, firm, organization, place, product, service, business or industry which is located upon any land, on any building, in or upon a window, or indoors in such a manner as to attract attention from outside the buildings.

SIGN AREA: The sign area is the surface of the structure used to convey the message exclusive of the necessary supports or any appurtenances required by the building code. The area of open sign structures, consisting of letters or symbols without a solid surface in-between, shall be calculated on the basis of the total area within the perimeter of letters and/or symbols. The area of a double face sign, which is constructed back to back as a single unit, shall be calculated according to the surface area of one side only.

SIGN - OUTDOOR ADVERTISING: A sign which calls attention to a business, commodity, service, entertainment or other activity conducted, sold, or offered elsewhere than on the premises upon which the sign is located.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it. A basement shall be counted as a story if its ceiling is over six feet above the average level of the finished ground surface adjoining the exterior walls of such story, surface adjoining the exterior walls of such story, or if it is used for business or dwelling purposes.

STREET: A public dedicated right-of-way other than an alley, which provides primary access to abutting properties, and over which the public has easement of vehicular access.

STRUCTURE: Anything more than 30 inches high placed, constructed, or erected with a fixed location on the ground, including portable buildings, mobile homes, signs, playing courts (tennis, handball, etc.), swimming pools, etc., except that fences, utility poles, lawn lights, antennae, and related minor equipment shall not be considered structures.

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USE: The principal purpose for which a lot or the main building thereon is designed, arranged, or intended and for which it is, or may be used, occupied or maintained.

VARIANCE: The waiving by the Board of Zoning Appeals of the literal provisions of this ordinance in cases where their strict enforcement would cause undue hardship because of physical circumstances unique to the individual property involved. Variances shall be limited to height, bulk, density and yard requirements.

YARD: Open space on the same lot with a building or group of buildings, lying between the building and the nearest lot or street line, and unoccupied and unobstructed from the ground upward, except for plants, trees, shrubs, or fences.

YARD - FRONT: Open space extending across the full width of lot between the front lot line or the proposed front street line and the nearest line of the building or portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line or proposed front street line and the nearest point of the building or any portion thereof.

YARD - REAR: Open space extending across the full width of lot between the rear line of the lot and the nearest line of the building, porch or projection thereof. The depth of such yard is the average horizontal distance between the rear lot line and the nearest point of the building.

YARD - SIDE: Open space between side lot line, the side street line, or the proposed side street line, if such line falls within the lot, and the nearest line of the building, porch, or projection thereof, extending from the front yard to the rear yard or, in the absence of either of such yards, to the front lot line or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the building, porch or projection thereof.

ZONING ADMINISTRATOR: The Zoning Administrator for St. Ignace Township, Michigan.

SECTION V - ADMINISTRATION AND ENFORCEMENT

5.1 ADMINISTRATION/ENFORCEMENT:

The provisions of this ordinance shall be administered and enforced by such person or persons whom shall be designated by the St. Ignace Township Board in accordance with the applicable State statute.

5.2 VIOLATIONS:

- A. Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this ordinance are declared to be a nuisance.

- B. The Zoning Administrator shall inspect each alleged violation and shall order correction, in writing or by posting the premises of all conditions found to be in violation of this ordinance.
- C. An appeal may be taken the Board of Appeals by any person alleging error in any administrative order concerning the enforcement of this ordinance.
- D. All violations shall be promptly corrected after receipt of notification thereof by writing or by posting premises by the Zoning Administrator. A violation not so corrected shall be reported to the Township who shall initiate prosecution procedures.

5.3 PENALTIES:

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

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

SECTION VI - BOARD OF APPEALS

6.1 ESTABLISHMENT OF A BOARD OF APPEALS:

There shall be a Board of Appeals as provided under the applicable State statute, which shall have such powers and duties as prescribed by law.

6.2 AUTHORITY OF THE BOARD OF APPEALS:

- A. Hear and decide upon request, the interpretation of the provisions of this ordinance.
- B. Grant variances from the strict application of the land use control ordinance when by reason of exceptional narrowness, shallowness, shape or topography of specific parcels of property at the time of the original enactment or amendments thereto or where the strict application of these regulations or amendments thereto would result in exceptional or undue hardship upon said property; provided that such relief or variances can be granted without substantial impairment of the intent, or purpose of this ordinance. This provision shall not be construed to permit the Board, under the guise of a variance, to change the uses of land.

- C. Hear the decide appeals where it is alleged by appellants that there is error in any refusal of building, use, or occupancy permit or in any other order requirement, decision, or determination made by the building inspector, land use control enforcement officer, or other county, municipal employee when passing upon an application for a building or other permit, or by any other officer or body in the administration of the land use control ordinance.
- D. Hear and decide petitions for special exceptions.

6.3 LIMITATION OF AUTHORITY OF THE BOARD OF APPEALS:

- A. Nothing contained in this chapter shall be deemed to authorize the Board to reverse or modify any refusal or a permit or any other order, requirement, decision, or determination which conforms to the provisions of this ordinance and which, therefore, is not erroneous; nor to authorize the Board to validate, ratify, or legalize any violation of law or any of the regulations of this ordinance.
- B. The Board shall not amend any portion of this ordinance or the Land Use Control Map nor shall such power or authority be vested in the Board.
- C. A decision of the Board permitting the erection or alternation of a building or other use of land shall be valid for a period of six (6) months, during which time a building permit for such erection or alteration must be obtained and erection or alteration started.
- D. No application for a variance or special exception which has been denied wholly or in part by the Board shall be resubmitted for a period of one 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 Board to be valid.

6.4 APPLICATION FOR VARIANCES, APPEALS OR SPECIAL EXCEPTIONS:

- A. Requests for variances, appeals or special exceptions may be made by submitting an application (or letter) to the Township of St. Ignace. A fee of one hundred (\$100.00) dollars shall accompany the application to help defray cost of processing said application.
- B. A site plan, plot plan or development plan of the total property involved, showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their uses, shall be submitted with each request for a variance, appeal or special exception.

SECTION VII - GENERAL PROVISIONS

7.1 INTERPRETATION OF CONFLICTING PROVISIONS:

In this ordinance, words used in the present tense include the future; the singular number includes the plural number and plural, the singular; the word "shall" is mandatory and not permissive, and the word "may" is permissive. In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements for the health, morals, safety or welfare. This ordinance shall not be deemed to interfere with or abrogate or annul or otherwise affect in any manner whatsoever any ordinances, rules, regulations or permits, or by easements,

ovenants, or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or larger open spaces than are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants, or covenants, or agreements between parties, the provisions of this ordinance shall prevail. Except as hereinafter provided, the following general regulations shall apply:

7.2 LIMITATIONS ON ALL LAND AND STRUCTURES:

- A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged nor shall any land or building be used, designed, or arranged to be used for any purpose or in any manner other than that included among the uses hereinafter listed as permitted in the land use control area in which such building or land is located.
- B. Every building hereinafter erected shall be located on a lot as herein defined; and, except as herein provided, there shall not be more than one (1) single-family dwelling on one (1) lot.
- C. Every dwelling structure shall be built upon a lot with frontage upon a public street, except that any one lot of record created before the effective date of this ordinance without any frontage on a public street but provided with an easement or other right-of-way of no less than 20 feet wide, may be granted a building permit providing all other requirements of this ordinance can be met.
- D. The illumination of any buildings or uses of land shall be designed and operated so that the source of light shall not be directed upon adjacent properties or the public street and highways.

In no event shall the illumination of a building or use of land be permitted to flood upon adjacent residential structures.

7.3 LIMITATIONS ON HEIGHT:

No building shall be erected, reconstructed, or structurally altered to exceed in height the limit hereinafter designated for the land use control area in which such building is located, except the height limitations of this ordinance shall not apply to church spires, belfries, cupolas, antennas, domes not used for human occupancy; nor chimneys, ventilators, skylights, water tanks, silos, bulkheads, and necessary mechanical appurtenances usually carried above the roof level, except where in the opinion of the building inspector such may be deemed to interfere with serial navigation or constitute a fire hazard. Such features, however, shall not exceed a reasonable height to be determined upon reference of all such cases to the Land Use Control Board of Appeals by the building inspector.

7.4 LIMITATIONS ON AREA:

- A. No building shall be erected, nor shall any existing building be altered, enlarged, moved, or rebuilt, nor shall any open space surrounding any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the land use control area in which such buildings or open space is located, except as otherwise specifically provided.

- B. No yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be considered as a yard or open space for any other building.
- C. Any lot as defined herein, which was legally recorded at the time of adoption of this ordinance, and which was a buildable lot immediately prior to the adoption of this ordinance, shall be deemed a buildable lot even though it may have less than the minimum area requirements.

7.6 CERTIFICATE OF OCCUPANCY:

- A. It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a certificate of occupancy has been issued for that premises certifying that the structure or use complies with the provisions of this ordinance. Such occupancy permits shall be granted or denied within 30 days from the date that a written application is filed with the building inspector of land use control enforcement officer.
- B. The issuance of a Certificate of Occupancy shall not be construed as permitting any violation of this ordinance.

7.7 VALIDITY OR SEVERABILITY CLAUSE:

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

7.8 CONFLICT WITH OTHER LAWS:

Whenever the requirements of this ordinance are at variance with the requirements of other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards shall govern.

7.9 BOUNDARIES OF LAND USE CONTROL AREAS:

Where uncertainty exists as to the boundaries of any of the land use control areas as shown on the Land Use Control Map, the following rules shall apply:

- A. Land Use Control Area boundary lines are intended to be parallel or perpendicular to street, highway, alley, or lot lines, unless such area boundary lines are fixed by dimensions, as shown on said Land Use Control Map.
- B. Where boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.
- C. Where area boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.

- D. In unsubdivided property or where a land use control area boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps, or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.
- E. If all or any portion of any public street, alley, right-of-way easement or land which is not included in any area shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the land use control area immediately adjacent thereto, or within the most restricted of the immediately adjacent areas, if there be more than one.
- C. The official copy of the Zoning Map shall be in the custody of the Township Clerk of St. Ignace Township.

SECTION VIII - ZONING DISTRICTS

8.1 CLASSIFICATIONS

- A. For the purposes of this ordinance, St. Ignace Township is hereby divided into the following Zoning Districts:

FR	Forest/Recreation
RR	Rural Residential/Resort
C	Commercial
I	Industrial

- B. The location and boundaries of the Zoning Districts areas established in the Township shall be shown on a map entitled the Zoning Map of St. Ignace Township, and as same may be amended subsequent to the adoption thereof, and said map, section or portion thereof, together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

8.2 FR - FOREST/RECREATION DISTRICT

8.21 DESCRIPTION OF DISTRICT:

This district is composed of land in outlying areas presently of rural character. Such land is to remain for forestry and recreation use. The regulations for this district are designed to protect the essential characteristics of the district without unduly restricting its use solely to that of a forestry nature. To these ends, development is limited to a low density and to those uses which will not be detrimental to the environment.

8.22 PERMITTED USES IN ALL FOREST/RECREATION DISTRICTS:

- A. Single family dwellings:

- B. Any farm or agricultural activities including stock nurseries, animal and livestock raising or boarding shall be permitted only in an area of five acres or more.**
- C. The sale of farm or dairy produce which has been raised on the farm or dairy produce which has been raised on the farm from which it is to be sold.**
- D. Accessory uses or buildings , when in accordance with the provisions of (Sec. 9.4).**

8.23 CONDITIONAL USES:

- A. Home occupations.**
- B. Care homes.**
- C. Churches, cemeteries, parochial and private schools.**
- D. Charitable and philanthropic institutions.**
- E. Golf courses, private non-commercial clubs.**
- F. Public utility buildings and structures necessary for the service of the community except that:**
 - 1. There is no use restrictions for utilities to be located in public street or public rights-of-way.**
 - 2. Public utility activities of an industrial character such as repair and maintenance yards, storage facilities, or activities which generate electronic interference are prohibited.**
- G. Publicly owned and operations buildings and uses including community buildings and public parks, playgrounds and other recreational areas.**

8.24 LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be specified in (Section XIII).

8.3 RR - RURAL RESIDENTIAL/RESORT

8.31 DESCRIPTION OF DISTRICT:

This district is composed of medium density single family areas, tourist oriented commercial enterprises and multiple family developments. The regulations for this district are designed to protect the essential characteristics of these areas and to promote and encourage a suitable and safe environment for family life. To these ends, development is restricted to medium density single family residential use, where adequate facilities and services will be provided.

8.32 PERMITTED USES:

- A. Single family dwellings.
- B. Tourist oriented commercial enterprises.
- C. Multiple family developments.

8.33 CONDITIONAL USES:

- A. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- B. Accessory uses, or buildings, when in accordance with the provisions of Section 9.4.
- C. Home Occupations.
- D. Care Home.
- E. Hospital or Medical Clinic, excluding veterinary hospitals.
- F. Two family dwellings.
- G. Hotel, motel and multiple family dwelling if in addition to the lot, yard and area requirements provide a 50' wide buffer densely planted on all sides abutting single or two family dwellings. The buffer shall be densely planted by evergreens not less than 5' high at the outset and maintained in good condition at all times.
- H. Signs, when in accordance with the provisions of Section 9.2.

8.34 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section XIII.

8.4 C - COMMERCIAL DISTRICT

8.41 DESCRIPTION OF DISTRICT:

This district is designed for the convenience shopping of persons residing in the surrounding residential neighborhood and for the visiting tourists. The regulations are designed to permit development of the enumerated functions as limited to protect the abutting and surrounding residential properties.

8.42 PERMITTED USES:

Retail sales of good and services such as:

- A. Bakery and dairy products.
- B. Banks, savings and loan associates.
- C. Barber and beauty shops.

- D. Books, stationery and newspapers.
- E. Clothing and dry goods.
- F. Drugs and pharmaceuticals.
- G. Florist and garden shops.
- H. Funeral establishments.
- I. Furniture and household furnishings.
- J. Groceries and food.
- K. Hardware, hobby shop and household appliances.
- L. Laundromat, laundry and dry cleaning pick-up station.
- M. Motels.
- N. Music and dancing schools.
- O. Offices, business or professional.
- P. Photography store.
- R. Radio and television, sales and service.
- S. Restaurant or similar eating establishments.
- T. Shoe sales and repair.
- U. Signs when in accordance with the provisions of Section 9.2.
- V. Tailoring and dressmaking.
- W. Variety stores, antiques and gifts.
- X. Accessory uses or buildings, when in accordance with the provisions of Section 9.4.

8.43 CONDITIONAL USES:

- A. Any retail or commercial use similar to those uses permitted in this Section, which is not specifically mentioned.
- B. Publicly owned and operated buildings and uses including community buildings and public parks, playgrounds and other recreational areas.
- C. Signs, when in accordance with the provisions of Section 9.2.
- D. Truck terminal, excavating and contracting.

8.44 LOT, YARD AND AREA REQUIREMENTS:

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section XIII.

8.5 I - INDUSTRIAL DISTRICT

8.51 DESCRIPTION OF DISTRICT:

This Industrial District is limited to large tracts located along State highways, major County thoroughfares and railroad rights-of-way and/or adjoining residential and/or commercial areas. These regulations are intended to provide standards of intensity of use and standards of external effects or amenities compatible with the surrounding or abutting residential districts. To these ends, development is limited to a low concentration, external effects are limited, and uses are limited to those industrial activities which can be operated in a clean and quiet manner and which will be least objectionable to adjoining residential districts.

8.52 PERMITTED USES:

- A. Agriculture.
- B. Assembly of merchandise such as electrical appliances, electronic or precision instruments, and articles of similar nature.
- C. Packaging of previously prepared materials.
- D. Printing, lithographic, blueprinting and similar uses.
- E. Processing or compounding commodities such as drugs, cosmetics, pottery, plastics and food products.
- F. Earth removal, excavation; commercial.
- G. Gravel processing and quarrying.

8.53 CONDITIONAL USES:

- A. Any industrial use which meets the intent and purpose of this district where all work is carried on within an enclosed building, and which does not emanate noise, vibration, odor, smoke, liquid wastes, or light to such an extent as to be objectionable to surrounding properties. A determination of the Board of Appeals established under State Statute and this ordinance shall be conclusive on any question of nuisance, or objectionableness of any business or operation under the terms of this section.
- B. Signs, when in accordance with the provisions of Section 9.2.

8.54 LOT, YARD AND AREA REQUIREMENTS

Except as elsewhere specified herein, the lot, yard and area requirements shall be as specified in Section XIII.

SECTION IX SUPPLEMENTARY REGULATIONS

9.1 PARKING OF MOTOR VEHICLES

- A. Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto, in each district for all the occupants, employees and patrons of said property, as required in these regulations.
- B. A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one family and two family dwellings, shall be provided at the time of application for a building permit for the erection or enlargement of any building.
- C. Parking space shall be provided in the manner and location herein specified.
 - 1. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance, unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within three hundred (300) feet of the proposed or existing uses for which such parking will be available.
 - 2. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type, not to exceed 1 ton. The parking of any other type of commercial vehicle, or buses, except for school buses, is prohibited in residential zone.
- D. Requirements for all parking spaces and parking lots:
 - 1. Each automobile parking space shall be not less than 180 square feet nor less than 9 feet wide exclusive of driveway and aisle space.
 - 2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust free surface resistant to erosion.
 - 3. Any lighting fixtures to illuminate any off-street parking area shall so be arranged as to reflect the light away from any adjoining lots.
 - 4. No parking space shall be closer than 5 (five) feet from the property line.
 - 5. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence, or compact planting not less than 4 (four) feet or more than 8 (eight) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.

6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road area prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two family dwellings.
7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian, or vehicular movement.
8. Requirements for the provision of parking facilities with respect to two (2) or more property uses of the same of different types, may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further, that the specifications in regard to location, plan, etc., are complied with.
9. The number of parking spaces required for land or buildings used for two or more purposes, shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

E. Minimum Required Parking Spaces:

1. Apartment Houses - 1¼ parking space per family unit.
2. Office Buildings - One parking space for each 200 square feet of floor space utilized for work space of employees.
3. Retail stores, super markets, department stores, personnel service shops and shopping centers. One parking space for each 100 square foot area.
4. Manufacturing Buildings - One parking space for each three employees on the maximum shift.
5. Libraries, museums and post offices - One parking space for each 100 square feet of floor area.
6. Bowling Alleys - Three parking spaces for each alley.
7. Resorts, Hotels, Motels and Tourist Homes - One parking space for each separate unit.
8. Theaters, auditoriums, stadiums and churches - one parking space for each four seats.
9. Dance Halls, Assembly Halls, and Convention Halls without fixed seats - one parking space for each 100 square feet of floor area if to be used for dancing or assembly.
10. Restaurants and night clubs - one parking space for each 100 square feet of floor area.

11. **Schools:** Private or Public elementary and junior high schools - one parking space for each employee normally engaged in or about the building or grounds and one additional space for each five (5) students enrolled in the institution.

9.2 SIGNS AND OUTDOOR ADVERTISING STRUCTURES

- A. In any residential district, an incidental sign not exceeding one (1) square foot in area to advertise only home occupations or professional services; such sign may be attached to the building, or may be located on the property of such use, but may be no closer to the street than the building set back line.
- B. In any district where agricultural use is permitted, an incidental sign advertising the sale of farm products grown on the premises, such sign shall not exceed thirty-two (32) square feet in area and shall be so located that it will not interfere with the full view of the traffic.
- C. In any district, one temporary real estate sign not exceeding six (6) square feet in area for each lot, parcel or tract under twenty-five thousand (25,000) square feet in area.
- D. Building contractors and professional persons temporary signs on buildings under construction shall be limited to a total area for all such signs to thirty-two (32) square feet.
- E. In any commercial or industrial district, a sign is permitted only where it advertises a business occupying the same lot or parcel of land upon which the sign is erected. Signs shall meet the building set-back and height requirements provided below:
 1. In any commercial or industrial district a sign may be affixed flat against the wall of the building, or may project therefrom not more than forty-two (42) inches. Signs projecting over public property shall be at least eleven (11) feet above the finished grade, or sidewalk. The total sign area shall not exceed two (2) square feet for each foot in length or height of the wall to which it is affixed. No such sign shall extend more than four (4) feet in height above the building wall to which it is affixed.
 2. One identification sign may be erected for a shopping center or other integrated group of stores or commercial buildings. The area of said sign shall be based on one (1) square foot for each front foot of building, or buildings, for which it is established; however, it shall not exceed four-hundred (400) square feet in area, nor be closer to the front, side or rear property line, than one-half the distance of the required building set-back.
 3. One identification sign may be erected for each separate commercial enterprise situated on an individual lot and operated under separate ownership from any adjoining commercial enterprises. Such sign shall not exceed 80 square feet in area, nor be closer to the front, side or rear property line, than one-half the distance of the required building set-back.
 4. No sign or outdoor advertising structure shall be erected at any location where by reason of the position, size, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device so as to interfere with, mislead or confuse traffic.

5. Signs of medical practitioners, commercial and industrial establishments and outdoor advertising structures may be illuminated; however, such illumination shall be concentrated upon the surface of the sign and the sign shall be so located and arranged as to avoid glare or reflection onto any adjacent highway, or into the path of oncoming vehicles or into any adjacent premises, or into the night sky.
6. In no event shall any sign, or outdoor advertising structure, have flashing, or intermittent lights, or be permitted to rotate, or oscillate.
7. Signs of a public, or quasi-public nature noting special events of general interest such as a County Fair, public or general election, horse show, etc., shall not exceed 80 square feet in area. Such sign shall be removed within ten (10) days after the event.

9.3 NONCONFORMING USES

The following regulations shall control nonconforming uses in existence at the time of passage of this ordinance.

- A. The cost of repair or replacement of a nonconforming use or structure, which has been destroyed by reason of windstorm, fire explosion or any act of God or the public enemy, exceeds 50% of the total replacement cost of the use of structure, such use of structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.
- B. Nonconforming uses or structures in existence at the time of passage of this ordinance shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.
- C. If the nonconforming use of any land or structure shall terminate its activity for a continuous period of time exceeding one year, such use shall not be re-established, and any future use of land and structure shall be in conformity with this ordinance.
- D. If a nonconforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a nonconforming or less restrictive use.
- E. The lawful nonconforming use of land not involving substantial buildings, nonconforming advertising signs and structures which are not necessary to the permitted uses of substantial structures, and temporary, movable or makeshift buildings, fences and other structures shall be discontinued and the incidental structures removed within five years from the date of passage of this ordinance. All subsequent use of such land shall be in conformity with the provisions of this ordinance.

9.4 ACCESSORY USES OR BUILDINGS

Any use which complies with all of the following conditions may be operated as an Accessory Use:

- A. Is clearly incidental and customary to and commonly associated with the operation of the Permitted Uses, such as storage buildings, garages, swimming pools, fences, etc.
- B. Is operated and maintained under the same ownership and on the same lot or contiguous lot to the Permitted Uses.
- C. Does not include structures or structural features inconsistent with Permitted Uses.
- D. Does not include residential occupancy, except for living quarters for farm domestic or other employees having employment on the premises.
- E. Accessory buildings, other than farm buildings, shall be located only in the rear yard.

9.5 HOME OCCUPATIONS

Any home occupation operated in a single dwelling unit may be operated only if it complies with all of the following conditions:

- A. Is operated in its entirety on the property.
- B. Does not have any employees, or regular assistants not residing in the dwelling, except for offices of doctors, dentists or other similar practitioners.
- C. That the dwelling does not have any exterior evidence, other than a permitted sign, to indicate that the property is being utilized for any purpose other than that of a dwelling.
- D. That the occupation conducted therein is clearly incidental and secondary to the residential use of the building.
- E. That no goods, or services are sold which are not produced by the immediate members of the family therein.
- F. Dancing instruction, restaurants, and business or trade shall not be considered home occupations.
- G. Noise or other objectionable characteristic incident thereto shall not be discernible beyond the boundaries of the lot.

9.6 SCREENING

Hereinafter every commercial or industrial use occupying land immediately adjacent to a residential district shall have a screening area separating the said commercial or industrial use from adjoining residential districts. The screen shall be in the form of either a wall, fence, or evergreen planting which is compact and maintained in good condition at all times. The height of a screen shall not be less than five feet, except where the screen would interfere with traffic safety, in which case it may be reduced in height to, but not less than 30 inches in height.

9.7 LAKESHORE AND RIVER FRONTAGE

Any building constructed on a lot abutting a lake, pond, stream, or river shall be set back at least 75 feet from the high-water line, except:

- A. Those buildings in existence at the time of passage of this ordinance.

- B. Where the majority of the property abutting said water line within 500 feet of a vacant lot has been built upon at the time of passing of this ordinance, the setback of any building hereafter erected on said vacant lot shall not be required to be greater than, nor shall it be less than, the average setback of the improved properties.
- C. In the event of a controversy concerning the location of the high-water shore line for the purposes herein set forth, the determination of the Board of Appeals established under the statute and this ordinance, shall be conclusive on such question.

9.8 MINING AND MINERAL EXTRACTION

- A. Mining and mineral extraction is the removal and/or processing of iron ore, copper, gravel, sand, fill dirt, stone, gypsum, peat, topsoil, (but not including sod production and/or removal) Silver, gold, uranium, and other minerals. It is the intent of these regulations to:
 - 1. Provide for the best management practices to assure environmental protection during the site planning, operational and reclamation stages of the mining and mineral extraction process, including, but not limited to:
 - (a) Proper drainage and erosion protection;
 - (b) Aquifer/groundwater protection;
 - (c) Surface water protection;
 - (1) Air quality protection as it may pertain to:
 - (2) Smoke;
 - (1) Fumes;
 - (2) Odor;
 - (3) Dust; and,
 - (4) Other airborne pollutants;
 - (e) Compliance with applicable Federal, State and local laws, rules and regulations;
 - (f) Providing for proper handling and disposal of hazardous material generated and/or used in the mining and mineral extraction process;
 - (e) Providing assurances that upon cessation of the mining and mineral extraction operation the property will be returned to a condition such that it can be used for those uses which are permitted in the zoning district in which the property is located.
 - 2. Provide for the health, safety and welfare of the general public, the community at large, and adjacent properties, including but not limited to:

- (a) Protection from effects of increased traffic;
 - (b) Protection from any adverse effects of noise, dust, vibration, blasting and glare;
 - (c) Providing for visual and/or aesthetic quality during, and upon cessation of, the mining and mineral extraction operation; and,
 - (d) Protection from the use and/or transportation of hazardous materials.
- B. No mining and/or mineral extraction operation or any mining related buildings, structures, processing equipment or tailing ponds, basins or mounds may be built, operated or maintained:**
- 1. Until an impact area is determined. One thousand (1,000) feet shall be presumed to be an appropriate distance from any adjoining land uses or structures. The area encompassed by that distance shall be designed the "impact area". If, as a result of review and analysis by the Planning Commission, a site-specific reason based upon health, safety or welfare, as specified in subsection 9.8, A) 2) a) through d) would allow a reduced "impact area" or require an enlarged "impact area" such adjustment may be made as is found to be reasonable.
 - 2. Within 500 feet of the nearest edge of the right-of-way of any of the following:
 - (a) State highway,
 - (b) Federal highway,
 - (c) County road.
 - 3. Within 1,500 feet of any public or private well with the exception of such wells as are necessary for the proposed mining and/or mineral extraction operation.
 - 4. Where the mining and/or mineral extraction operation would violate applicable local, state, or federal groundwater standards, rules, or regulations.
 - 5. Within a floodplain where no permit pursuant to the Michigan Floodplain Control Act, P.A. 245 of 1929, as amended by P.A. 167 of 1968 has been issued.
 - 6. Within a wetland, as determined by the Michigan Department of Natural Resources, where no permit pursuant to the Goemaere-Anderson Wetland Protection Act, P.A. 203 of 1979, as amended has been issued.
- C. No mining or mineral extraction shall be undertaken without first obtaining a mining and mineral extraction permit from the St. Ignace Township Zoning Administrator, and paying a permit fee of \$100.00. The Zoning Administrator shall not issue a permit until such time as the Township Board has reviewed and approved the application for a permit, in accordance with the provisions of this Section of this Zoning Ordinance.**

1. **Before submitting a permit application each applicant shall meet and confer with the St. Ignace Township Planning Department and interested Township officials regarding the preparation of the application. It shall be the responsibility of the Planning Department to contact and invite the appropriate Township officials to such a meeting. The general outlines of the Mining and Mineral Extraction operations evidenced by sketch plans are to be reviewed at the meeting before submission of a permit application. Therefore, the Planning Department shall furnish the applicant with his written comments regarding the meeting including appropriate recommendations to inform and assist the applicant prior to preparing a mining and mineral extraction application.**
2. **The Planning Commission shall review the application and all documentation submitted there with, and if the said application meets the minimum requirements set forth in this Ordinance, the Planning Commission shall schedule and hold a public hearing with notices being sent out to property owners and occupants or property within 1320 feet of the subject property.**
3. **Following the public hearing, the Planning Commission shall make a recommendation of the Township Board on the application by applying the standards relating to mining and mineral extraction permits set forth in Sections 9.8 through 9.83 of this Zoning Ordinance, and shall recommend approval, approval with Conditions, or denial of the permit application, and shall prepare a written explanation of its recommendation.**
4. **The Planning Department shall then submit the application and all related materials, as well as the recommendation of the Planning Commission, to the Township Board for its review and action. The Township Board shall not be required to hold another public hearing, but may make its decision based upon its application of the standards set forth in this Section of the Zoning Ordinance, and may approve, approve with conditions, or deny the application for a permit.**
5. **Mining and mineral extraction permits shall be reviewed on a three (3) year basis. Permits may be revoked if not in full compliance with all ordinances, laws, regulations, and conditions applicable to the current permit, including site, operation and reclamation plans. The review process shall include the updating of the information and requirements set forth in Section 9.81, as well as compliance with the standards established in this Ordinance.**
6. **If any of the application information or requirements are available in the form of an environmental impact assessment or other appropriate document which is required by the various county, state and/or federal agencies, a copy of such information or document shall be submitted as a part of the application for mining and mineral extraction permit.**
7. **If in the process of reviewing and/or considering the mining and mineral extraction permit application the Township Planning Commission and/or Township Board determines that additional information is necessary in order to fully evaluate the application, then the Planning Commission and/or Township Board may defer taking action on such application until such information is provided.**

8. **As a part of the application, and as a condition of the granting of a mining and mineral extraction permit, the Planning Department and/or the Township Zoning Administrator shall be granted permission by the owner or its designated agent to enter upon the site where the mining and mineral extraction operations are being conducted, at any reasonable time, for the purpose of conducting appropriate inspections to determine compliance with permit requirements, operation and reclamation plans, or to investigate complaints.**
9. **The Township Planning Commission may recommend, and the Township Board may impose, conditions upon the approval of a mining and mineral extraction permit which are deemed to be necessary to assure compliance with the requirements of this Ordinance. Such conditions shall be considered an integral part of the mining and mineral extraction permit and shall be enforced by the Zoning Administrator. In addition, the Township Board shall also consider the activity levels of the mining and mineral extraction permit and may impose conditions to insure the preservation and protection of adjacent properties and the health, safety and welfare of the general public.**
10. **No individual or entity to which a mining and/or mineral extraction permit has been granted shall sell, lease, assign, or transfer in a any manner such permit, or any of the rights granted thereunder, without first securing the approval of the Township Board. No such transfer shall relieve the original permit holder from any liability for violation of the permit, any conditions imposed thereon, this Ordinance, or the plans approved by the Township Board, or from any damages resulting from such violation, where such violation occurred prior to the date of transfer. As a condition of approving such transfer, the Township Board shall require that:**
 - (a) **All existing violations of the permit, any conditions imposed thereon, the plans approved by the Township Board, or this Ordinance, shall be remedied by the proposed transferee as soon as may be practicable; and,**
 - (b) **The proposed transferee provide all the financial guarantees described in this Ordinance which were required as a condition of the original issuance of the permit; and,**
 - (c) **The proposed transferee agree to, and demonstrate an ability to, comply with all of the terms and conditions of the original permit, any conditions imposed thereon, the plans approved by the Township Board, and this Ordinance; and,**
 - (d) **The proposed transferee agree to and demonstrate an ability to comply with any new or additional conditions which the Township Board might see fit to impose upon said permit by reason of the proposed transfer thereof,**

D. A permit for mining and/or mineral extraction may be denied if any of the following situations may be expected to occur during or subsequent to mining and/or mineral extraction.

1. **Landslides or deposition from the proposed operations into streams, lakebeds or wetlands,**

2. **Surface subsidence which cannot be reclaimed.**
3. **Operations resulting in damage to any of the following:**
 - (a) **Surface waters,**
 - (b) **Ground water,**
 - (c) **Soils,**
 - (d) **Air,**
 - (e) **Dwellings,**
 - (f) **Public structures,**
 - (g) **Schools,**
 - (h) **Churches,**
 - (i) **Cemeteries,**
 - (j) **Commercial or institutional structures,**
 - (k) **Agricultural activities,**
 - (l) **Public roads,**
 - (m) **Habitat required for the survival of vegetation and/or wildlife designated as endangered through prior inclusion in rules by the Michigan Department of Natural Resources or the U.S. Fish and Wildlife Service.**

E. The following activities shall not require a mining and mineral extraction permit:

1. **Any mining or mineral extraction operation which is active and lawful at the date of enactment of this amendment provided that the continued action of such mining or mineral extraction is limited to existing holes, pits, shafts, or cells. However, no such lawful nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of this amendment, nor shall any new holes, pits, shafts, or cells be commenced without first securing a mining and mineral extraction permit.**
2. **In the case of sand, fill dirt and/or gravel extraction operation, existing holes and/or pits may be worked and enlarged on the land which constituted the lot of record on which operations were conducted at the time of becoming nonconforming, predicated upon compliance with the following restrictions:**
 - (a) **The amount of material extracted on an annual basis does not exceed the maximum annual amount extracted during the preceding five (5) year period from adoption of this amendment; and,**

- (b) The amount of waste material produced on an annual basis in the mineral extraction process does not exceed the maximum annual amount extracted during the preceding three (3) year period from adoption of this amendment; and,
 - (c) The amount of mining and processing equipment used in the operation does not increase; and,
 - (d) The normal hours of operation do not increase;
 - (e) The amount of noise, vibration, and dust from the operation does not increase; and,
 - (f) The extent of the area of the mining operation does not increase beyond the limits of the lot of record used for that purpose at the time of adoption of this amendment.
3. The mining or mineral extraction of less than one thousand (1000) cubic yards of material annually from a parcel.

A mining and mineral extraction permit shall be obtained for all lawful nonconforming mining and/or mineral extraction operations not meeting these criteria.

9.81 APPLICATION FOR MINING AND MINERAL EXTRACTION PERMIT

An application for a mining and mineral extraction permit must contain a Site Plan, Hydrologic Study, Operation Plan, and Reclamation Plan as described herein. Any federal, state, or county requirements that address those points listed here may be substituted for the required application forms.

The applicant shall submit to the Planning Department the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent.

A. Site Plan Requirements.

A site plan shall be drawn to a scale adequate to illustrate the proposed activity, and shall include, at a minimum:

- 1. A legal description of the lot or parcel upon which the proposed activity is to be conducted; the name, address and telephone number of the owner, developer, proposed operator and designer;
- 2. Date, north point, and scale;

B. Hydrologic Study Requirements

A hydrologic study shall be completed as part of the permit application process by an independent consultant agreeable to the applicant and the Township. The consultant shall be retained by, and all fees and costs related to the hydrologic study shall be the responsibility of, the applicant.

The hydrologic study shall include if determined necessary by the Planning Department:

1. Information necessary to establish baseline data on the quality and quantity of the groundwater from all public and private wells within a specified radius as determined by the Planning Director, based on recommendations from the Michigan Department of Natural Resources, the Mackinaw County Health Department and the independent consultant, of the proposed mining and/or mineral extraction operation. This information shall include well information for at least the previous two (2) years if available.

2. A plan for the ongoing monitoring of all wells within the identified radius of the mining and/or mineral extraction operation if permitted by the private well owners.

The well monitoring intervals shall be determined at the time of the permit application based on recommendations from the Michigan Department of Natural Resources, the Mackinaw County Health Department and the independent consultant. Additional monitoring wells may be required around the perimeter of the operation if it is determined to be necessary due to the location of other wells within the specified radius.

3. A plan for continued well monitoring upon cessation of the mining and/or mineral extraction operation, which may be required to extend for up to 30 years.

9.82 FINANCIAL SECURITY

In order to assure compliance with the reclamation plan required by Section 9.81 D. of this Ordinance, the applicant may, at the time of issuance of a mining and mineral extraction permit and prior to the disturbance of land, be required to provide financial security to the Township, in one or a combination of the following arrangements:

- A. **PERFORMANCE BOND.** A performance or surety bond issued by an acceptable bonding company authorized to do business in the State of Michigan;
- B. **ESCROW FUND.** A cash deposit or certified check;
- C. **IRREVOCABLE LETTER OF CREDIT.** An irrevocable letter of credit issued by a bank authorized to do business in the State of Michigan.

The security shall be filed with the Township Clerk and shall be for the same time periods as the mining and mineral extraction permit, and in an amount established by the Township Board, based upon the recommendation of the Planning Department as determined to be reasonably necessary to assure compliance with the approved reclamation plan, as required by Section 9.81 D. of this Ordinance.

The bond shall be conditioned upon the faithful performance of the requirements set forth in the approved plans required by Section 9.81 D. Liability under the bond shall be maintained as long as the reclamation is not completed in compliance with the approved plan.

If the reclamation plan provides for ongoing reclamation during the mining and mineral extraction process and identifies areas or units of land that will be reclaimed prior to cessation of mining or extraction operations the financial security may be filed for a minimum of 3 areas or units of land and shall be transferable to other areas or units of land contained within the permit upon the faithful compliance with the approved reclamation plan as required by Section 9.81 D.

Written notification shall be given upon completion or acceptance by the Township Zoning Administrator of the reclamation activity. Copies of this notification shall be sent to the Township Board and Planning Commission and shall also be filed with the permit application.

9.83 MINING AND MINERAL EXTRACTION GENERAL STANDARDS

The Planning Commission and Township Board shall review the particular facts and circumstances of each application for Mining and Mineral Extraction Permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

- A. Will be harmonious with and in accordance with the general policies and/or with any specific objectives of the Township Comprehensive Development Plan;
- B. Will provide for adequate environmental protection during the site planning, operational and reclamation stages of the mining and mineral extraction process, including, but not limited to:
 - 1. Proper drainage and erosion protection;
 - 2. Aquifer/groundwater protection;
 - 3. Surface water protection;
 - 4. Air quality protection as it may pertain to:
 - (a) Smoke;
 - (b) Fumes;
 - (c) Odor;
 - (d) Dust; and,
 - (e) Other airborne pollutants.
 - 5. Compliance with applicable Federal, State, and local laws, rules and regulations;
 - 6. Providing for proper handling and disposal of hazardous material generated and/or used in the mining and mineral extraction process;
 - 7. Providing assurances that upon cessation of the mining and mineral extraction operation the property will be returned to a condition such that it can be used for those uses which are permitted in the zoning district in which the property is located.
- C. Will provide for the health, safety and welfare of the general public, the community at large, and adjacent properties, including, but not limited to:
 - 1. Protection from the effects of increased traffic;
 - 2. Protection from any adverse effects of noise, dust, vibrations and glare;
 - 3. Providing for visual and/or aesthetic quality upon cessation of the mining and mineral extraction operation; and,

- D. Will be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed mining and mineral extraction operation shall be able to continually provide adequately for the services and facilities deemed essential to the mining and mineral extraction operation under consideration; and,
- E. Will not place demands on public facilities and services in excess of current capacity; and,
- F. Will not be detrimental to the economic welfare of the community."

9.9 WIRELESS COMMUNICATION FACILITIES

This Article's purpose is to establish general guidelines for siting wireless communication towers and antennas. This Article's goals are to: (A) protect residential areas and land uses from potential adverse impacts of towers and antennas; (B) encourage the location of towers and antennas in non-residential areas; (C) minimize the total number of towers and antennas throughout the Township.

- A. Wireless Communication Facilities maybe located in the FR (Forest/ Recreation) or I (Industrial) districts and are subject to the following qualifying conditions and/or regulations:
 1. The height of the wireless communication facility shall not exceed 175' unless a variance has been granted by the Zoning Board of Appeals.
 2. All sites must contain a minimum area sufficient to contain the wireless communication facility and all related accessory uses. The site shall have legal documented access to public road.
 3. Any wireless communication tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been certified by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, verifying a safe fall zone. All towers shall be certified by an above licensed engineer verifying that the structural design will withstand wind speeds and icing under the worst conditions experienced in the area.
 4. Accessory structures shall not exceed six hundred (600) square feet of gross building area.
 5. No wireless communication facility shall be approved unless the applicant is able to establish that any existing tower, structure or facility is not available for co-utilization based upon technical inadequacy or incapacity, unreasonable or prohibitive cost, denial by owner or other practical impediment to use or access.
 6. There shall not be displayed on the wireless communication facility advertising or identification of any kind intended to be visible from the ground or other structures, except as required for emergency purposes.
 7. The wireless communication facility shall be maintained in a predominate color, coating or material which matches the exterior surroundings. The predominant color scheme shall be designed to minimize off-site visibility of the structure.

8. All wireless communication facilities must comply with the standards of the Federal Aviation Administration, the Federal Communications Commission, and all applicable State or Local codes.
9. The wireless communications facility shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
10. All wireless communication facilities shall be removed by the property owner or lessee within six (6) months of being abandoned by all users.
11. Minimum spacing between wireless communication facilities shall be one (1) mile in order to prevent a concentration of towers in one area.
12. Wireless communication facilities shall not be artificially lighted unless required by the Federal Aviation Administration.
13. The base of any tower and any cable supports shall be fenced with a minimum six (6) foot high security fence and all fencing shall be screened with landscaping. Accessory structures shall match the construction characteristics of other existing buildings in the surroundings area.
14. All wireless communications facilities shall be inspected after being constructed and then once every three (3) years for compliance with all ordinance, structural and operational requirements and shall be certified as in compliance by a licensed mechanical, civil, professional engineer or architect, or other engineer licensed and competent in assessing the structural integrity of such towers, and said certification shall be submitted to the Township.

SECTION X CONDITIONAL USES

10.1 CONDITIONAL USES, EXPLANATION:

In order to make this ordinance flexible to meet the needs of changing trends in development and new technology, the Township Board is authorized to approve the establishment of conditional uses. In this way the ordinance does not become a rigid document that cannot be altered, but serves as a guideline upon which the Township Board may make enlightened judgments keeping development within the general philosophy of this ordinance. Land and structure uses not specifically mentioned in the foregoing text or possessing unique characteristics may be designated as conditional uses and, as such, may be authorized by the issuance of a conditional use permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare. Certain types of uses are required to secure a permit to allow them to be placed in one or more districts in which their uncontrolled occurrence might cause unsatisfactory results of one kind or another. All the items listed are proper uses of land, but have certain aspects which call for special consideration of each proposal. Because under certain conditions they could be detrimental to the health, safety, or general welfare of the public, the uses listed as Conditional Uses are permitted in certain districts only if granted by the Township Board.

10.2 CONDITIONAL USE - FILING REQUEST:

- A. Petitions for the grant of conditional use permit shall be filed with the Zoning Administrator on forms provided therefore. The petitioner shall submit plans and specifications or other data or exploratory material stating the methods by which he will comply with the conditions specified for each grant of special exception. At the time of filing his request for a conditional use, the petitioner shall pay the fee required to cover the cost of advertising and of sending notices and other miscellaneous expenses in connection with this petition.
- B. The Township Board shall review the application and after a public hearing shall grant or refuse the conditional use, and notify the petitioner and building inspector and/or Zoning Administrator.

10.3 CONDITIONAL USE - GENERAL PROVISIONS:

In hearing a request for any conditional use, the Township Board shall be governed by the following principals and conditions:

- A. The applicant for a conditional use shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Board.
- B. Conditional use permit may be granted when the Township Board finds from the evidence produced at the hearing that:
 - 1. The proposed use does not affect adversely the development plan for physical development of St. Ignace Township as embodied in this ordinance and in any Land Use Plan or portion thereof adopted by the Township and;
 - 2. The proposed use will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the use or development of adjacent properties or the general neighborhood and;
 - 3. The standards as may be set forth for a particular use for which a special exception may be granted, can and will be met by the applicant.

10.4 CONDITIONAL USE - SPECIAL PROVISIONS:

The Township Board may, and is hereby empowered to, add to the specific provisions enumerated herein, others that it may deem necessary to protect adjacent properties, the general neighborhood, and the residents and workers therein.

10.4 REQUIREMENTS FOR MOBILE HOMES

For a mobile home to be considered a single family dwelling, it must meet the following conditions:

- A. Have a minimum width of 16 feet.
- B. Meet the most recent specifications of the Michigan Mobile Home Commission and shall

have affixed to it a numbered plate certifying it meets all requirements of the U.S. Department of Housing and Urban Development (HUD).

- C. The mobile home must be permanently installed on the site pursuant to manufacturers specifications by an anchoring system.
- D. Running and towing apparatus (axles and hitch) must be removed.
- E. A skirting wall must be installed of such material and type as required by the building code for single family dwellings.

SECTION XI AMENDMENT PROCEDURES

11.1 AMENDMENT PROCEDURES

- A. Such regulation, restrictions, and boundaries established by this ordinance may from time to time be amended, supplemented, or repealed by the Township as provided by the applicable state statute. Requests for amendment of this ordinance may be made by any interested person or governmental agency by submitting an application for the proposed amendment, (or a letter) to the St. Ignace Township Clerk.

A fee, to be determined by the Township, shall be charged to cover the cost of the necessary advertising for public hearing. The clerk shall, within five days after acceptance for filing an amendment to the Zoning Ordinance, transmit a copy of the application to the St. Ignace Township Planning Commission. The Planning Commission shall submit, prior to the public hearing, a written recommendation on the requested amendment to the Township Board, which shall be incorporated in the application file, otherwise approval of the Township Planning Commission of such request shall be conclusively presumed.

- B. In case of a text amendment, the applicant shall submit, in writing, the proposed text to be added and/or the existing text to be deleted.
- C. In case of a map amendment, the applicant shall submit a written statement specifying the following:
 - 1. The name and address of the owner of the land.
 - 2. The street number, if any, or if none the location with respect to nearby public roads serving the land which is proposed to be reclassified.
 - 3. A description by metes and bounds, courses and distances of the land, or the boundaries conform to lot boundaries within a subdivision for which a plat is recorded in the Land Records of Mackinac County, then a lot, block and subdivision designation with appropriate plat reference.

4. A site plan prepared by a civil engineer, surveyor, or other competent person, and certified thereon by him to be correct and in conformance with this section, showing the land proposed to be reclassified, or if the boundaries conform to lot boundaries within a subdivision for which a plat is recorded among the Land Records of Mackinac County, then a copy of each plat, the land proposed to be reclassified appearing in a color distinctive from that of other land shown on the plat.
5. The area of the land proposed to be reclassified, stated in square feet if less than one (1) acre and in acres if one (1) acre or more.
6. The present classification and the classification proposed for such land.

SECTION XII

Effective Date of Ordinance - *AMENDED*

This ordinance shall become effective thirty (30) days after a true copy of the same is first published in its entirety following passage by the St. Ignace Township Board, as of JULY 9, 19 2005

SECTION XIII STANDARDS REQUIRED OF CONDITIONAL USES

Conditional uses shall comply with all of the standards as specified herein. The Board of appeals may add to the standards as provided where it is necessary to protect adjacent properties, the general neighborhood and the residents and workers therein.

SPECIAL EXCEPTION USE	MINIMUM REQUIRED STANDARDS*
Animal hospital & kennel	2, 4, 5e
Asphalt & concrete ready-mix plant	2, 4, 5f
Automobile repair garage	2, 4, 5d, 8
Bar, tavern and night club	2, 4, 5e
Bus or truck terminal	2, 4, 5e
Care home	3, 5a
Cemetery	2, 3, 5a
Church	1, 5b
Club, private non-commercial	1, 4, 5b
Earth removal, excavations commercial	2, 5e
Gasoline service station	2, 4, 5d, 7
Golf Courses	2, 3, 5d
Gravel processing & quarrying	2, 4, 5f
Hospital	2, 3, 5c
Institutions, charitable & philanthropic	1, 3, 5c

Kennel	2, 4, 5e
Liquor, package sale	5d
Medical clinic	1, 4, 5a
Nursery, children's	1, 4, 5a
Offices and office buildings	2, 4, 5a
Public utility buildings and structures	1, 4, 5a, 9
Quarrying	2, 4, 5f
Recreation, commercial; outdoors	2, 4, 5e
Riding stable; race track; commercial	2, 4, 5f
School, parochial and private	1, 5b
Truck terminal	2, 4, 5e
Used car lot	2, 4, 5e, 8
Volunteer or municipal fire station	2, 4, 5e

The minimum required standards enumerated below are referred to by the numbers following each special exception use.

1. The use shall have frontage on an existing or officially proposed road having a Primary or greater classification.
2. The use shall have frontage on an existing or officially proposed road having a Major or greater road classification.
3. The use shall have off street parking facilities to satisfy average parking needs.
4. The use shall have off street parking facilities to satisfy peak parking needs.
5. Buildings and activities shall not be closer than the specified number of feet to adjacent residential properties.
 - a. 25 feet
 - b. 50 feet
 - c. 100 feet
 - d. 200 feet
 - e. 500 feet
 - f. 1000 feet
6. Public utility buildings shall, whenever practicable, have an exterior appearance similar to those buildings in the immediate area. The public utility buildings and structures shall have suitable landscaping, screen planting and fencing whenever deemed necessary by the Township Board.
7. Gasoline pumps or other service appliances shall be set back at least 20 feet from the lot line.
8. No major repairs or dismantling shall be permitted outside of a closed structure.
9. The use shall be enclosed by a solid wall or compact screening of suitable material as determined by the Board of Appeals and shall not be less than six (6) feet in height

SECTION XIV

SCHEDULE OF LOT, YARD AND AREA REQUIREMENTS

	Residential/ <u>Resort</u>	Forest/ <u>Recreation</u>	<u>Commercial</u>	<u>Industrial</u>
	<u>All Structures and Accessory Buildings</u>			
Min. sq.ft. per dwelling unit	750	750	750	750
Min. lot frontage lot width (feet)	100	200	75	100
Platted Area Evergreen Shores w/public water & sewer			5,000 S.F.	
Min. lot area (sq.ft) per dwelling unit:	10,000 (with public water and/or sewer) 10,000(with public water and/or sewer)			
single family	20,000	20,000	40,000	15,000
two family	10,000 (additional)			
multi-family	4,000 (additional)			
Max. building height (feet)	2 stories or 35	2 stories or 35	2 stories or 35	2 stories or 35
Max. building coverage (%)	30	30	100	30
Front yard setback (feet)	30	50	10	30
Side yard (feet)	10	20	0	10
Exception-side yard corner lot			10	
Rear yard (feet)	10	50	5	20

- Where the majority of the frontage along one side of a street within 500 feet of a vacant lot has been built upon at the time of passage of this ordinance, any building hereafter erected on said vacant lot shall not be less than the average setback of the improved frontage.

2. **On corner lots, the width of the side yard adjacent to the side street shall be equal to the front yard setback of the lot adjoining the rear of said corner lot. When the lot adjoining said corner lot along the rear line does not front on the side street of the corner lot, the side yard shall not be less than $\frac{2}{3}$ the front yard setback required for that district. The setback or yard area of any commercial or industrial use maintained on a parcel of land adjacent to a residential district shall be two times that required within the district as specified above, or a minimum of 25 feet whichever is greater; and said use of activity shall be effectively screened by compact evergreens, fence or wall, from any adjacent residential district.**
3. **Unless that portion of the building extending beyond 35 feet in height is setback from each lot line one additional foot, beyond the minimum requirement, for each foot in height above 35 feet.**