



# Burt Township Zoning Ordinance

*Cheboygan County, Michigan*

*Amendments Through January 2026*

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## **Article I. SHORT TITLE AND PURPOSE**

### **Preamble**

An Ordinance to provide for the establishment of Zoning Districts to encourage and regulate the use of land and proper location of buildings and structures for residence, trade, industry, or other purposes; to regulate dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of this ordinance.

### **The Township of Burt ordains:**

#### **Section 1.01 Title**

This Ordinance shall be known as the Burt Township Zoning Ordinance.

#### **Section 1.02 Purpose**

The purpose of the Ordinance is to:

1. Provide for the orderly development of the township while minimizing the impacts of incompatible adjoining land uses and preventing nuisances from interfering with the reasonable use and enjoyment of private property. In all cases, it is the purpose of this Ordinance to regulate the use of real property so that it does not adversely impact upon broader public interest;
2. Ensure the public health, safety and general welfare;
3. Promote the use of lands and natural resources of the township in accordance with their character and adaptability and in turn, limit their improper use;
4. Reduce hazards to life and property;
5. Lessen congestion on the public roads and streets;
6. Provide, in the interests of health and safety, the minimum standards under which certain buildings and structures may hereafter be erected and used;
7. Facilitate the development of an adequate system of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements;
8. Conserve life, property and natural resources and the expenditure of funds for public improvements and service to conform with the most advantageous uses of land, resources and properties.

### **Section 1.03 Authority**

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006.

### **Section 1.04 Validity**

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

### **Section 1.05 Repeal of Previous Zoning Ordinance**

1. This ordinance repeals and replaces any previous Burt Township Zoning Ordinance in its entirety.

The repeal of the Burt Township Zoning Ordinance Revised May 2000, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any provisions of said ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

## **Article II. RULES OF CONSTRUCTION AND DEFINITIONS**

### **Section 2.01 Rules of Construction**

In order to clarify the intent of the provisions of this Ordinance, the following rules shall apply, except when clearly indicated otherwise.

1. The particular shall control the general.
2. The word "shall" is always mandatory and never discretionary. The word "may" is permissive.
3. Words used in the present tense shall include the future; words in the singular number shall also denote the plural and the plural shall also denote the singular.
4. A "building" or "structure" includes any part thereof.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
6. Unless the context clearly indicates otherwise, where a regulation involves two (2) or more items, conditions, provisions, or events, the terms "and", "or", "either...or", such conjunction shall be interpreted as follows:
7. "And" denotes that all the connected items, conditions, provisions, or events apply in combination.
8. "Or" indicates that the connected items, conditions, or provisions, or events may apply singly or in any combination.
9. "Township" shall refer specifically to Burt Township.
10. The term "person" shall mean an individual, firm, corporation, association, partnership, limited liability company, or other legal entity, or their agents.
11. Terms not defined shall be assumed to have the meaning customarily assigned them.
12. Any necessary interpretation of this Ordinance shall be defined by the Burt Township Zoning Board of Appeals.

### **Section 2.02 Definitions**

**Accessory Structure:** Any building or structure that is customarily incidental and subordinate to the use of the principal building or structure, including but not limited to accessory buildings, and signs. Satellite dishes and television antennae are specifically not considered accessory structures for this ordinance.

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

**Adult Arcade:** Any place to which the public is permitted or invited wherein coin-operated or slug-operated, electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Bookstore or Adult Video Store:** A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or
2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an establishment if it comprises 35% or more of annual sales volume or occupies 35% or more of the floor area or visible inventory within the establishment.

**Adult Cabaret:** A nightclub, bar restaurant, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity;
2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;
3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or
4. Persons who engage in lewd, lascivious or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

**Adult Motel:** A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas;

2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

**Adult Motion Picture Theater:** A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

**Adult Theater:** A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

**Agriculture:** The act or business of cultivating or using land and soils for the production of crops for the use of animals or humans and includes, but is not limited to, purposes related to agriculture, farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry. Flower, vegetable or other gardens maintained only for the property owner(s) use and/or enjoyment are not considered agricultural.

**Alterations:** Any change, addition or modification in construction or type of use or occupancy; any change in the supporting structural members of a building, such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

**Alternative Tower Structure:** Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Anemometer:** An instrument for measuring and recording the speed of the wind.

**Anemometer Tower:** A structure, including all accessory facilities, temporarily erected for no more than two (2) years, on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator.

**Antenna:** Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio signals or other communication signals.

**Appearance Ticket:** see Municipal Civil Infraction Citation.

**Architectural Features:** Parts of a building which are not for human occupancy, that shall include but are not limited to cornices, eaves, gutters, courses, sills, lintels, bay windows, chimneys and decorative ornaments.

**Automobile Repair:** Any major activity involving the general repair, rebuilding, or reconditioning of motor vehicles or engines; collision repair, such as body, frame, or

fender straightening and repair; overall painting and vehicle rust-proofing; refinishing or steam cleaning.

**Automobile Sales Area:** Any space used for display, sale or rental of motor vehicles, in new or used and operable condition.

**Automobile Wash Establishment:** A building, or portions thereof, the primary purpose of which is that of washing motor vehicles.

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

**Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**Bed and Breakfast Establishment:** Any family occupied dwelling used or designed in such a manner that certain rooms in excess of those used by the family are rented to the transient public for compensation. For the purpose of this Ordinance, the term bed and breakfast establishment also includes tourist home.

**Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.

**Board of Appeals:** As used in this Ordinance, this term means the Burt Township Zoning Board of Appeals.

**Boat and/or Canoe Livery and Boat Yard:** A place where boats and/or canoes are stored, rented, sold, repaired, decked and serviced.

**Buffer Strip:** A strip of land for the planting of shrubs and/or trees to serve as an obscuring screen to carry out the requirements of this Ordinance.

**Buildable Area:** That portion of a lot remaining after the minimum setback and open space requirements of this Ordinance have been complied with.

**Building Height:** The elevation measured from the lowest finished grade adjacent to the structure to the highest point of the roof. No portion of the structure's roof (except chimneys) may exceed the height allowed in the specific district regulations.

**Buildable Width:** The width of a lot left for building after required side yards are provided.

**Building:** Any structure having a roof supported by columns, or walls for the shelter or enclosure of persons, animals, or property of any kind.

**Campgrounds:** Any parcel or tract of land, under the control of any person wherein sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for 4 (four) or more recreational units.

**Cargo Container:** Originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms “transport containers,” “shipping containers,” “high-cube containers,” and “portable site storage containers” having a similar appearance to and similar characteristics of cargo containers. *(Amended 05/02/19)*

**Church:** See Place of Worship.

**Clinic:** A building or group of buildings where human patients are admitted for examination and treatment by more than one professional, such as a physician, dentist, or the like, except that human patients are not lodged therein overnight.

**Club:** Buildings and facilities owned or operated by corporation, association, person or persons for social, educational, or recreational purposes.

**Condominium Unit:** That portion of a condominium project designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed.

**Dock:** A temporary or permanent structure, built on or over the water, supported by pillars, pilings, floats, or other supporting devices.

**Drive-Thru Business:** Any restaurant, bank or business with an auto service window.

**Driveway, Private:** A private lane, which is used for vehicular ingress or egress serving one, two or three lots, parcels or site condominium units.

**Dwelling Unit:** A building or portion of a building, either site-built or pre-manufactured which has sleeping, living, cooking and sanitary facilities and can accommodate one family, either permanently or transiently. In the case of buildings which are occupied in part, the portion occupied shall be considered a dwelling unit, provided it is in conformance with the criteria for dwellings. In no case shall a travel trailer, truck, bus, motor home, tent or other such portable structures be considered a dwelling unit. Except for guest houses, dwelling units must contain at least 800 square feet of livable floor area as defined in this ordinance.

**Dwelling, Single-Family:** A detached building containing exactly one dwelling unit designed for residential use.

**Dwelling, Two-Family:** A building containing not more than two separate dwelling units designed for residential use.

**Dwelling, Manufactured:** A building or portion of a building designed for long-term residential use and characterized by all of the following:

1. The structure is produced in a factory in accordance with the National Manufactured Housing Construction and Safety Standards Act, as amended, and
2. The structure is designed to be transported to the site in nearly complete form, where it is placed on a foundation and connected to utilities; and

3. The structure is designed to be used as either an independent dwelling or as a module to be combined with other elements to form a complete dwelling on the site.

**Dwelling, Mobile:** A factory-built, single-family structure that is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, which does not have wheels or axles permanently attached to its body or frame, and which is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

**Dwelling, Multiple-Family:** A building containing three or more dwelling units designed for residential use.

**Efficiency Unit:** A dwelling unit consisting of one room, exclusive of bathroom, hallway, closets, and the like providing not less than three hundred and fifty (350) square feet of usable floor area.

**Enclosed, locked facility** means an enclosed, locked facility as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

**Erected:** Includes built, constructed, reconstructed, extended, enlargement, moved upon, or any physical operation on the premises intended or required for a building or structure. Excavation, fill, drainage, and general land improvements, shall be considered part of erection.

**Escort:** A person who, for consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**Escort Agency:** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

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

**Excavating:** Excavating shall be the earth moving, filling or removal of earth, sand, stone, gravel, or dirt.

**Family:** One or two persons or parents, with their direct lineal descendants and

adopted children (and including the domestic employees thereof) together with not more than four persons not so related, living together as a single house-keeping unit. Every additional group of two or less persons in a dwelling unit shall be considered a separate family.

**Farm:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide agriculture is carried on directly by the owner-operator, manager, or tenant-farmer by his own labor or with the assistance of members of his household or hired employees.

**Fence:** Any permanent or temporary means, partition, structure or gate erected as a dividing structure, or barrier and not part of a structure requiring a building permit.

**Floor Area:** The square footage of floor space measured from exterior to exterior wall for all floors, but not including enclosed and unenclosed porches, breezeways, non-commercial garages, attic, basement and cellar area.

**Floor Area, Livable:** That sum of the horizontal areas of each story of a residential structure, or portion of a structure intended for residential use, measured from the exterior faces of the exterior walls, or from the centerline of walls separating two buildings.

**Floor Area, Usable** (for the purpose of computing parking): That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Floor area used or intended to be used for the storage or processing of merchandise, hallways or for utilities or sanitary facilities, shall be excluded for the computation of "Usable Floor Area". All floor levels shall be counted.

**Gas and Oil Processing Facilities:** Any facility and/or structure used for, or in connection with, the production, processing or transmitting of natural gas, oil, or allied products or substances, and the injection of same into the ground for storage or disposal, not under the exclusive jurisdiction or control of the Supervisor of Wells, Department of Natural Resources or Public Service Commission; not including industrial facilities such as cracking plants, large oil storage facilities and heavy industrial operations and facilities.

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

**Grade, Finished:** The elevation of the ground upon the completion of construction and improvements.

**Grade, Natural:** The elevation of the ground surface in its natural state, before human alterations.

**Ground-Mounted Solar Installations:** A private system installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site. (*Amended 02/14/20*)

**Guest House:** Secondary living quarters not sharing a common wall with the primary living quarters which may include bedroom, bathroom and kitchen facilities. This may also define space above a detached garage.

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

**Home Business:** A profession or occupation, or trade that is accessory to a principal residential use conducted within a dwelling or residential accessory building. Home businesses fall into two classifications defined below:

**Home Occupations:** A profession or occupation conducted within a dwelling, or an attached garage, which is clearly incidental and secondary to the use of the lot, or dwelling for residential purposes. Home occupations are regulated by Section 6.09.1.

**Cottage Industry:** An occupation or trade conducted within a detached residential accessory structure, which is clearly incidental and secondary to the use of the lot, and dwelling for residential purposes. Cottage industries are regulated by Section 6.09.2.

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

**Hotel or Motel:** A building occupied or used as a predominantly temporary abiding place by individuals or groups of individuals, with or without meals, and in which building there are more than five (5) sleeping rooms.

**Impervious Surface:** Any surface or structure incapable or highly resistant to penetration by water including, but not limited to, buildings or structures, roofs of any type, concrete, asphalt, or bituminous paving, compacted gravel, flagstone, brick, or similar surface patios, decks, and driveways.

**Industrial Park:** A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with facilities and services in attractive surroundings among compatible neighbors.

**Industry:** A use engaged in manufacturing, fabricating, and/or assembly activities.

**Inoperable, Unlicensed or Abandoned Vehicle, Trailer or Watercraft:** Any vehicles of any nature whatsoever, including, but not limited to, automobiles, trucks, snowmobiles, motorcycles, riding mowers, tractors, four wheelers, trailers, or any watercraft, which is incapable of being used as intended whether by reason of dismantling, disrepair, or other cause, or any motor vehicle, trailer, or watercraft which is not licensed for a period in excess of thirty (30) days.

**Junk:** The outdoor accumulation and storage or other placement of junk presents an unsightly and unattractive appearance, or creates a health and safety hazard, or discourages adjoining property owners from improving their property, or threatens property values, or diminishes the quality of the community. Any of the following stored, placed, permitted to be stored or placed, or allowed to remain on any parcel of land outside a completely enclosed building for more than thirty (30) days in any one calendar

year unless managed as part of a permissible salvage yard:

Inoperable, unlicensed or abandoned vehicles, trailers or watercraft,

1. Machinery, appliances, products, merchandise or other item with parts missing or which is disassembled or otherwise cannot be used for its intended purpose,
2. scrap or salvage material, tires, trash, rubbish, litter, garbage, refuse or waste of any nature, or
3. Any item that is damaged, deteriorated, dismantled or in disrepair regardless of cause.

Junk does not include domestic trash, garbage or refuse if:

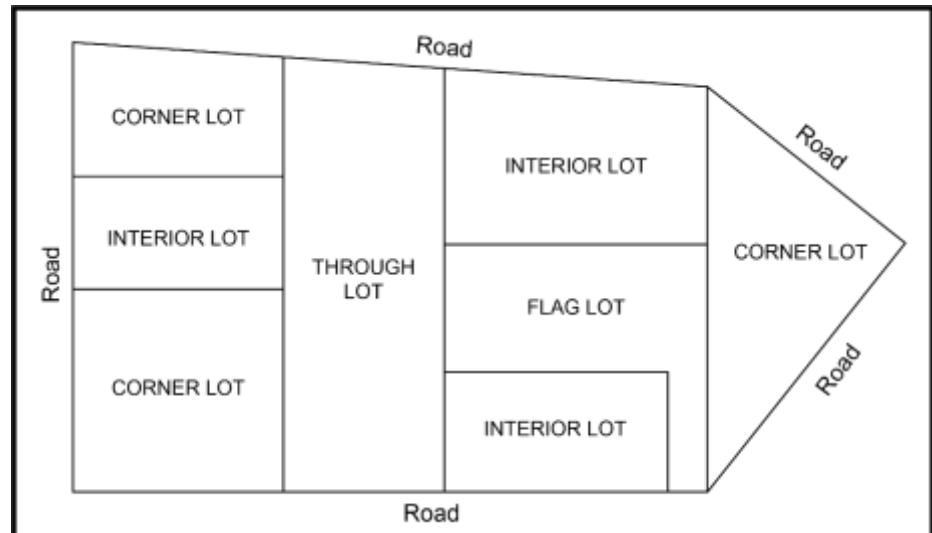
1. It is stored in an enclosed container so as to not create a nuisance, or
2. It is stored for a period not to exceed ten (10) days.

**Kennel:** Any lot or premises on which three (3) or more dogs, cats, or other household pets of the same species four (4) months of age or older are kept temporarily or permanently. Kennel shall also include any lot or premise where household pets are bred or sold.

**Landscape buffer:** See Buffer Strip.

**Loading Space:** An off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading or unloading merchandise or materials. Off-street loading space is not to be included as an off-street parking space in computation of required off-street parking.

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



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

**Lot Coverage:** The part or percent of the lot occupied by buildings or structures, including accessory buildings or structures and all impervious surfaces. The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.

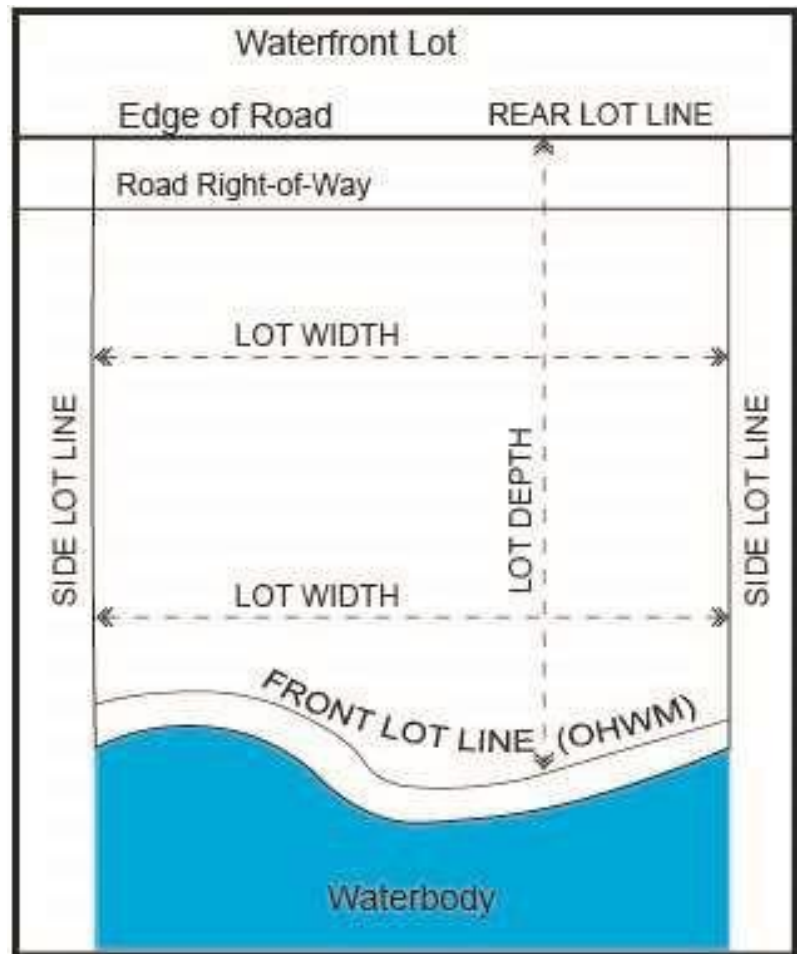
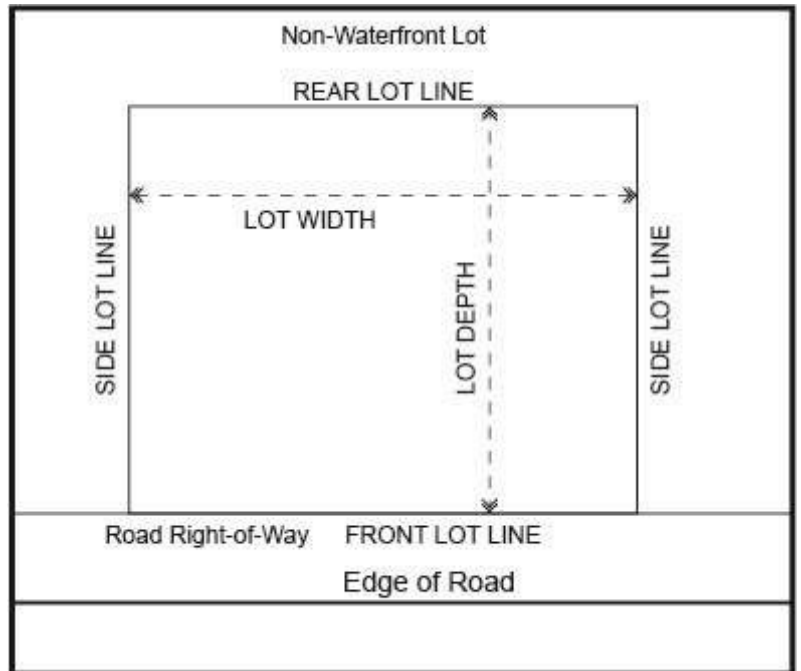
**Lot Depth:** The horizontal distance between front and rear lot lines, measured along the median between side lot lines.

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

**Lot Line, Front:** In the case of an interior lot abutting upon one public or private street, the front lot line shall mean the property line separating such lot from such street right-of-way. In the case of a lot having frontage upon a lake, river, or stream, the waterfrontage shall be considered the front lot line.

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

**Lot Line, Side:** Any property line bounding a lot that is not a front lot line or a rear lot line



**Lot of Record:** A lawfully created lot defined by a legal description and record in the office of the Cheboygan County Register of Deeds on or before the effective date of this Ordinance.

**Lot, Waterfront:** A lawfully created lot defined by a legal description and record in the office of the Cheboygan County Register of Deeds on or before the effective date of this ordinance.

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

**Lot, Zoning:** A contiguous tract of land that at the time of filing for a Zoning permit is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A Zoning Lot may not coincide with a lot of record, but may include one or more lots of record.

**Manufactured Home:** see Dwelling, Manufactured.

**Master Plan or Comprehensive Plan:** The statement of policy by the Township Planning Commission and approved by the Township Board relative to the agreed-upon desirable physical pattern of future community development. It consists of a series of maps, charts, and written material representing in summary form the community's conception of how it should grow in order to bring about the very best community living conditions.

**Medical marihuana or Medical Use of Marihuana:** Marihuana as defined in Section 7106 Of Act No. 368 of the Public Acts of 1978, as amended (Michigan Public Health Code), being MCL 333.7106, that meets the definition of "medical use" in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423.

**Mobile Home:** see Dwelling, Mobile.

**Mobile Home Park:** A parcel of land which has been planned and improved for the placement of three (3) or more mobile homes for residential dwelling use.

**Mobile Home Site:** A plot of ground within a mobile home park designed for the accommodation of one mobile home.

**Motel:** See Hotel.

**Municipal Civil Infraction Citation:** A written complaint prepared by an authorized Township official, directing a person to appear in court regarding the occurrence or existence of a municipal civil infraction violation by the person cited.

**Natural Vegetation Strip:** An undisturbed or re-established natural area of land paralleling the water's edge to a depth of the required zoning setback distance if not otherwise stipulated, which is retained in a natural condition (or re-established with vegetation naturalized to the region) and is essentially void of any structural improvements. Beaches and/or vegetated areas shall be allowed in the natural vegetation strip.

**Nonconforming Lot of Record:** A lot of record that legally existed on or before the effective date of this ordinance or any amendment to this ordinance and does not meet dimensional requirements of this ordinance or amendment.

**Nonconforming Structure:** A building, structure, or portion thereof that lawfully existed before the effective date of this ordinance or any amendment to this ordinance and that does not meet the floor area, setback, parking or other dimensional regulations for the zoning district in which such building or structure is located.

**Nonconforming Use:** A use which lawfully occupied a building or land at the effective date of this Ordinance or Amendments thereto that does not conform to the use regulations of the Zoning District in which it is located.

**Nude Model Studio:** Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

**Nudity or a State of Nudity:** Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.
2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.
3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

**Nuisance Factor:** An offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being of reasonable sensibility, or the generation of an excessive or concentrated movement of people or things, such as noise; dust; heat; electronic or atomic radiation; objectionable affluent; noise or congregation of people, particularly at night.

**Nursery, Plant Materials:** 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 *does not include* space used for the sale of fruits or vegetables.

**Occupancy Permit:** A permit issued by the Cheboygan County building official that certifies a structure as being completed and suitable for use and/or occupancy.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles. Adequate maneuvering space shall also be included to allow unrestricted ingress and egress to at least two (2) vehicles.

**Open Air Business:** Includes uses operated for profit, substantially in the open air, including:

1. Bicycle, utility truck or trailer, motor vehicle, boats, or home equipment sale, repair or rental services.
2. Outdoor display and sale of garages, motor homes, mobile home, snowmobiles, farm implements, swimming pools and similar activities.
3. Retail sale of trees, fruit, vegetables, shrubbery, plants, seeds, top-soil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.
4. Miniature golf, golf driving ranges, children's amusement park or similar recreation uses operated for profit.

**Open Space:** Land upon which no structures, parking, rights-of-way, or other improvements have or will be made and that will not be committed for future use other than outdoor recreational use.

**Ordinary High Water Mark (OHWM):** Is the line on the shore of Burt Lake established by fluctuations of water and indicated by physical characteristics such as a line impressed on the bank, shelving, destruction of terrestrial vegetation, presence of litter or debris, or changes in the character of soil. If the soil, configuration of the surface, or vegetation on the shoreline has been altered by man's activity, the high water mark shall be located where it would have been if this alteration had not occurred. If the above visual determination is unclear, then the OHWM of 594.5 feet as determined by the United States Army Corps of Engineers (USACE) IGLD of 1985 will be used as the ordinary high water mark. *(Amended 07/07/16)*

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

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

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

**Planning Commission:** For the purpose of this Ordinance the term Planning Commission is deemed to mean the Burt Township Planning Commission.

**Planned Unit Development (PUD):** A type of development to be planned and built as a unit and which permits upon review and approval, variations in many of the traditional controls related to density, land use, setbacks, open space and other design elements, and the timing and sequencing of the development. Such developments can be

proposed as either single use (such as a residential site condominium project), or mixed use developments (such as a project which includes both residential and commercial components).

**Pick-up Camper:** See Recreational Unit.

**Primary caregiver** means a primary caregiver as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423 who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act.

**Principal Use:** The main use to which the premises are devoted and the primary purpose for which the premises exists.

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

**Public lake access:** A lot, road right-of-way, or easement publicly owned, or dedicated to the public, which provides an opportunity for the public to use the lake either seasonally or year-round, and which may include any of the following activities or a combination of these uses: a place for the public to congregate and use the water; swimming beach; boat launch of any sort and/or any associated accessory facilities.

**Public lake access facilities:** physical improvements to a public lake access site, excluding routine maintenance and repairs to existing site features.

**Public Sewer Systems:** A public sewer system shall be defined as a central or community sanitary sewage and collection system of pipes and structures including pipes, conduits, manholes, pumping stations, sewage and waste water treatment works, diversion and regulatory devices, and outfall structures, collectively or singularly, actually used or intended for use by the general public or a segment thereof, for the purpose of collecting, conveying, transporting, treating or otherwise handling sanitary sewage or industrial liquid waste of such a nature as to be capable of adversely affecting the public health operated and maintained by the general public.

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

**Qualifying patient** means a qualifying patient as defined by Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marihuana Act), being MCL 333.26423, who has registered with the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the Michigan Medical Marihuana Act.

**Recreational Unit:** Means a vehicular-type unit, primarily designed as temporary living quarters for recreational camping or travel use, which may have its own motive power or is mounted on or drawn by another vehicle which is self-powered. Recreational unit shall include "Travel trailers", "Camping trailer", "Motor home", "Truck camper", "Slide-in-camper", "Pop Up Camper", and "Chassis-mount camper" as defined in Act 171 of the Public Acts 1970, as amended. A Recreational unit may also include a tent, van, or other motor vehicle used for recreational camping or modified to include temporary living quarters. A Recreational unit is not a mobile home or manufactured home as defined under this ordinance or under Section 2 of the Mobile Home Commission Act.

**Recreational Vehicle:** see Recreational Unit.

**Resort:** A recreational lodge, camp or facility operated for gain, and which provides overnight lodging and one or more of the following: golf, skiing, dude ranching, recreational farming, snowmobiling, pack trains, bike trails, boating, swimming, hunting and fishing and related or similar uses normally associated with recreational resorts.

**Road Right-of-Way:** A street, alley or thoroughfare or easement permanently established primarily for passage of motorized vehicles which, if used to establish a lot front, provides adequate permanent access.

**Road, Private:** An area of land which is not a public road, but which is intended for passage to and from four (4) or more lots or site condominium units.

**Roadside Stand:** An accessory and temporary farm structure operated for the purpose of selling local agricultural products, primarily are raised or produced on the same farm premises or other properties under the same ownership or management.

**Roof-Mounted Solar Installations:** A private system installed on the roof of a building that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.

**Retail and Retail Stores:** Any building or structure in which goods, wares, or merchandise are sold to the ultimate consumer for direct consumption and not for resale.

**Salvage Materials:** Waste, used or second hand materials, not stored for more than six (6) months, including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles, which are to be held temporarily for recycling purposes or collection, processing or transport to other processing facilities.

**Salvage Yard:** An open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled including, but not limited to scrap or other metals, paper, rags, rubber tires and bottles. A "Salvage Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of salvage materials, but does not include uses established entirely within enclosed buildings.

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

**Seasonal Use:** Any use or activity that reasonably can or should only be conducted during certain months or seasons of a year.

**Setback:** The minimum required horizontal distance from the applicable road right-of-way line, private road easement, water feature or property line of a lot within which no buildings or structures may be placed or extended, except as otherwise provided in this Ordinance.

**Sexual Encounter Center:** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

**Sexually Oriented Business:** A business or commercial enterprise engaging in any of the following:

1. Adult arcade;
2. Adult bookstore or adult video store;
3. Adult cabaret;
4. Adult motel;
5. Adult motion picture theater;
6. Adult theater;
7. Escort agency;
8. Nude model studio; and
9. Sexual encounter center.

**Shed:** A small subordinate structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity or plumbing, or otherwise serve as a dwelling unit, and it does not need to be placed on a permanent foundation. A shed is primarily used for storage for lawn, garden, or pool care equipment. The height of the eaves of a shed shall not exceed eight (8) feet, and the floor area shall not exceed 200 square feet.

**Shopping Center:** A group of commercial establishments, planned, developed, owned, and managed as a unit, with off-street parking provided on the property, and related in its location, size and type of shops to the trade area which the unit serves. Three or more retail stores and services, so arranged or planned, shall qualify as a shopping center for zoning purposes.

**Sign:** A structure, including its base, foundation and erection supports upon which is displayed any words, letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of or for the benefit of any product, place activity, individual, firm, corporation, institution, profession, association, business or organization.

**Sign, Animated:** Any sign having a conspicuous and intermittent variation in the illumination of the physical position of any part of the sign.

**Sign, Freestanding or Ground:** A sign supported by permanent uprights or braces in the ground.

**Sign, Off Premise:** Any sign relating to a use and / or activity not conducted on the premises on which the sign is located. *(Amended 05/02/19)*

**Sign, On Premise:** Any sign relating to a use and / or activity conducted on the premises on which it is located. *(Amended 05/02/19)*

**Sign, Outdoor Business or Informational:** A freestanding, overhanging or wall mounted sign located outside a structure on which is displayed information pertaining to a product, use, occupancy, function, service or activity located within that structure on the same property as the sign, or at a location different than the property on which the sign is located.

**Sign, Overhanging:** A sign that extends beyond any structure wall and is affixed to the structure so that its sign surface is not parallel to the structure wall.

**Sign, Portable:** A sign that is designed to be transported, including but not limited to signs:

- With wheels removed;
- With chassis or support constructed without wheels;
- Designed to be transported by trailer or wheels;
- Converted A- or T- frame signs;
- Attached temporarily or permanently to ground, a structure, or other signs;
- Mounted on a vehicle for advertising purposes, parked and visible from the public right of-way, except when the vehicle is being used in normal day-to-day operations of that business; and
- Hot-air or gas-filled balloons or umbrellas used to display content.

**Sign, Temporary:** A sign not intended or designed for permanent display.

**Sign Surface:** That portion of a sign excluding its base, foundation and erection supports on which content is displayed.

**Site Condominium Unit:** That portion of a condominium subdivision designed or intended for occupancy or use by the unit owner consistent with the provisions of the Master Deed.

**Site Plan:** The drawings and documents depicting and explaining all salient features of a proposed development so that it may be evaluated according to the procedures set forth in this ordinance, to determine if the proposed development meets the requirements of this Zoning Ordinance.

**Solar Energy:**

- a. **Building-Integrated Solar Energy Panels:** Accessory solar energy panels that are in an integral part of a primary or accessory building or structure (rather than a separate mechanical device), replacing or substituting for an architectural or structural component of the building or structure. Building-integrated systems include, but are not limited to, photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

b. **Groundcover:**

- a. **Pollinator Habitat.** Solar sites designed to meet a score of 76 or more on the Michigan Pollinator Habitat Planning Scorecard for Solar Sit.
- b. **Conservation Cover.** Solar sites designed in consultation with conservation organizations that focus on restoring native plants, grasses, and prairie with the aim of protecting specific species (e.g., bird habitat) or providing specific ecosystem services (e.g., carbon sequestration, soil health).
- c. **Forage.** Solar sites that incorporate rotational livestock grazing and forage production as part of an overall vegetative maintenance plan.
- d. **Agrivoltaics.** Solar sites that combine raising crops for food, fiber, or fuel, and generating electricity within the project area to maximize land use.
- c. **Maximum Tilt:** The maximum angle of a solar panel (i.e., most vertical position) for capturing solar radiation as compared to the horizon line.
- d. **Minimum Tilt:** The minimal angle of a solar panel (i.e., most horizontal position) for capturing solar radiation as compared to the horizon line.
- e. **Non-Participating Lot(s):** One (1) or more lots for which there is not a signed lease or easement for development of a solar energy farm associated with the applicant project.
- f. **Participating Lot(s):** One (1) or more lots under a signed lease or easement for development of a solar energy farm associated with the applicant project
- g. **Solar Installations–Ground Mounted:** A private system of solar energy panels installed as an accessory structure on the ground of a parcel that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.
- h. **Solar Installations–Roof Mounted:** A private system of solar energy panels attached to or ballasted on the roof of a building or structure that converts sunlight into electricity or thermal energy, whether by photovoltaics, concentrating solar thermal devices, or any other various experimental solar technologies. The primary purpose is for consumption of generated energy on site.
- i. **Solar Energy Farms:** A utility-scale commercial facility of solar energy panels and collection devices that converts sunlight into electrical or thermal energy, whether by photovoltaics, concentrating solar thermal devices or any other various experimental solar technologies. The primary purpose is the wholesale or retail sale of generated energy off site.
- j. **Repowering:** Reconfiguring, renovating, or replacing a solar energy farm to maintain or increase the power rating of the solar energy farm within the existing project footprint.

**Special Use Permit:** A permit grant with approval by the Township Planning Commission for a use of land in a district that does not conflict with any other permitted land use in the district when such a special use is specified in this Ordinance for that district.

**Specified Anatomical Areas:** are defined as:

- 1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, anus and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

**Specified Sexual Activities:** means and includes any of the following:

1. The fondling or other erotic touching of human genitals, pubic regions, buttocks or female breast;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated; or
4. Excretory functions as part of or in connection with any of the activities set forth in (1) through (3) above.

**Stable, Private:** A building or structure used to house horses, either for the property owner's private use; not for hire or sale.

**Stable, Commercial:** A structure and/or land use where horses are bred, reared, trained and/or boarded for remuneration.

**Story:** That portion of a building, other than a basement or mezzanine, included between the surface of any floor and the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" floor shall be deemed a full story only when it covers more than fifty (50%) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the next above it is twenty-four (24) feet or more.

**Structural Change or Alteration:** See Alterations.

**Structure:** Anything constructed or erected, the use of which requires location on the ground or attachment to something having permanent location on the ground.

**Telecommunication Towers and Facilities or Tower** - All structures and accessory facilities, including Alternative Tower Structures, relating to the use of the radio

frequency spectrum for the purpose of transmitting or receiving radio signals; including, but not limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission equipment buildings, private and commercial mobile radio service facilities, personal communication services towers (PCS), and cellular telephone towers. Not included in this definition are: citizen band radio facilities; short wave receiving facilities; radio and television broadcast reception facilities; satellite dishes; federally licensed amateur (HAM) radio facilities; and governmental facilities which are subject to state or federal law or regulations which fully preempt municipal regulatory authority.

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

**Thoroughfares:** An arterial street which is intended to serve as a traffic way serving primarily the immediate Township area and serving to connect with major thoroughfares.

**Timber Cut, Commercial:** A timber cut which yields net income (receipts for sale of products exceed the cost of cutting).

**Tourist Home:** See Bed and Breakfast Establishment definition.

**Trailer Coach:** See Recreational Unit definition.

**Travel Trailer:** See Recreational Unit definition.

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

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

**Waste:** Items that are discarded, left over, thrown away, or no longer useful.

**Wind Turbine Generator:** A tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.
2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.
3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

**Wind Turbine Generator, Commercial:** A wind turbine generator designed and used

primarily to generate electricity by or for sale to utility companies.

**Wind Turbine Generator, Noncommercial:** A wind turbine generator designed and used primarily to generate electricity or produce mechanical energy for use on the property where located.

**Wind Turbine Generator Tower Height:** The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

**Yard:** A space open to the sky between a building and the lot lines of the parcel of land on which located, unoccupied or unobstructed by an encroachment or structure except as otherwise provided by this Ordinance.

**Yard, Front:** A yard across the full width of the lot extending from the front line of the principal building to the front lot line.

**Yard, Rear:** A yard extending across the full width of the lot from the rear line of the principal building to the rear lot line.

**Yard, Side:** A yard between the side lot line and the nearest side of the principal building, extending between the front yard and rear yard.

**Zoning Permit:** A zoning permit is written authority as issued by the Zoning Administrator on behalf of the Township permitting the construction, moving, exterior alteration or use of a building or land in conformity with the provisions of this Ordinance.

## **Article III. ZONING DISTRICTS AND MAP**

### **Section 3.01 Classification of Zoning Districts**

For the purpose of this Ordinance, the following Zoning Districts shall be established in Burt Township:

WR	Waterfront Residential
R-1	General Residential
RR	Rural Residential - Agricultural
MR	Mixed Residential
C-1	Local Commercial
I	Light Industrial
CR	Conservation Recreation

### **Section 3.01.2 Zoning Map**

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Burt Township Zoning Map, Cheboygan County, Michigan" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance.

### **Section 3.01.3 Boundaries of Districts**

Unless otherwise specified, the boundary lines of the Zoning Districts shall be interpreted as following along section lines, or customary subdivisions of sections, or centerlines of highways or streets, or the shoreline of waterways, or property lines of legal record at the office of the Cheboygan County Register of Deeds on the date of the enactment of the Zoning Ordinance. The official Zoning Map shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date, with any amendments to the Ordinance involving changes to the official map noted and portrayed on said map.

The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Township Clerk. Where uncertainty exists as the exact district boundaries, the following shall prevail:

1. Where boundary lines are indicated as approximately following streets, alleys, or highways; the center lines of the said streets, alleys, or highways shall be considered to be exact boundary lines.
2. Boundaries indicated as approximately following lot lines shall be considered to follow said lot lines.
3. Where the application of the above rules leave a reasonable doubt as to the exact location of a district boundary, the provisions of the more restrictive district shall govern the entire parcel in question, unless determined otherwise by the Zoning Board of Appeals.

#### **Section 3.01.4 - Zoning of Vacated Areas**

Whenever any street, alley, highway, or other public right-of-way within the Township has been abandoned by official government action, such right-of-way lands attach to and become part of the land adjoining. Such right-of-way property shall automatically acquire and be subject to the provisions of the Zoning District of the abutting property. In the case of an abandoned right-of-way which also serves as the district boundary, the centerline of the right-of-way shall be the district boundary.

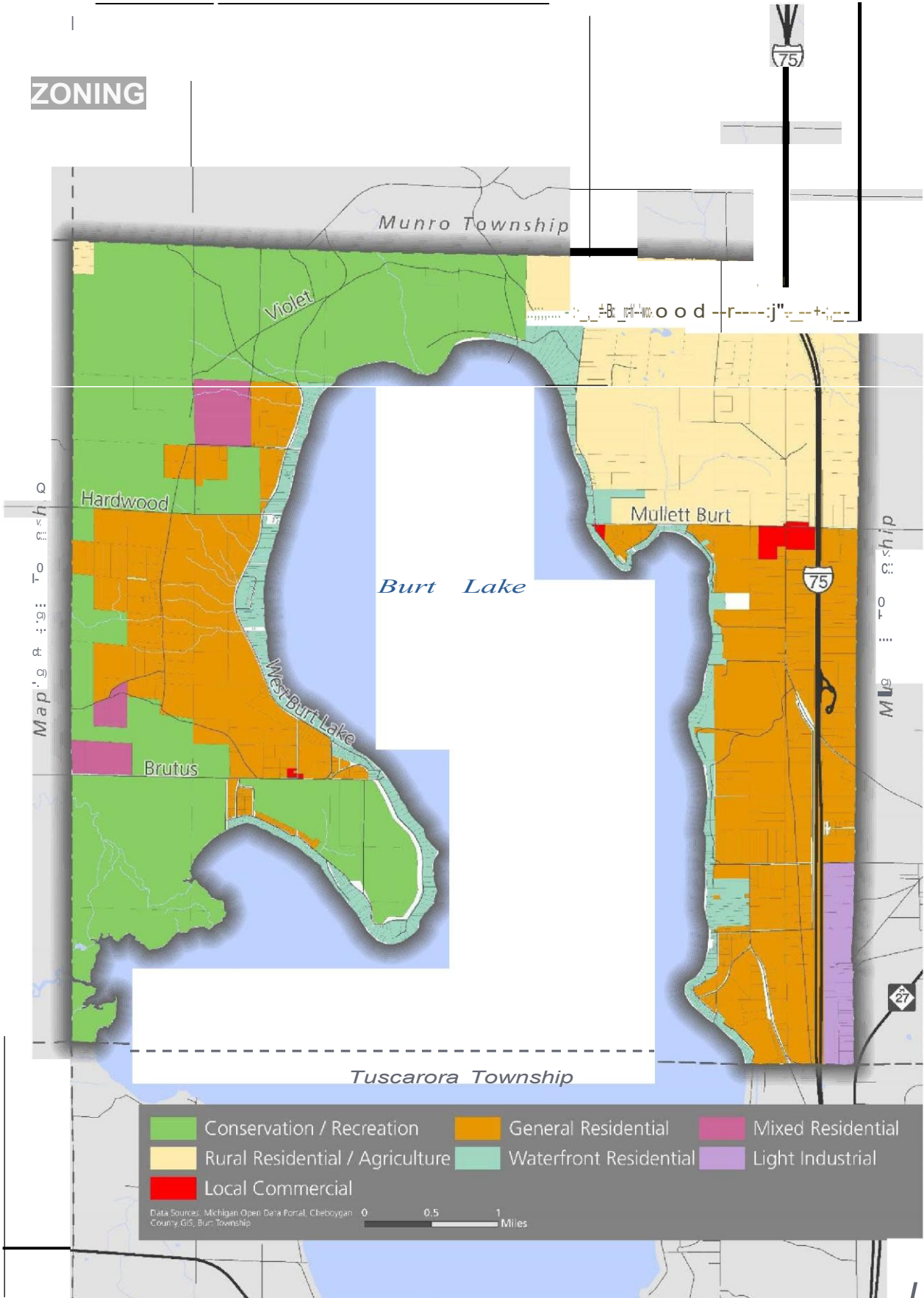
#### **Section 3.01.5 - Zoning of Filled Areas**

Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained from the Michigan Department of Environmental Quality and U.S. Army Corp of Engineers, as required.

#### **Section 3.01.6 - Zoning District Changes**

When district boundaries change, any non-conforming use may continue subject to all other applicable provisions of this Ordinance.

# ZONING



### Section 3.02 Waterfront Residential District (WR)

The following provisions shall apply to the Waterfront Residential District (WR).

#### Section 3.02.1 - Intent

The land uses in this district are intended to promote the proper use, enjoyment and conservation of water, land, and topographic resources of the Township.

#### Section 3.02.2 - Regulated Uses

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single family	Permitted	--	2/dwelling unit
Guest house		<a href="#">6.08</a>	--
Home occupations		<a href="#">6.09.1</a>	--
Roof-mounted solar installations		<a href="#">6.26</a>	--
<i>Public/Semi-Public Uses</i>			
Public lake access facilities	Special Use	<a href="#">6.10.1</a> <a href="#">7.01.15</a>	--
Private shared lake access		<a href="#">6.10.2</a> <a href="#">7.01.15</a>	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--

#### Section 3.02.3 - Dimensional Standards and Building Form

<i>Waterfront Residential District (WR) Dimensional Standards &amp; Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		21,000 sq ft
Minimum Lot Width		100'
Maximum Lot Coverage (a) (b)		30%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	75'
	Side	10'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum Floor Area Per Dwelling Unit	Total	1,200 sq ft
	1 <sup>st</sup> Floor	800 sq ft
Minimum Dwelling Width		24'
<i>Accessory Buildings With Principal Use</i>		
Number of Accessory Buildings (f)		1
Setback (c) (d) (e)	Front	75'
	Side	10'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		12'
Maximum Building Footprint		1,200 sq ft

- (a) Maximum coverage shall include but not be limited to buildings or structures, roofs of any type, sidewalk, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) A second accessory building or a single accessory building not exceeding 1.5 times either the maximum building footprint or max size as shown in the above table may be approved on lot sizes exceeding 60,000 sq. ft. provided all structures are in compliance with the district setback requirements.
- (g) A shed shall meet the front and rear yard setbacks of an accessory building.

**Section 3.03 General Residential District (R-1)**

The following provisions shall apply to the General Residential District (R-1).

**Section 3.03.1 - Intent**

The Residential District is designed to accommodate and encourage single family residential development and associated uses, in keeping with the residential goals and objectives specified in the Burt Township Master Plan. The permitted uses are intended to provide for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

The provisions of this section also recognize with the gradual extension of other property uses into the district, such as those provided for under the “Uses Subject to Special Use Permit”; there is a need for careful consideration based on sound standards as provided for through the Special Use Permit approval process.

**Section 3.03.2 - Regulated Uses**

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single family	Permitted	--	2/dwelling unit
Guest houses		<a href="#">6.08</a>	--
Home occupation		<a href="#">6.09.1</a>	--
Roof-mounted solar installations		<a href="#">6.26</a>	--
Cottage industry	Special Use	<a href="#">6.09.2</a>	--
Planned unit development		<a href="#">7.01.12</a>	--
<i>Public/Semi-Public Uses</i>			
Parks, playgrounds, community centers	Permitted	<a href="#">7.01.15</a>	--
Public buildings, institutions and places of worship		<a href="#">7.01.13</a>	1/3 seats or each 6 feet of pew
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Commercial timber cut	Permitted	<a href="#">6.22</a>	--
Sand and gravel extraction	Special Use	<a href="#">7.01.16</a>	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a principal use for non-commercial uses		--	--
Ground-mounted solar installations as an accessory structure		<a href="#">6.26</a>	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a principal use for commercial uses		--	--

### Section 3.03.3 - Dimensional Standards and Building Form

<i>General Residential District (R-1) Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		1 ac
Minimum Lot Width		200'
Maximum Lot Coverage (a) (b)		30%
<b>Principal Structure</b>		
Setback (c) (d)	Front	50'
	Side (f)	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum Floor Area Per Dwelling Unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
Minimum Dwelling Width (h)		14'
<b>Accessory Buildings With Principal Use</b>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
Setback (c) (d) (e)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft
<b>Accessory Buildings As Principal Use</b>		
Number of Accessory Buildings		1
Minimum Lot Size		1 ac
Setback (c) (d) (e) (h)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft

(a) Maximum coverage shall include but not be limited to buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving, compacted gravel, patios or decks, and driveways.

(b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.

(c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.

(d) For all lakefront lots, the minimum structure setback on the water

(e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.

(f) Side yard setbacks for existing lots of record of one hundred twenty (120) feet in width or less shall be reduced to ten (10) feet.

(g) Except within 800 feet of the shore of Burt Lake (measured from the ordinary high water mark), where the minimum dwelling width shall be 24 feet.

(h) A shed shall meet the front yard setbacks of an accessory building.

### Section 3.04 Rural Residential - Agricultural District (RR)

The following provisions shall apply to the Rural Residential - Agricultural District (RR).

#### Section 3.04.1 - Intent

The Rural Residential - Agricultural District is designed to promote the use of wooded and rural areas of the Township in a manner that will retain the basic attractiveness of the natural resources and provide enjoyment for both visitors and the community at large. The intent of the District is to hold the rural Township areas for agriculture and forestry purposes and to allow some multiple uses of marginal farm-forest lands.

#### Section 3.04.2 - Regulated Uses

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single family	Permitted	--	2/dwelling unit
Dwelling, two-family		--	2/each dwelling
Dwelling, farm		--	--
Guest house		<a href="#">6.08</a>	--
Home occupations		<a href="#">6.09.1</a>	--
Roof-mounted solar installations		<a href="#">6.26</a>	--
Cottage Industry	Special Use	<a href="#">6.09.2</a>	--
Planned unit development		<a href="#">7.01.12</a>	--
<i>Public/Semi-Public Uses</i>			
Parks, playgrounds, community centers	Permitted	<a href="#">7.01.15</a>	--
Noncommercial recreation facilities		<a href="#">7.01.15</a>	--
Forest preserves		--	--
Game refuges		--	--
Public buildings, institutions and places of worship		<a href="#">7.01.13</a>	1/3 seats or each 6 feet of pew
Public utility buildings without storage yards		--	--
Recreation camps	Special Use	<a href="#">7.01.14</a>	1/2 member families
Wind turbine generators		<a href="#">7.01.23</a>	--
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Farms	Permitted	--	--
Roadside stand		--	--
Stable, private		--	--
Tree farms, tree crops and forestry		--	--
Commercial timber cut		<a href="#">6.22</a>	--
Stable, commercial	Special Use	<a href="#">7.01.20</a>	--
Kennels or veterinary clinics/hospital		<a href="#">7.01.7</a>	--
Nursery, flower, plant, or garden shops		--	--
Sand and gravel extraction		<a href="#">7.01.16</a>	--
Gas and oil processing facilities		<a href="#">7.01.24</a>	--
Solar energy farms		<a href="#">7.01.25</a>	--

<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non-commercial uses		--	--
Ground-mounted solar installations as an accessory structure		<a href="#">6.26</a>	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a Principal Use for commercial uses		--	--

### Section 3.04.3 - Dimensional Regulations

<i>Rural-Residential – Agricultural (RR) Dimensional Standards &amp; Building Form</i>		
<i>Lot Occupation</i>		
Minimum Lot Area		5 ac
Minimum Lot Width		200 ft
Maximum Lot Coverage (a) (b)		20%
<i>Principal Structure</i>		
Setback (c) (d) (e)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height (f) (g) (i)		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
<i>Accessory Buildings With Principal Use</i>		
Setback (c) (d) (e)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft
<i>Accessory Buildings As Principal Use</i>		
Number of Accessory Buildings		2
Minimum Lot Size		5 ac
Setback (c) (d) (e) (i)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft

(a) Maximum coverage shall include but not be limited to buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving, compacted gravel, patios or decks, and driveways.

(b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.

- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) Exceptions to height standards for Agricultural Uses. The maximum height of permitted agricultural accessory structures that are essential and customarily used in agricultural operations associated with a farm shall be forty-five (45) feet, except that the maximum height of silos shall be one hundred (100) feet, provided that all such accessory farm structures shall be located at least one hundred (100) feet from any residential dwelling other than the dwelling on the lot or parcel where the accessory farm structures are located.
- (g) Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.22 of this ordinance.
- (h) Commercial Wind Turbine Generators or Anemometer Towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.23 of this ordinance.
- (i) A shed shall meet the front yard setbacks of an accessory building.

### Section 3.05 Mixed Residential Districts (MR)

The following provisions shall apply to the Mixed Residential District (MR).

#### Section 3.05.1 - Intent

The Mixed Residential District is designed to accommodate and encourage higher density residential development through a mix of residential structures and associated uses, including both one-family and multiple family dwelling structures, in keeping with the residential goals and objectives specified in the Burt Township Master Plan. The uses permitted are intended to promote land uses for residential and related uses and those compatible with such, with the intent to keep residential areas relatively quiet and free from detrimental influences.

#### Section 3.05.2 - Regulated Uses

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single-family	Permitted	--	2/dwelling
Dwelling, two-family		--	2/each dwelling
Dwelling, multi-family		--	--
Guest house		<a href="#">6.08</a>	--
Manufactured home developments, including mobile home park		--	--
Home occupations		<a href="#">6.09.1</a>	--
Roof-mounted solar installations		<a href="#">6.26</a>	--
Planned unit development	Special Use	<a href="#">7.01.12</a>	--
Cottage industry		<a href="#">6.09.2</a>	--
<i>Public/Semi-Public Uses</i>			
Public buildings, institutions, and places of worship	Permitted	<a href="#">7.01.13</a>	1/3 seats or each 6 feet of pew
Public utility buildings without storage yards		--	--
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Sand and gravel extraction	Special Use	<a href="#">7.01.16</a>	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non-commercial uses		--	--
Ground-mounted solar installations as an accessory structure		<a href="#">6.26</a>	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a Principal Use for commercial uses		--	--

### Section 3.05.3 - Dimensional Regulations

<i>Mixed Residential District (MR) Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		1 acre
Minimum Lot Width		200'
Maximum Lot Coverage (a) (b)		30%
<b>Principal Structure</b>		
Setback (c) (d) (e)	Front	50'
	Side (h)	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
Minimum Dwelling Width (f)		14'
<b>Accessory Building With Principal Use</b>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
Setback (c) (d) (e)	Front	50'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft
	Lots 5 – 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft
<b>Accessory Building As Principal Use</b>		
Number of Accessory Buildings		1
Minimum Lot Area		1 acre
Setback (c) (d) (e) (g)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 4.99 acres	1,800 sq ft
	Lots 5 - 9.99 acres	3,600 sq ft
	Lots ≥ 10 acres	4,400 sq ft

(a) Maximum coverage shall include but not be limited to buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving, compacted gravel, patios or decks, and driveways.

(b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.

(c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.

(d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.

(e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.

(f) Except within 800 feet of the shore of Burt Lake (measured from the ordinary high water mark), where the minimum dwelling width shall be 24 feet.

(g) A shed shall meet the front yard setbacks of an accessory building

(h) Side yard setbacks for existing lots of record of one hundred twenty (120) feet in width or less shall be reduced to ten (10) feet

### Section 3.06 Local Commercial District (C-1)

The following provisions shall apply to the Local Commercial District (C-1).

#### Section 3.06.1 - Intent

The Local Commercial District is designed to provide sites for a diversity of small and moderate scale business types and is located so as to serve local passer-by traffic.

#### Section 3.06.2 - Regulated Uses

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single-family	Permitted	--	2/dwelling unit
Guest house		<a href="#">6.08</a>	--
Home occupations		<a href="#">6.09.1</a>	--
Cottage industry		<a href="#">6.09.2</a>	--
Roof-mounted solar installations		<a href="#">6.26</a>	--
<i>Public/Semi-Public Uses</i>			
Public buildings, institutions and places of worship	Permitted	<a href="#">7.01.13</a>	1/3 seats or each 6 feet of pew
Public utility buildings without storage yards		--	--
Public lake access facilities	Special Use	<a href="#">6.10.1</a> <a href="#">7.01.15</a>	--
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Business and professional services	Permitted	--	1/200 sq ft of floor area
Professional offices		--	1/200 sq ft of floor area
Banks or financial services		--	1/200 sq ft of floor area
Nursery, flower, plant or garden shops		--	--
Retail sales		--	1/150 sq ft of floor area
Restaurants or bars	Special Use	--	1/3 persons of seating capacity plus auto stalls if drive-in type
Motel or hotel		<a href="#">7.01.10</a>	1/rental unit and 1/employee
Bed & breakfast establishments		<a href="#">7.01.1</a>	1/2 occupants at maximum capacity
Gasoline/service stations		<a href="#">7.01.5</a>	--
Sand and gravel extraction		<a href="#">7.01.16</a>	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non-commercial uses		--	--

Ground-mounted solar installations as an accessory structure		<a href="#">6.26</a>	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a Principal Use for commercial uses		--	--

### Section 3.06.3 - Dimensional Regulations

<i>Local Commercial District (C-1) Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		--
Minimum Lot Width		--
Maximum Lot Coverage (a) (b)		40%
<b>Principal Structure</b>		
Setback (c) (d) (e)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
<b>Accessory Building With Principal Use</b>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
Setback (c) (d) (e)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots < 5 acres	1,800 sq ft
	Lots ≥ 5 acres	2,560 sq ft
<b>Accessory Building As Principal Use</b>		
Number of Accessory Buildings		1
Minimum Lot Area		1 acre
Setback (c) (d) (e) (f)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 1.99 acres	1,200 sq ft
	Lots 2 – 4.99 acres	1,800 sq ft
	Lots ≥ 5 acres	2,560 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) Maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) A shed shall meet the front yard setbacks of an accessory building.

### Section 3.07 Light Industrial District (I)

The following provisions shall apply to the Light Industrial District (I).

#### Section 3.07.1 - Intent

The Light Industrial District is designed to primarily accommodate wholesale activities, warehouses and other large scale business and other industrial operations whose external physical effects are restricted to the area of the district and do not affect in a detrimental way any of the surrounding districts. The Light Industrial District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly and/or treatment of finished or semi-finished products from previously prepared material.

#### Section 3.07.2 - Regulated Uses

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single family	Permitted	--	2/dwelling unit
Dwelling, multiple family		--	2/each dwelling
Guest house		<a href="#">6.08</a>	--
Home occupations		<a href="#">6.09.1</a>	--
Roof-mounted solar installations		<a href="#">6.26</a>	--
Cottage industry	Special Use	<a href="#">6.09.2</a>	--
<i>Public/Semi-Public Uses</i>			
Public buildings, institutions, and places of worship	Permitted	--	1/3 seats or each 6 feet of pew
Public utility buildings without storage yards		--	--
Public utility buildings with outside storage	Special Use	--	--
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Professional offices	Permitted	--	1/200 sq ft
Medical clinics	Special Use	--	1/50 sq ft of waiting room plus 1/service chair
Rest, convalescent and nursing homes		<a href="#">7.01.11</a>	--
Kennels or veterinary clinic/hospital		<a href="#">7.01.7</a>	--
Automobile repair shop or garage		<a href="#">7.01.5</a>	--
Retail lumber yard		--	--
Dry boat storage		--	--
Contractor's equipment storage yard		<a href="#">7.01.21</a>	--
Storage of bulk petroleum products		<a href="#">7.01.21</a>	--
Lumber and building material and bulk storage yards		<a href="#">7.01.21</a>	--
Freighting or trucking terminal		--	--

Warehousing truck terminals and shipment facilities		--	--
Production, processing, assembly, manufacturing, or packaging of goods or materials including testing, repair, storage, distribution, and sale of such products		--	--
Boat, motor, or related marine repair establishments		--	--
Ship and boat building		--	--
Timber cutting		<a href="#">7.01.18</a>	--
Sawmills and other mills		<a href="#">7.01.18</a>	--
Sand and gravel extraction		<a href="#">7.01.16</a>	--
Sexually oriented businesses		<a href="#">7.01.19</a>	--
Towers and antennae facilities		<a href="#">7.01.22</a>	--
Salvage yard		<a href="#">7.01.6</a>	--
Gas and oil processing facilities		<a href="#">7.01.24</a>	--
Solar energy farms		<a href="#">7.01.25</a>	--
<b>Accessory Uses</b>			
Accessory buildings and uses customarily incidental to the above permitted uses		--	--
Accessory buildings as a Principal Use for non-commercial uses	Permitted	--	--
Ground-mounted solar installations as an accessory structure		<a href="#">6.26</a>	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--
Accessory buildings as a Principal Use for commercial uses		--	--

### Section 3.07.3 - Dimensional Regulations

<i>Light Industrial District (I)</i> <i>Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		--
Minimum Lot Width		--
Maximum Lot Coverage (a) (b)		40%
<b>Principal Structure</b>		
Setback (c) (d) (e)	Front	25'
	Side	25'
	Rear	50'
	From Existing Structures	20'
Maximum Height (f)		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
<b>Accessory Building With Principal Use</b>		
Number of Accessory Buildings	Lots < 3 acres	1
	Lots ≥ 3 acres	2
Setback (c) (d) (e) (g)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots < 5 acres	1,800 sq ft
	Lots ≥ 5 acres	2,560 sq ft
<b>Accessory Building As Principal Use</b>		
Number of Accessory Buildings		1
Minimum Lot Area		1 ac
Setback (c) (d) (e) (g)	Front	100'
	Side	50'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint	Lots 1 – 1.99 acres	1,200 sq ft
	Lots 2 – 4.99 acres	1,800 sq ft
	Lots ≥ 5 acres	2,560 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements.
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) Telecommunication towers, alternative tower structures, transmission and communication towers, utility microwaves, and public utility T.V. or radio transmitting towers shall not be subject to the height regulations of this Section, but shall be regulated pursuant to Section 7.01.22 of this ordinance.
- (g) A shed shall meet the front yard setbacks of an accessory building.

### Section 3.08 Conservation Recreation District (CR)

The following provisions shall apply to the Conservation Recreational District (CR).

#### Section 3.08.1 - Intent

The land uses in this district are intended to promote the proper use, enjoyment and conservation of water, land, topographic and forest resources of the Township particularly adapted to recreational and forest uses. The provisions of this section also recognize the gradual extension of other property uses into the district, and the importance of adopting good standards to guide such developments. If properly integrated, the inclusion of such uses is provided for by special approval.

#### Section 3.08.2 - Permitted Uses

Regulated Use	Approval Type	Use-Specific Standards	Minimum Parking/Unit of Measure
<i>Residential Uses</i>			
Dwelling, single-family	Permitted	--	2/dwelling unit
Guest house		<a href="#">6.08</a>	--
Home occupation		<a href="#">6.09.1</a>	--
Roof-mounted solar installations		<a href="#">6.26</a>	--
<i>Public/Semi-Public Uses</i>			
Parks, playgrounds, recreation areas and community centers	Permitted	<a href="#">7.01.15</a>	--
Conservation areas for fauna and flora		--	--
Recreation camps	Special Use	<a href="#">7.01.14</a>	--
Public lake access facilities		<a href="#">6.10.1</a> <a href="#">7.01.15</a>	--
Private shared lake access		<a href="#">6.10.2</a> <a href="#">7.01.15</a>	--
<i>Commercial, Agricultural, &amp; Industrial Uses</i>			
Sand and gravel extraction	Special Use	<a href="#">7.01.16</a>	--
Commercial Timber Cut, based on recommendations of an approved Michigan Department of Natural Resources Forest Stewardship Plan or Forest Management Plan		<a href="#">6.22</a>	--
<i>Accessory Uses</i>			
Accessory buildings and uses customarily incidental to the above permitted uses	Permitted	--	--
Accessory buildings as a Principal Use for non-commercial uses		--	--
Accessory buildings and uses customarily incidental to the above special uses	Special Use	--	--

### Section 3.08.3 - Dimensional Regulations

<i>Conservation Recreation District (CR) Dimensional Standards &amp; Building Form</i>		
<b>Lot Occupation</b>		
Minimum Lot Area		40 ac
Minimum Lot Width (g)		500'
Maximum Lot Coverage (a) (b) (f)		2%
<b>Principal Structure</b>		
Setback (c) (d) (e)	Front	50'
	Side	100'
	Rear	50'
	From Existing Structures	20'
Maximum Height		35'
Minimum floor area per dwelling unit	Total	800 sq ft
	1 <sup>st</sup> Floor	800 sq ft
<b>Accessory Building With Principal Use</b>		
Number of Accessory Buildings		1
Setback (c) (d) (e)	Front	50'
	Side	100'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		4,400 sq ft
<b>Accessory Building As Principal Use</b>		
Number of Accessory Buildings		1
Minimum Lot Area		40 ac
Setback (c) (d) (e) (h)	Front	50'
	Side	100'
	Rear	50'
	From Existing Structures	20'
Maximum Height at Eaves		16'
Maximum Building Footprint		4,400 sq ft

- (a) Maximum coverage shall include, but not be limited to, buildings or structures, roofs of any type, sidewalks, concrete, asphalt, or bituminous paving compacted gravel, patios or decks, and driveways.
- (b) The maximum lot coverage provisions in this ordinance shall exclude any impervious area directly associated with a public trail that crosses a property and connects to a larger trail system.
- (c) All auxiliary appliances, such as power generators or air conditioners shall comply with appropriate district setback requirements
- (d) For all lakefront lots, the minimum structure setback on the waterfront side shall be seventy-five (75) feet from the ordinary high water mark.
- (e) A building eave may extend up to twenty-four inches into the required setback, provided the foundation is in compliance with the required setback.
- (f) The Planning Commission may increase the lot coverage maximum to a total of five (5) percent, provided the Planning Commission finds the proposed project is for public benefit, located on public property. *(Amended 04/05/2012)*
- (g) Lot width for any waterfront lot shall be measured at the ordinary high water mark.
- (h) A shed shall meet the front yard setbacks of an accessory building.



## **Article IV. SITE PLAN REVIEW**

### **Section 4.01 Purpose**

The purpose of this article is to specify the documents and/or drawings required, to ensure that a proposed land use or development activity is in compliance with this ordinance, other local ordinances, and state and federal statutes and regulations. Furthermore, its purpose is to ensure that development taking place within the Township is properly designed, safe, efficient, environmentally sound, and designed in such manner as to protect adjacent properties from substantial adverse impacts.

### **Section 4.02 Plot Plan**

The Zoning Administrator shall require that all applications for Zoning Permits, which do not require a site plan as specified in Section 4.03, be accompanied by plans and specifications including a Plot Plan.

1. Circumstances Requiring a Plot Plan: Plot plans are required for the following uses:
  - A. All new one-family or two-family residential units, and associated residential accessory structures.
  - B. Expansion or renovation of one-family or two-family residential units, and associated residential accessory structures.
  - C. Accessory buildings as a principal use.
  - D. Expansion or renovation of an existing use which does not increase the existing floor space more than twenty five (25) percent.
  - E. Other uses as determined by the Zoning Administrator or required by this Ordinance.
2. Plot Plan requirements:
  - A. The shape, location and dimensions of the lot, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this Ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.
  - B. The location, shape and size of all buildings or other structures to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.
  - C. The location and configuration of the lot access and driveway and any impervious surface, drawn to scale, along with the location and width of all abutting rights-of-way, easements, and utility lines within or bordering the subject project.
  - D. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
  - E. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed as determined by the Zoning Administrator.

**Section 4.03 Site Plan Review (All Districts)**

Required site plans give the Planning Commission an opportunity to review development proposals in a concise and consistent manner. The use of the site plan ensures that the physical changes in the property meet with local approval and that development actually occurs as it was planned and represented by the developer.

1. Circumstances Requiring a Site Plan: Site plans are required for the following uses:
  - A. All new uses and/or structures as provided in Section 4.02
  - B. Expansion or renovation of an existing use, other than one-family or two-family use, which increases the existing floor space more than twenty-five (25) percent.
  - C. Changes of use for an existing structure or lot.
  - D. Any special use permit.
  - E. Any use requiring off-street parking, as stated in the off-street parking schedule of this ordinance.
  - F. Other uses as required by this Ordinance.
  
2. Pre-application Conference: The Zoning Administrator, Planning Commission Chair and/or Planning Commission shall have the authority to conduct a pre-application meeting with the applicant/developer to assist them in understanding the Site plan review process, and other ordinance requirements; and to provide insight as to what portions of their proposed development may be of special concern to the Planning Commission.

This conference shall not be mandatory, but is recommended of small and large projects alike. It is recommended for large projects that a pre-application conference be held several months in advance of the desired start of construction. Such an advance conference will allow the applicant/developer time to prepare the needed information for the Planning Commission to make a proper review. In no case, however, shall any representations made by the Planning Commission at the pre-application conference be construed as expressing a position on whether the site plan should be denied, approved, or approved with conditions.

3. Site Plan Data Required: Each site plan submitted shall contain the following information unless specifically waived, in whole or in part by the Township Planning Commission. The Planning Commission can waive any or all of the below site plan requirements, when it finds those requirements are not applicable to the proposed development.
  - A. The name and address of the property owner.
  - B. The date, north arrow, scale and name of the individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = fifty (50) feet for parcels under three (3) acres and not less than one (1) inch = one hundred (100) feet for parcels three (3) acres or more.
  - C. A certified survey of the property prepared and sealed by a professional licensed surveyor, showing at a minimum the boundary lines of the property, to include all dimensions and legal description.

- D. The location of all existing structures and all proposed uses or structures on the site, including proposed drives, walkways, signs, exterior lighting, adequate parking for the proposed uses (show the dimensions of a typical parking stall and parking lot), loading and unloading areas, if necessary, common use areas and recreational areas and facilities. An elevation drawing of the proposed building(s) shall be required in order to review the proposed building bulk and verify height.
- E. The location and width of all abutting rights-of-way, easements and utility lines within or bordering the subject project.
- F. The location of existing environmental features, such as watercourses, wetlands, shorelines, man-made drains, mature specimen trees, wooded areas or any other unusual environmental features.
- G. The location and identification of all existing structures, lighting, signs, ingress drives, roads, and parking within a two hundred (200) foot radius of the site, including road names.
- H. The existing zoning district in which the site is located and the zoning of adjacent parcels.
- I. The location of all existing and proposed landscaping as well as all existing and proposed fences or walls.
- J. The location, size and slope of all surface and subsurface drainage facilities.
- K. Summary tables, cross-sections and/or floor plans should be included with site plans for proposed structures, giving the following information:
  - 1) The number of units proposed, by type, including a typical floor plan for each unit.
  - 2) The area of the proposed units in square feet, as well as area dimensions of driveways and staging areas.
  - 3) Typical elevation drawings of the front and rear of each building.
- L. The topography of the existing and finished site shall be shown by contours or spot elevations. Where the existing slope on any part of the site is ten percent (10%) or greater, contours shall be shown at height intervals of two (2) feet or less.
- M. Generalized soil analysis data, which may include data prepared by the Cheboygan County Soil Conservation District regarding the soils and their adaptability to the use. More detailed information may be required where the Planning Commission determines that the site and use warrant a more critical review of soils.
- N. All site plans shall comply with the terms of the Cheboygan County Soil Erosion Sedimentation and Stormwater Runoff Control Ordinance. It shall be the applicant's responsibility to provide documentation of compliance of this county Ordinance.
- O. Anticipated hours of operation for proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval

when warranted to assure compatibility with surrounding land uses.

P. Impact Statement

The statement shall address itself to the following as applicable to the type of use:

- 1) A complete description of the proposed development including: areas of the site, the number of lots or units; and the number and characteristics of the population impact such as density, elderly persons, school children, tourists, family size, income, and related information as applicable.
- 2) Expected demands on community services, and how these services are to be provided, to specifically include: school classroom needs, volume of sewage for treatment, volume of water consumption related to ground water reserves or community system capacity, change in traffic volume on adjacent streets and other factors that may apply to the particular development.
- 3) Statements relative to the impact of the proposed development on soil erosion, shoreline protection, wildlife habitat, air pollution, water pollution (ground and surface), noise and the scale of development in terms of the surrounding environment.

4. Application Submittal Procedures:

- A. Eight (8) copies and a digital PDF of all files of the proposed site plan, including all required additional or related information, shall be presented to the Zoning Administrator by the petitioner or property owner or his designated agent at least thirty (30) days prior to the Planning Commission meeting at which the site plan will be considered. The Zoning Administrator shall review the application and information submitted to determine if all required information was supplied. If the Zoning Administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for site plan approval shall not proceed until all required information has been supplied. Once a complete application meeting the requirements of this ordinance has been submitted, the Zoning Administrator shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting.
- B. The Planning Commission may distribute the site plan to the following agencies or any other agency deemed appropriate for comment prior to consideration for approval.
  - 1) The Cheboygan County Planning Department
  - 2) The Cheboygan County Soil Erosion and Sedimentation Control Officer
  - 3) The Cheboygan County Drain Commissioner
  - 4) The Cheboygan County Road Commission and, if appropriate, the Michigan Department of Transportation
  - 5) District Health Department

- 6) Local fire and ambulance service providers
- C. Application fees as determined pursuant to Section 9.05 of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.
  - D. Where the applicant is dependent upon the grant of any variances by the Zoning Board of Appeals, said favorable action by the Zoning Board of Appeals shall be necessary before the site plan approval can be granted, or the site plan may be approved subject to favorable action by the Zoning Board of Appeals.
  - E. The applicant or his/her representative shall be present at each scheduled review or the matter shall be tabled for a maximum of two consecutive meetings due to lack of representation.
5. Standards for Granting Site Plan Approval:
- A. The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below, unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance. The Planning Commission's decision shall be in writing and shall include findings of fact, based on evidence presented on each standard. These standards are listed in subsection 1-12 listed below
    - 1) All elements of the site plan shall be designed so that there is a limited amount of change in the overall natural contours of the site and shall minimize reshaping in favor of designing the project to respect existing features of the site in relation to topography, the size and type of the lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
    - 2) The landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, and by topographic modifications which result in smooth natural appearing slopes as opposed to abrupt changes in grade between the project and adjacent areas.
    - 3) Special attention shall be given to proper site drainage so that removal of storm waters will not adversely affect neighboring properties.
    - 4) The site plan shall provide reasonable, visual and sound privacy for all dwelling units located therein. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.
    - 5) All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
    - 6) Every structure or dwelling unit shall have access to a public street, private road, walkway or other area dedicated to common use.
    - 7) Walkways shall be provided, separate from the road system, where feasible.

- 8) All loading and unloading areas and outside storage areas, including areas for the storage of trash, which face or are visible from residential districts or public thoroughfares, shall be screened, by a vertical screen consisting of structural or plant materials no less than six feet in height.
- 9) Exterior lighting shall be arranged as follows:
  - a) It is deflected away from adjacent properties.
  - b) It does not impede the vision of traffic along adjacent streets.
  - c) It does not unnecessarily illuminate night skies.
- 10) The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. Streets and drives which are part of an existing or planned street pattern which serves adjacent development shall be of a width appropriate to the traffic volume they will carry and shall have a dedicated right-of-way.
- 11) All streets shall be developed in accordance with the Township private road standards, or if a public road, the County Road Commission specifications.
- 12) Site plans shall conform to all applicable requirements of state and federal statutes and the Burt Township Master Plan, and approval may be conditioned on the applicant receiving necessary state and federal permits before the actual zoning permit authorizing the special land use is granted.

B. The Planning Commission shall seek the recommendations of the Fire Chief, the Cheboygan County Road Commission, the County Health Department, and the Michigan Department of Natural Resources, where applicable.

6. Approval Site Plan: If approved by the Planning Commission, three (3) copies of the site plan shall be signed and dated by both the applicant and Zoning Administrator or Planning Commission Chair. One signed and dated site plan shall be provided to the applicant; one shall be retained by the Zoning Administrator as part of the Township's permanent zoning file, and; one copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan.
7. Conformity to Approved Site Plan Required. Following approval of a site plan by the Planning Commission, the applicant shall construct the site plan improvements in complete conformity with the approved site plan. Failure to do so shall be deemed a violation of this Ordinance.
8. Amendment of Approved Site Plan: Amendment of an approved site plan shall be permitted only under the following circumstances:
  - A. The owner of property for which a site plan has been approved shall notify the zoning administrator of any desired change to the approved site plan. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:

- 1) Reduction of the size of any building and/or sign.
  - 2) Movement of buildings and/or signs by no more than ten (10) feet.
  - 3) Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.
  - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
  - 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - 6) Changes related to item 1) through 5) above, required or requested by Burt Township, Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.
  - 7) All amendments to a site plan approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- B. An amendment to an approved site plan that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original site plan application.

9. Expiration of Site Plan:

- A. The site plan shall expire unless substantial construction of an approved site plan improvement has begun within 365 days of approval. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for an additional one year, if it finds good cause for the extension and that the zoning regulations governing the site plan approval have not changed since the approval.
- B. Any subsequent re-submittal shall be processed as a new request with new fees. Conditional Approvals. The Planning Commission may impose reasonable conditions with the approval of a site plan, pursuant to [Section 9.03](#) of this Ordinance
- C. Performance Guarantee Required. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a site plan, pursuant to [Section 9.06](#) of this Ordinance.

10. Conditional Approvals. The Planning Commission may impose reasonable conditions with the approval of a site plan, pursuant to [Section 9.03](#) of this Ordinance.

11. Performance Guarantee Required. The Planning Commission may require an applicant to provide a performance guarantee in connection with the approval of a site plan, pursuant to [Section 9.06](#) of this Ordinance.
12. As-Built Site Plan. Upon completion of the installation of required improvements as shown on the approved site plan, the property owner shall submit to the Zoning Administrator two (2) copies of an "as-built" site plan, certified by the engineer or surveyor, if such professional prepared the original site plan, at least one week prior to the anticipated occupancy of any building. The Zoning Administrator shall circulate the as built plans to the officials listed in [Section 4.03.4B](#) that provided comments to the planning commission during the initial review process for review and further comments. Any further comments shall be submitted to the Zoning Administrator within seven (7) days of sending the as built plans. After receiving the comments or the expiration of the seven (7) day comment period, whichever comes first, the Zoning Administrator may make the final inspection of the project to determine whether the project conforms to the approved site plan.

## **Article V. USES SUBJECT TO SPECIAL USE PERMIT**

### **Section 5.01 General Requirements**

Uses requiring special use permit, as listed in individual districts, (Article III), shall be subject to the general provisions and supplemental site development standards of this Ordinance, the provisions of the zoning district where located in addition to applicable provisions of this Article to prevent conflict with or impairment of the other uses or uses permitted by right of the district. Each use shall be considered an individual case.

### **Section 5.02 Uses Subject to Special Use Permit**

#### 1. Applications:

Application shall be submitted through the office of the Zoning Administrator, to the Planning Commission, on a form provided for that purpose, and shall include the following:

- A. Site plan prepared under the requirements of [Section 4.03 - Site Plan Review](#) (All Districts) - Site Plan Data Required and to include 8 copies and a digital PDF copy of all files. *(Amended 07/07/16)*
- B. Name and address of applicant and owner of the premises.
- C. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation the use may occasion.
- D. A statement by applicant appraising the effect on the neighborhood.
- E. Application fees as determined pursuant to [Section 9.05](#) of this Ordinance shall be paid when the application and site plan are submitted to cover the estimated review costs.

#### 2. Public Hearings:

A public hearing shall be held for all special use permit requests. The secretary of the Planning Commission shall provide notice of the special use permit request and public hearing as required by the Michigan Zoning Enabling Act 110 of the Public Acts of 2006. The notice shall be given not less than 15 days before the date the application will be considered. The notice shall describe the nature of the special use permit request, indicate the subject property, state when and where the special use permit request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:

- A. One notice shall be published in a newspaper which circulates generally in the Township.
- B. Notice shall be sent by mail or personal delivery to the owners of the subject property.
- C. Notice shall be sent by mail or personal delivery the owners of property within 300 feet of the boundary of the subject property.

- D. Notice shall be sent by mail or personal delivery to all the occupants of structures within 300 feet of the boundary of the subject property. If a structure contains more than one dwelling unit or spatial area, one occupant of each dwelling unit or spatial area shall receive notice.

3. Standards for Granting Special Use Permit:

The Planning Commission shall approve, or approve with conditions an application for a special land use permit only upon finding that the proposed special land use complies with all the following standards:

A. Allowed Special Land Use.

The property subject to the application is located in a zoning district in which the proposed special land use is allowed.

B. Compatibility With Adjacent Land Uses.

- 1) The proposed use subject to a special use permit shall be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be used and developed as zoned.
- 2) The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the areas by reason of traffic, noise, smoke, fumes glare, odors, or the accumulation of scrap material that can be seen from any public road or seen from any adjacent land owned by another person.

C. Public Services.

- 1) The proposed special land use will not place demands on fire, police, or other public resources in excess of current capacity.
- 2) The proposed special land uses will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

D. Economic Well-Being of the Community.

The proposed special land use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole.

E. Compatibility with Natural Environment.

The proposed special land use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the township or the natural environment as a whole.

F. Compliance with Specific Standards.

The proposed special land use complies with all applicable specific standards required under this Ordinance.

4. Amendment of Approved Special Use Permits:

Amendment of an approved special use permit shall be permitted only under the following circumstances:

- A. The owner of property for which a special use permit has been approved shall notify the zoning administrator of any desired change to the approved special use. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval. Minor changes shall include the following:
- 1) Reduction of the size of any building and/or sign.
  - 2) Movement of buildings and/or signs by no more than ten (10) feet.
  - 3) Landscaping approved in the special use that is replaced by similar landscaping to an equal or greater extent.
  - 4) Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.
  - 5) Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.
  - 6) Changes related to item 1) through 5) above, required or requested by Burt Township, Cheboygan County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the special land use, nor any specified conditions imposed as part of the original approval.
  - 7) All amendments to a special land use approved by the zoning administrator shall be in writing. After approval by the zoning administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the zoning administrator to sign and date all approved amendments.
- B. An amendment to an approved special use permit that cannot be processed by the zoning administrator under subsection (A) above shall be processed in the same manner as the original special land use application.

5. Expiration of Approved Special Use Permit:

- A. An approved special use permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration or the property owner applies to the Planning Commission for an extension prior to the expiration of the special use permit. The Planning Commission may grant one (1) extension of an approved special use permit for an additional one (1) year period if it finds:
- 1) The property owner presents reasonable evidence that the development

has encountered unforeseen difficulties beyond the control of the property owner; and

2) The requirements and standards for special use permit approval that are reasonably related to the development have not changed.

B. If the special use permit expires pursuant to subsection A above, no work pursuant to the special use permit may be undertaken until a new special use permit is obtained from the Planning Commission following the procedures for a new special use permit.

6. Inspection:

The Zoning Administrator shall have the right to inspect any special use permit use, to ensure continued compliance with the conditions of the special use permit.

## **Article VI. GENERAL PROVISIONS**

### **Section 6.01 The Effect of Zoning**

1. In order to carry out the intent of this Ordinance, no excavation, use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, remodeled, altered, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.
2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance per se and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance
3. In the event that any lawful use, activity, building or structure which exists or is under construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction, providing said construction does not require more than one (1) year from the effective date of this Ordinance for completion. If said construction is continued for more than one (1) year, the legal status of the activity, use, building or structure shall be determined by the Township Planning Commission.

### **Section 6.02 Nonconformities**

1. The lawful use of any building, or land at the time of the enactment of this Ordinance may be continued although such use does not conform with the provisions of the Ordinance, except as otherwise provided for in this section. A non-conforming building may not be reconstructed or structurally altered during its life, unless said building is changed to conforming use, or the alteration does not increase the extent or degree of the non-conformity.
2. If a nonconforming structure is damaged by fire or natural causes, to the extent that the cost of repairs will exceed more than 2/3 or 67 percent of the replacement cost of the entire nonconforming structure prior to the damage or destruction as determined by the Township Assessor or other qualified individual as designated by the Township, then the structure may only be repaired or rebuilt in conformity with the provisions of this Ordinance. A building damaged by fire or natural causes, to the extent of less than 2/3 or 67 percent of its replacement cost, of the entire nonconforming structure prior to the damage or destruction as determined by the Township Assessor or other qualified individual as designated by the Township, may be repaired or rebuilt to the pre-damaged size and dimensions.
3. If a non-conforming structure is voluntarily altered in a manner to the extent that the costs of alterations/repairs will exceed 1/3 or 33 percent of the replacement cost of the

entire nonconforming structure prior to the damage or destruction as determined by the Township Assessor or other qualified individual as designated by the Township, then the structure must comply with all provisions of the Zoning Ordinance.

4. Construction or reconstruction of building(s) and/or structures on an existing nonconforming lot of record may be permitted with a zoning permit so long as the other applicable standards of the zoning district in which the lot is located, including building coverage, height, and setbacks are met.

#### **Section 6.02.1 - Abandonment of Nonconforming Use or Structure**

If a property owner has intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

1. Whether utilities, such as water, gas, and electricity to the property have been disconnected.
2. Whether the property, buildings, and grounds have fallen into disrepair.
3. Whether signs or other indications of the existence of the nonconforming use have been removed.
4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.
5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

Nothing in this Ordinance shall require any change in the construction or intended use of a building or structure, the construction of which shall have been diligently prosecuted within thirty (30) days after the passage of this Ordinance, and the construction of which shall have been completed within twelve (12) months after said date.

#### **Section 6.03 Essential Services Clause Pertaining to Utilities**

1. The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances of the Township of Burt in any Use District.
2. Telecommunication towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

## **Section 6.04 Accessory Buildings and Structures**

1. An accessory building connected to the principal building by a shared wall shall be considered part of the principal building, provided the accessory building and connection to the principal building are approved by the County Department of Building Safety to ensure the applicable requirements are met.
2. Where any accessory building is attached to a principal building, other than by a shared wall, meeting the requirement of number 1 above, such accessory building shall not be considered part of the principal building.
3. A detached accessory building shall be located no closer to a side or rear lot line than the permitted distance for the principal structure on the same lot.
4. Mobile homes shall not be used as an accessory building.
5. An accessory building may be used, in whole or in part, as a dwelling ONLY if the structure meets all applicable construction code requirements for a dwelling and proof of occupancy permit shall be provided to the Zoning Administrator.

### **Section 6.04.1 - Accessory Buildings on Property With Principal Use**

All accessory buildings located on a property with a principal use shall meet the dimensional requirements of the district in which they are located, as specified in Article III.

### **Section 6.04.2 - Accessory Building as a Principal Use, except in Waterfront Residential District**

Accessory buildings as a principal use shall be allowed on lots in all districts except the Waterfront Residential District, provided the subject lot is a conforming lot (see [Article III](#)) or a nonconforming lot of record, and the proposed accessory building meets the dimensional requirements specified in Article III.

### **Section 6.04.3 - Additional Permitted Accessory Structures**

1. One shed, 200 sq ft or less shall be allowed, in addition to other accessory building(s) permitted per Section 6.04.1 or 6.04.2.
2. Pump Houses, not to exceed 3' width x 4' length x 4' height, are permitted in front (lakefront) setback, and is allowed in addition to the other accessory buildings permitted per Section 6.04.1.
3. Fire Pits, Decks, and Patios
  - A. For purposes of this subsection 3, a fire pit surround area shall be defined as the area surrounding a fire pit intended to prevent fire from spreading and to provide space for enjoyment of a fire pit.
  - B. Non-waterfront lot. A fire pit with surround area, deck, or patio shall be permitted in any non-waterfront residential district in compliance with required district setbacks. Any fire pit with surround area, deck, or patio exceeding two hundred (200) square feet shall require a zoning permit from Burt Township.

- C. Waterfront lot. A fire pit with surround area, deck, or patio may be permitted in any waterfront residential district under the following restrictions:
1. For purposes of this subsection 3 C, a fire pit shall be defined as a dug out or depressed area in the land, lower than ground level, in which wood or wood byproducts, natural gas, or propane are burned.
  2. Outside the 75-foot lakeside setback requirement: A fire pit with surround area, deck, or patio shall be permitted in compliance with the remaining district setbacks. Any fire pit with surround area, deck, or patio exceeding 200 square feet shall require a zoning permit from Burt Township.
  3. Within the 75-foot lakeside setback requirement: A fire pit with surround area, deck, or patio may be permitted in compliance with remaining district setbacks with the following restrictions:
    - a) All new or reconstructed fire pit with surround area, decks, or patios will require a zoning permit from Burt Township.
    - b) A fire pit with surround area, deck, or patio shall not be located within 25' of the high-water mark, as determined by the Township Zoning Administrator.
    - c) A fire pit shall not exceed fourteen (14) square feet.
    - d) A fire pit shall not exceed a height of one (1) foot above the low point of natural grade.
    - e) All material utilized to construct a fire pit surround area shall allow proper, natural drainage. Non-porous, solid materials (example: concrete or asphalt) shall not be allowed.
    - f) A fire pit surround area shall be sloped for drainage to the far side from any waterfront.
    - g) Lots with one hundred (100) feet of frontage or less: may construct a fire pit surround area not to exceed one hundred forty-four (144) square feet with no side exceeding twelve (12) feet in length.
    - h) Lots exceeding one hundred (100) feet of frontage: may construct a fire pit surround area not to exceed two hundred twenty-five (225) square feet with no side exceeding fifteen (15) feet in length.

### **Section 6.05 Substandard Dwelling Occupancy during the Construction of a Dwelling**

For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Township, and of reducing hazards to health, life and property, no basement- dwelling, cellar-dwelling, garage-house, tent, camper, travel trailer, recreational vehicle, mobile home not installed according the requirements of this Ordinance, or other substandard structure shall hereafter be erected or moved upon any premises and used for dwelling purposes except under the following applicable conditions:

1. The location shall conform to the provisions governing yard requirements of standard dwellings in the district where located.
2. The use shall be for the sole purpose of providing dwelling facilities for the owner of the premises during the period in which a dwelling conforming to the provisions of this Ordinance is in process of erection and completion, but not to exceed twelve (12) months. One (1) additional twelve (12) month extension may be obtained from the Zoning Administrator beginning with the date of issuance of the zoning permit. The substandard dwelling shall be removed upon completion of construction of a dwelling complying with the requirements of this Ordinance.
3. Installation of septic system and water well shall be constructed and maintained in accordance with the standards of materials and installation recommended by District Health Department, and shall precede occupancy of the substandard dwelling.
4. Application for the erection and use of a substandard dwelling shall be made at the time of zoning permit application for the permanent dwelling. On approval and delivery of the zoning permit, the applicant shall certify that he or she has full knowledge of the limitations of the permit and the penalty pertaining thereto. No such permit shall be transferable to any other person.
5. No annexes shall be added to temporary substandard dwellings.

#### **Section 6.06 Storage and Use of Recreational Units**

1. Storage of Recreational Units.
  - A. The unoccupied storage of one (1) Recreational Unit shall be allowed in any zoning district within the side or rear yard on any lot with an existing single-family dwelling or an approved accessory dwelling unit. The unoccupied storage of any additional Recreational Unit(s) shall only be allowed within an enclosed structure, that is approved under this Ordinance, or completely screened from view including from all public and private roads, and screened from view from all adjacent properties.
  - B. Except in the Waterfront Residential District (WR), on lots three (3) acres or larger in any zoning district, without an existing single-family dwelling, the unoccupied storage of one (1) Recreational Unit shall be allowed.
  - C. A Recreational Unit shall be located in accordance with the applicable setback and dimensional standards of the underlying zoning district.
2. Principal Use of Recreational Units.
  - A. The principal use of a Recreational Unit under this subsection requires a permit from the Zoning Administrator who will determine that the use is consistent with the provisions of this Ordinance and will not be detrimental to any surrounding uses or properties. A separate zoning permit shall be required for each Recreational Unit.
  - B. Except in the Waterfront Residential District (WR), the use of one (1) Recreational Unit for recreational purposes, including sleeping and/or cooking, shall be allowed in any zoning district for a period not to exceed 180 consecutive days in a calendar year.
  - C. Except in the Waterfront Residential District (WR), the use of two (2) Recreational Units for recreational purposes, including sleeping and/or cooking, shall be allowed

on lots one (1) to three (3) acres in size in any zoning district for a period not to exceed 180 consecutive days in a calendar year.

- D. Except in the Waterfront Residential District (WR), the use of three (3) Recreational Units for recreational purposes, including sleeping and/or cooking, shall be allowed on lots three (3) acres or larger in any zoning district for a period not to exceed 180 consecutive days in a calendar year.
- E. The use of more than three (3) Recreational Units on any lot shall constitute a campground subject to the requirements of Section 7.01.2 of this Ordinance.
- F. A Recreational Unit shall be located in accordance with the applicable setback and dimensional standards of the underlying zoning district. Additionally, the use of a Recreational Unit under this subsection must observe the seventy-five (75) feet waterfront setback from the water's edge of any river, stream, pond or lake, which is identifiable on the U.S. Geological Survey Maps of the 7.5' quadrangle series of Cheboygan County.
- G. The principal use of a Recreational Unit under this subsection requires: (1) an approved temporary electrical service (no generators); (2) a connection that is approved by the District Health Department to a well or other water source; and (3) access to a septic system approved by the District Health Department.

### 3. Short Term Use of Recreational Units.

- A. The short term use of one (1) Recreational Unit for recreational purposes, including sleeping and/or cooking, shall be allowed in any zoning district within the side or rear yard on any lot with an existing single-family dwelling for a period not to exceed 30 consecutive days in a calendar year.
- B. The occupants of the Recreational Unit under this subsection shall be guests or immediate family members of the property owner(s) that occupies the single-family dwelling.
- C. A Recreational Unit shall be located in accordance with the applicable setback and dimensional standards of the underlying zoning district.
- D. A zoning permit is not required for the short term use of a Recreational Unit under this subsection.

## **Section 6.07 Mobile Homes**

- 1. Newly sited mobile homes located on individual lots shall meet the standards yard setbacks, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:
  - A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
  - B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.

- C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
  - D. Mobile homes shall not be used as an accessory building.
2. Replacement of lawfully existing non-conforming mobile homes shall be allowed provided the replacement would improve the property, would not increase the structure or uses non-conformity and shall meet the following additional standards:
- A. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
  - B. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.
  - C. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
  - D. Mobile homes shall not be used as an accessory building.

**Section 6.08 Guest Houses**

The construction and maintenance of guesthouses shall be permitted under the following conditions:

- 1. A Guest House cannot be used other than by the single family occupying the primary residence or their guests. The Guest House cannot be occupied by more than six (6) people at one time and cannot exceed 1200 sq. ft. nor a maximum lot coverage by all structures of more than twenty (20%) percent. The Guest House may not be rented separately from the primary residence under any circumstances nor allowed to be occupied for more than twelve (12) cumulative weeks per year unless the Township Zoning Administrator grants occupancy beyond twelve weeks upon a finding that the standards contained in subsection 2 below have been met. Guest Houses shall not be permitted on non-conforming lots.
- 2. The Township Zoning Administrator in reviewing a written request to allow occupancy beyond twelve (12) weeks shall use the following criteria in making a determination whether to grant or deny permission:
  - A. Whether the extension is for the number of people occupying the property of four (4) or less;
  - B. Whether the extension is made in the event of the need for longer term custodial care for example of an elderly parent, relative or person;
  - C. Whether the extension is because an event has occurred in which the people occupying the property had their own primary residence severely damaged or destroyed and were in the process of demolition or restoring.

3. A Guest House shall require an issuance of an occupancy permit by the Cheboygan County Building Department, together with a certification that the same is properly connected to an approved septic system by the appropriate State of Michigan District Health Department.

### **Section 6.09 Home Business**

While Burt Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance, which may be caused by non-residential activities conducted in a residential zone. The intent of this section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus to maintain and preserve the residential character of the neighborhood.

#### **Section 6.09.1 - Home Business**

1. Home occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right.
2. Home Occupations shall be operated in their entirety within the dwelling or within an attached garage and shall occupy no more than twenty-five percent (25%) of the dwelling's ground floor area.
3. Home Occupations shall be conducted primarily by the person or persons occupying the premises as their principal residence. Not more than one (1) non- resident person shall be employed to assist with the business.
4. Additions to a dwelling for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.
5. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
6. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.
7. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
8. The outdoor storage of goods and/or materials of any kind is prohibited. No goods or materials shall be sold that are not produced through the conduct of the Home Occupation.
9. There shall be no parking permitted within any setback areas.

10. No process, chemicals, or materials shall be used which are contrary to an applicable state or federal laws.

### **Section 6.09.2 - Cottage Industries**

1. Cottage industries may be permitted either by right or special use permit, as specified in the zoning district regulations. Cottage industries shall be allowed on the basis of individual merit; a periodic review of each cottage industry shall be performed to ensure the conditions of approval are adhered to. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.
2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. Any exterior evidence of such industry shall be screened (per subsection 4).
3. A cottage industry shall occupy not more than one building. The floor area of such buildings shall not exceed the allowable accessory building size per Article III.
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road rights-of-way. If required, the Planning Commission shall determine the type of screening to ensure compatibility with surrounding property uses.
5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
6. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.
7. Cottage industries shall be conducted only by the person or persons residing on the premises. Up to two additional employees or assistants shall be allowed.
8. To ensure that the cottage industry is compatible with surrounding residential use, a "not-to-exceed" number of vehicles that may be parked at any given time during business operations shall be established by the Planning Commission during the review and approval process.
9. Hours of operation shall be approved by the Planning Commission.

### **Section 6.09.3 - Termination, Extension, Revisions, and Inspections**

1. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this section.

2. Any home business (home occupation or cottage industry) shall be subject to periodic review by the Zoning Administrator.
3. Proposed revisions or additions to a cottage industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.

## **Section 6.10 Lake Access Lots - Public and Private**

### **Section 6.10.1 - Public Lake Access**

Permanent or temporary building, tent, dock or mooring, or boat hoist, or any other type of structure shall only be permitted by special use permit on any publicly owned waterfront property. No camping shall be permitted. *(Amended 09/01/2011)*

### **Section 6.10.2 - Private Shared Lake Access Lots Management *(For sites established prior to the effective date of this ordinance, 10/20/06)***

A private shared lake access lot shall be used only for ingress and egress to and from the lake. No permanent or temporary building, tent, travel trailer and camper, dock, watercraft hoist for a boat or other type of craft, offshore overnight anchorages or moorings, raft, or any type of structure shall be permitted. No camping shall be permitted. In keeping with the following procedures, all exceptions shall require registration and a license issued by the Burt Township Zoning Board of Appeals: *(Amended 04/05/2012)*

1. Effective with installation commencing March 1, 2005, all owners of a private lake access lot are required to register any docks, watercraft hoists, offshore overnight anchorages or moorings, rafts, or any type of structure and to secure a license for same.
2. The registration and application for license shall be on a form provided by the Zoning Administrator and shall include the length and width of any dock, the number and location of any watercraft hoists, together with the approximate location of any offshore floating overnight anchorages or moorings, rafts, or any type of structure.
3. After review and approval by the Zoning Board of Appeals, the Township Clerk shall issue a license at no charge for the installation and reasonable maintenance of said docks, watercraft hoists, offshore overnight anchorages or moorings, rafts, or any type of structure. Every five (5) years dating from the issuance of a license, all licensees shall be required to submit a notarized statement to the Zoning Administrator certifying that all terms of the license continue to be fulfilled; to keep records updated, a diagram shall be included showing the configuration of the dock(s) and the placement of all watercraft hoists, offshore overnight anchorages or moorings, rafts and type of structure.
4. If at any time after a license is issued the licensee(s) wishes to change the configuration of the dock(s) or expand allowed uses including the installation of anything not permitted by the license, before doing so they shall be required to apply to the Zoning Board of Appeals for approval of such changes.
5. The decision to issue a license shall not be a determination of any property right that one person may have over another in a case of the dispute between parties as to a priority in claims or objections to the issuance of a license. That matter shall be a property right for a determination by the appropriate Court of jurisdiction, and neither the

Township nor the Zoning Board of Appeals shall make any determination as to priority rights between competing landowners.

6. The Zoning Board of Appeals in making a decision on the issuance or non-issuance of a license shall be governed by the general principles of appropriate zoning, the same as applicable to appeals to the Zoning Board of Appeals. The decision of the Zoning Board of Appeals shall be final and appeal able to the Circuit Court.
7. The failure to register and secure a license or the violation of the terms of a license including but not limited to the installation of anything not permitted by the license shall be considered a violation of the Zoning Ordinance and subject to the penalties and injunctive relief provided by law and may also result in the revocation of any issued license upon written notice to the licensee(s).

**6.10.3 - Standards for Establishing Private Shared Lake Access (For sites established prior to the effective date of this ordinance, 10/20/06)**

In order to restrict the number of users of lake frontage for the purpose of preserving the quality of Burt Lake, avoiding congestion and preserving the quality of the recreational use of Burt Lake, the owner of a waterfront lot abutting Burt Lake may provide legal access to the lake for non-waterfront dwelling units only if all of the requirements of this section are met.

The requirements herein shall apply regardless of whether access to Burt Lake is gained by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, or any other means. All private shared lake accesses (regardless of district) shall conform to the area and dimensional requirements of the applicable district per the dimensional standards in [Article III: Zoning Districts and Map](#), and the following frontage requirements:

Number of Non-waterfront dwellings with lake access through a single parcel	Total Lake Frontage required
1	200
2	300
3	350
4	400
5	450
6+	*

\* For each additional non-waterfront dwelling unit with legal access to Burt Lake, above 5 units, the required lake frontage shall be increased by an additional 50 feet. If there is a conflict between the schedule of regulations and requirements of this section, the more restrictive regulation shall apply.

1. Site Plan approval is required by the Planning Commission, pursuant to Article IV, and the following additional information shall be included in the site plan:
  - A. The specific uses permitted on the private shared lake access area, the locations of those uses, and all conditions that must be met to entitle one to such uses.
  - B. The dimensions and calculations showing compliance with all requirements of this section.

- C. Proposed location of docks or other waterfront structures.
2. A waterfront lot providing legal access for non-waterfront dwelling units shall have lake frontage, as measured along the ordinary high water mark, in the amount specified in the table above.
  3. No parking shall be permitted within the front yard setback for the private shared lake access areas.
  4. Only one boat slip, mooring, boat hoist or any other means of anchorage shall be permitted for every approved non-waterfront dwelling with lake access, and one for the waterfront lot.
  5. Only one dock shall be permitted for every two hundred (200) feet of lake frontage.
  6. No boat launch facilities shall be permitted on private shared access property.
  7. No clubhouse shall be permitted on private shared access property.
  8. The Planning Commission shall approve, disapprove or approve with conditions the site plan based upon the standards within [Section 4.03](#), and the following additional standard:
    - A. The proposed private shared lake access shall not cause injury or create a nuisance, including noise, to owners or riparian, adjacent and nearby lands.
  9. The owner of the non-waterfront dwelling unit accessing Burt Lake shall prepare an instrument establishing the creation of the legal access to Burt Lake, whether granted by easement, common or joint fee ownership, single fee ownership, short or long term lease, license, site condominium unit, or any other means, shall record the instrument in the Cheboygan County Register of Deed's office and shall file a recorded copy with the Zoning Administrator.

### **Section 6.11 Boat Docks**

One boat dock per parcel shall be permitted on properties with up to 200 feet of lake frontage. For each additional 200 feet of lake frontage, the property owner shall be permitted one additional dock.

### **Section 6.12 Waterfront Setback**

To preserve natural resources, water quality and community scenic and recreational values, a waterfront setback shall be established and maintained on all waterfront property. The setback area shall include all the land area located within seventy five (75) feet of the ordinary high water mark of a lake or a stream abutting or traversing the property in question. Within the waterfront setback, the following development or use restrictions shall apply:

1. No principal use structures or accessory structures shall be allowed except for steps meeting the side yard setback for the district in which they are located. Satellite dishes and television antennae are not considered accessory structures and thus are not subject to this regulation.

2. No dredging or filling shall be allowed except where permitted by state or federal law, with appropriate permits.
3. The use of asphalt, concrete, stone, aggregate, pavement of any sort including pervious paving blocks or materials, wood or other similar surfaces shall be limited to a single walkway no more than four feet in width or stairs necessary for water access. Handrails along stairs are permitted.
4. Within twenty-five (25) feet of the ordinary high water mark, a natural vegetation strip shall be established or maintained on a least seventy percent (70%) of the lake or stream frontage for any new construction or any renovation that results in an increase of the structure footprint by five hundred (500) square feet or greater. Once installed or established (either as required or voluntarily), the natural vegetation strip may be modified in accordance with the requirements, but shall not be removed. The natural vegetation strip shall be installed within 2 years of issuance of the zoning permit. The natural vegetation strip shall consist of trees, shrubs or herbaceous plants, excluding lawn. The establishment of a natural vegetation strip is encouraged, but not required for the construction of an accessory building.
5. The use of pesticides, herbicides and fertilizers is prohibited in the natural vegetation strip (per item 4 above) or within twenty-five feet of ordinary high water mark for Burt Lake, except for the allowed limited use of herbicides for the eradication of poison ivy, poison sumac or poison oak. Fertilizer used in the waterfront setback (75 feet), shall be zero phosphorus fertilizers.
6. Neither septic tanks nor septic system filtration fields may be located within the waterfront setback.
7. The waterfront setback and natural vegetation strip shall be shown on any plot plan or site plan submitted for approval during the process of developing a water frontage lot.
8. Dock and yard lighting shall be discouraged. All lighting shall be shielded and directed so as to prevent light and glare on adjoining properties or into the night sky.

### **Section 6.13 Fences, Walls and Hedges**

1. Notwithstanding other provisions in this Ordinance, fences, walls, or hedges may be permitted on any property in any District, provided that no fence or wall exceed a height of six (6) feet and shall be no closer than five (5) feet to the front property line or road right of way except provided below. Further provided such fence, wall or hedge shall not obstruct sight distances needed for safe vehicular traffic, nor create a hazard to traffic or pedestrians. Fences shall be setback two (2) feet from the side or rear property line, unless an agreement signed by both property owners is provided, shall the fence be allowed to be placed on the property line
2. Where a lot borders a lake fencing shall not be constructed on the waterfront side within the required seventy-five (75) foot waterfront setback, except as provided in this Section.
3. Barrier fences containing barbed wire, electric charges or sharp materials at the top of a fence or wall less than six (6) feet in height are prohibited except for properties in agricultural use or unless needed to protect the public safety and approved by the

Planning Commission.

4. Notwithstanding the height limitations for fences and walls set forth in paragraph 1 of this [Section 6.13](#), an obscuring wall or fence shall be permitted to be eight (8) feet high, or a hedge of a minimum of eight (8) feet high, shall be required to screen open storage yards or areas used for the storage of salvage materials.
5. No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.
6. No gate, when fully extended, shall encroach on any neighboring property or road right of way.
7. Finished side of fence shall face neighboring property.
8. Snow fencing and deer fencing, up to eight feet in height, shall be allowed between November 1 and May 1 without a zoning permit in any zoning district, including within the waterfront setback.

#### **Section 6.14 Signs and Billboards**

*(Amended 05/02/2019)*

1. Purpose. The sign and billboard standards contained in this ordinance are declared necessary to protect the general health, peace, safety and welfare of the citizens of Burt Township and are based on the following objectives.
  - A. To avoid excessive visual clutter 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.
  - B. To place signs in such a way that scenic views are respected and visual obstructions to the natural landscape are minimized.
  - C. To protect the character of Burt Township.
2. General Standards.
  - A. Signs shall not be located in the road rights-of way unless they are approved by the Cheboygan County Road Commission, MDOT, or another governmental agency.
  - B. Signs are exempt from setback for the given zoning district.
  - C. Sign Area and Height Calculations: The size of a sign or sign surface shall be computed as including the entire area within a simple geometric form or combination of such forms comprising all the display area of the sign, and shall be calculated by multiplying the longest width by the greatest height. Two sides of a sign structure are not added together to calculate sign area provided the sides have

a 180-degree, back-to-back relationship. In the case of a broken sign (a sign with separate components individually mounted to a flat surface), the total surface area shall be measured by multiplying the horizontal distance between the outer edges of the two furthestmost components of the sign by the maximum vertical height of any components in the sign.

- D. The maximum overall height of all free-standing signs as specified in this ordinance shall be measured from the average existing grade at the base of the sign to the top of the sign and shall include roof like covers and supporting structures.
- E. The size, height, and location of all signs and billboards erected in the Township, regardless if they require a permit or not, shall conform with the following standards:

Sign Type	Max Surface Area (sq ft)	Max Height (ft)	Districts permitted
Signs not requiring a permit	8 <sup>1</sup>	n/a	All
Temporary sign	8 <sup>2</sup>	n/a	All
Free Standing sign <sup>3</sup>	32	20	C-1, I
Wall mounted sign <sup>4</sup>	32	n/a	C-1, I
Public access sign	16 <sup>5</sup>	n/a	CR
Shared access drive	32 <sup>6</sup>	n/a	WR, R-1, RR, MR
Tree mounted sign	2	n/a	All
Billboard	200	30	All <sup>7</sup>

1. Historical markers sanctioned by a recognized national, state or local historic organization may be 16 sq. ft.
2. Shall not exceed a combined total of 8 square feet on lots of 100 feet of width or less. For each additional 100 feet of width, one (1) additional sign may be added up to a maximum of four (4) signs.
3. Permitted one (1) free standing sign per business
4. Permitted one (1) wall mounted sign per business
5. The number, location and size of any additional interpretative, information or donor acknowledgement signs shall require Planning Commission approval.
6. Or two (2) square feet per residence or residential property within the development, whichever is greater.
7. Must be located adjacent to Interstate 75 (I-75).

**Section 6.14.1 - Signs Not Requiring a Sign Permit:**

The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:

1. One (1) sign per use
2. One temporary sign is allowed per 100 feet of lot width but in no instance shall it exceed four(4) signs even if the lot width exceeds 400 feet. Temporary signs shall be made of wire, metal, wood, or other support structure capable of being put in the ground and removed by a single individual with relative ease.

3. Signs erected or approved by a governmental agency when necessary to give proper directions or to otherwise safeguard the public.
4. Signs needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
5. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
6. Illuminated signs shall not be of the flashing, string and/or tubular lights, or intermittent type unless approved by the Planning Commission.
7. One (1) temporary sign per roadway frontage shall be permitted on a site that is actively marketed for sale or lease. These signs are allowed on vacant properties.

#### **Section 6.14.2 - Signs Requiring a Permit**

No sign, except those signs specifically identified in [Section 6.14.1](#), shall be erected or altered until approved by the Planning Commission and an authorization permit issued by the Zoning Administrator.

#### **Section 6.14.3 - Signs Prohibited**

1. The following signs are prohibited in Burt Township.
2. Obscene Material. Contain statements, words, or pictures of an obscene, indecent, or immoral character such as will offend public morals or decency.
3. Any sign which is insecurely fixed, unclean, in need of repair, or initiates official traffic control devices.

#### **Section 6.14.4 - Billboards**

The regulation of billboards is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Billboard regulations address the location, size, height and related characteristics of such signs.

Billboards may be established only adjacent to Interstate 75 (I-75) provided they meet the following conditions:

1. Not more than three (3) billboards may be located per linear mile of street or highway regardless of the fact that such billboards may be located on different sides of the subject street or highway. The linear mile measurement shall not be limited to the boundaries of Burt Township where the particular street or highway extends beyond such boundaries. Double faced billboard structures (i.e., structures having back-to-back billboard faces) and V-type billboard structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side-by-side to one another) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two billboards and shall be prohibited in accordance with the minimum spacing

requirement set forth in subsection below.

2. No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street or highway.
3. No billboard shall be located within two hundred (200) feet of an existing residence.
4. No billboard shall be located closer than seventy-five (75) feet from a property line or public right-of-way. No billboard shall be located within ten (10) feet from any interior boundary lines of the premises on which the billboard is located. (A community could also limit it to the setback of a principal structure in the zoning district.)
5. No billboard shall be on top of, cantilevered or otherwise suspended above the roof of any building.
6. A billboard may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, the path of on-coming vehicles, or any adjacent premises. In no event shall any billboard have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
7. A billboard must be constructed in such a fashion that it will withstand all wind and vibration forces, which can normally be expected to occur in the vicinity. A billboard must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of message.
8. Billboards as defined by the Highway Advertising Act of 1972 (1972 PA 106) that border interstate highways, freeways, or primary highways, as defined in said Act, shall be regulated and controlled by the provisions of such Act, notwithstanding the provisions of this ordinance.
9. No person, firm or corporation shall erect a billboard within Burt Township without first obtaining a permit from the Burt Township Zoning Administrator, which permit shall be granted upon a showing of compliance with the provisions of this ordinance and payment of a fee. A new permit will be required for reconstruction of a billboard. The amount of the billboard permit fee required hereunder shall be established by resolution of the Burt Township Board and shall bear a reasonable relationship to the cost and expense of administering this permit requirement. The Burt Township Board shall further have the right to amend the aforementioned resolution from time to time within the foregoing limits of reasonableness.

### **Section 6.15 Outdoor Lighting**

All outdoor lighting, whether for illuminating sites, parking areas, buildings, signs and/or other structures shall be shielded, shaded, designed and/or directed away from all adjacent districts and uses; and further shall not glare upon or interfere with persons and vehicles using public streets. Lighting fixtures are to be of the full cut-off design with horizontally aligned flush mounted (non-

protruding) lens, directing light on-site only, and no more than twenty (20) feet in height.

The Planning Commission may permit taller or require shorter fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or size of light fixtures; not adversely impact neighboring properties and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures. Site lighting shall not exceed twenty (20) foot candles as measured three (3) feet above the ground surface, directly under the fixture.

**Section 6.16 Junk**

**Section 6.16.1 - Junk and Rubbish**

- 1. **Junk:** The outdoor accumulation and storage or other placement of junk presents an unsightly and unattractive appearance, or creates a health and safety hazard, or discourages adjoining property owners from improving their property, or threatens property values, or diminishes the quality of the community. The purpose of these regulations is to limit and control the outdoor accumulation and storage or other placement of junk and thereby protect the general welfare of the community. Junk shall be stored, placed or otherwise located only within a completely enclosed building. Junk located outside a completely enclosed building shall be disposed of within thirty (30) days.
- 2. **Rubbish, litter, garbage, refuse:** Rubbish, litter, garbage or refuse located outside a completely enclosed building shall be disposed of within ten (10) days. Leaves, grass clippings, tree and plant trimmings shall not be placed in county road maintained ditches.

**Section 6.16.2 - Vehicles and Watercraft**

Outdoor storage and accumulation of junk watercraft or vehicles (dismantled, non-operating and/or unlicensed watercraft, automobile, snowmobile, motorcycles, riding mower, tractor, and boat), unused vehicles and dilapidated non-operating motor vehicles detrimental to the general welfare of the community shall be prohibited. Such accumulation presents an unsightly and unattractive appearance, create a health and safety hazard, discourage adjoining property owners from improving their property, threaten property values and diminish the quality of the community. The purpose of these regulations is to limit and control such outdoors accumulation and storage and thereby protect the general welfare of the community. No person, firm or corporation shall store, place or permit to be stored or placed, or allowed to remain on any parcel of land for a period of more than thirty (30) days in any one year, a dismantled, partially dismantled and inoperable or unlicensed and inoperable motor vehicle, unless kept in a wholly enclosed structure or unless a variance has been first obtained from the Board of Appeals. Such variance shall be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected, and where the spirit and purpose of these regulations is still observed.

**Section 6.17 Animals**

- 1. The keeping of poultry, pigs, horses or other such livestock is allowed in the Rural Residential-Agricultural or General Residential Districts provided the parcel of land is five (5) acres or greater in size.
- 2. In a General Residential District, such animals or animal waste shall not be kept closer than seventy-five (75) feet from a neighboring residential structure. In all districts, such

animals shall be fenced, managed, and the animal waste shall be managed in accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.

3. The keeping of exotic, wild or vicious animals is not permitted in Burt Township.

### **Section 6.18 Antenna Co-location on an Existing Tower or Structure**

1. No antenna or similar sending/receiving devices appended to the tower, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the tower thereby jeopardizing the tower's structural integrity.
2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.
3. No antenna or similar sending and receiving devices appended to the tower or structure shall increase the overall height of the tower or structure by more than ten (10) feet.

### **Section 6.19 Off-Street Loading and Unloading**

On the same premises with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on-the-lot space for standing, loading, and unloading in order to avoid undue interference with public use of dedicated streets or alleys.

### **Section 6.20 Parking Requirements**

There shall be provided in all Districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces.

1. Off-street parking for other than residential uses shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot.
2. Any area once designated as requiring off-street parking spaces where operating hours of uses do not overlap, the Planning Commission may grant an exception by reducing the number of spaces required. Any area designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.
3. In the instance of dual function of off-street parking spaces where operating hours of uses overlap, the Planning Commission may grant an exception by reducing the total number of spaces required.
4. The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited on required off-street parking lots.
5. Residential off-street parking spaces shall consist of a driveway, parking strip, parking bay, garage, carport or combination thereof.

6. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use, which the Planning Commission considers as being similar in type.
7. The minimum number of off-street parking spaces by use shall be in accordance with the following schedule:

**Section 6.20.1 - Minimum Parking Spaces Required**

Land Use	Parking Spaces Required / Unit of Measure
<i>Residential</i>	
Dwellings, one-family	2 / dwelling
Dwelling, two-family	2 / each dwelling
Dwelling, multiple-family	2 / each dwelling unit
Bed and breakfast facility	1 / 2 occupants at maximum capacity
Rooming house	1 / 2 occupants at maximum capacity
<i>Institutional and Public</i>	
Church or temple	1 / 3 seats or each 6 feet of pew
Membership clubs	1 / 3 persons or legal capacity
Golf, swim, or tennis club	1 / 2 member families
<i>Commercial</i>	
Planned shopping center	1 / 100 square feet of floor area
Barber or beauty shop	1 / employee plus 1 / service chair
Doctor or dentist office	1 / 50 square feet of waiting room plus 1 / service chair
Business office	1 / 200 square feet of floor area
Restaurants	1 / 3 persons of seating capacity plus auto stalls if drive-in type
Furniture, appliances, plumber, electronics, minor repair services	1 / 800 square feet of floor area
Gasoline station	2 / service stall plus 1 / employee
Laundromat	1 / 3 washing machines
Hotel or Motel	1 / rental unit plus 1 / employee
Retail groceries	1 / 100 square feet of floor area
Other retail stores	1 / 150 square feet of floor area

Notes on Interpretation

1. 1 per unit of measure shall be interpreted to mean 1 per each unit, as 1 per “each” 3 persons
2. Space requirements are cumulative; hence, a golf, swim, or tennis club may require parking for activity use as well as restaurant or bar use.
3. Employees refer to all permanent staff and part-time equivalent.
4. Legal capacity is the occupancy load as permitted by fire and health standards.

**Section 6.21 Private Road Construction Standards**

1. All private roads constructed in Burt Township shall be constructed in a good and

workmanlike manner upon and parallel to the centerline of a permanent right-of-way easement duly recorded with the Cheboygan County Register of Deeds. Such easements shall meet the following requirements:

- A. The permanent right-of-way easement shall at a minimum be forty (40) feet in width unless additional right-of-way is required for adequate construction. Note: The amount of right-of way to be cleared need not be greater than that dictated by the number of lots served, utility placement and public safety.
  - B. Single access private roads in excess of one half (1/2) mile shall be required to provide a cul-de-sac with a minimum sixty (60) foot radius of right-of-way and a minimum fifty (50) foot radius road surface.
  - C. The right-of-way easement width on curved portions of roads shall be the same as for tangent portions.
2. Roads shall be constructed in a manner to sufficiently control storm water runoff and permit effective storm water drainage and prevent soil erosion.
  3. Soil erosion control measures shall be applied in accord with the requirements of the Cheboygan County Soil Erosion and Sedimentation Control Program and the County Stormwater Ordinance.
  4. Roads shall be laid out to the greatest extent feasible to achieve the following objectives: (Listed below in order of priority, as it is recognized that some may conflict with others on any given site).
    - A. On soils not classified as "hydric" (wetland soils) by the USDA Soil Conservation Service.
    - B. Along fence rows or the edges of the open fields adjacent to any woodlands (to reduce impact upon agriculture or forestry uses and shelter from winter winds, and to enable new construction to be visually absorbed by natural landscape features).
    - C. On areas not considered prime farmland soils or in areas considered as important timberland soils on a national or regional basis.
    - D. In locations least likely to impact scenic vistas, as seen from public roads.
  5. All private roads shall have names approved by the Township Board and accepted by the Cheboygan County Numbering System and Cheboygan County Road Commission.
  6. Identification signs shall be required for private roads and shall be similar in design to those identifying public roads in the township. In addition to road identification, private road signs shall also include the wording "PRIVATE ROAD" in a minimum of four (4) inch high letters and "NOT MAINTAINED BY CHEBOYGAN COUNTY ROAD COMMISSION" in a minimum of two (2) inch high letters.
  7. All private roads servicing or to serve four (4) or more lots shall have a road maintenance agreement and/or deed restrictions which provides for the perpetual private (non-public) maintenance of such roads and/or easements to a necessary and reasonable standard

to serve the several interests involved. These documents shall contain the following provisions:

- A. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
  - B. A workable method of apportioning the costs of maintenance and improvements.
  - C. Contain provisions that the owners of any and all of the property using the easement shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, tradesmen and others bound to or returning from any of the properties having a right to use the road. Provisions shall be included to allow ingress and egress of emergency and other public vehicles for whatever public services are necessary.
  - D. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to the design standards specified in this Ordinance and assess owners of parcels on the private road for the improvements, plus an administrative fee in the amount of 25% for out-of-pocket costs.
  - E. A notice that except for the above, no public funds of Burt Township are to be used to build, repair or maintain the private road.
8. When feasible, the maximum grade of any portion of any private road shall not exceed seven (7%) percent.
9. The maximum grade of any portion of driveways connecting a building envelope located on a lot to a public road or private road shall not exceed ten (10%) percent, when feasible.
10. A private road serving a maximum of six (6) lots shall at a minimum meet the following design standards:
- A. Have a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall be at a minimum road grade gravel;
  - B. Have a roadbed not less than sixteen (16) feet wide;
  - C. Be constructed over adequate culverts where necessary;
  - D. Ditches shall be installed along the roadway, as necessary.
11. A private road serving seven (7) or more lots, parcels, or site condominiums shall meet design specifications and road construction standards as outlined in the Cheboygan County Road Commission road construction requirements and specifications with the following exceptions:
- A. On the Typical Road Cross Section:
    - 1) Minimum finished grade width shall be nineteen (19) feet;

- 2) Minimum road surface width shall be eighteen (18) feet.
  - 3) The minimum Gravel Base width shall be nineteen feet (19) feet;
  - 4) Gravel shoulders are not required but the road surface shall be flush with the shoulder elevation;
  - 5) In situations where the proposed road grade does exceed three (3%) percent the Planning Commission may require a bituminous surface and require a sand and gravel base of not less than twelve (12) inches in depth of which the top six (6) inches in depth shall at a minimum be road grade gravel.
12. No more than twenty-five (25) lots or site condominium units may gain access to a single private road. Where more than twenty-five lots are served, the road shall be a paved public road built to full Cheboygan County Road Commission standards.
  13. Zoning permits for the construction of dwelling units on lots or site condominium units serviced by a private road shall not be issued until the road servicing the lot or site condominium unit is completed as per the appropriate above standards.
  14. All proposed private road intersections shall be designed to provide adequate sight distances for corners, minimum stopping, and minimum vertical curve length.

#### **Section 6.22 Commercial Timber Cut**

1. A commercial timber cut shall maintain a minimum fifty (50) foot buffer from all water bodies, including streams and intermittent streams.
2. Activities associated with a commercial timber cut shall be conducted within the following hours: Monday through Saturday, 7:00 am to 8:00 pm.
3. A Timber Harvest Plan shall be required for all commercial timber cuts and shall include the following:
  - A. property boundaries (or portion pertaining to the commercial timber cut),
  - B. area of the timber cut,
  - C. any structures located within two hundred (200) feet of the timber cut,
  - D. access route(s) to be used during the timber cut.
4. Commercial timber cut in the General Residential (R-1) and Agricultural-Rural Residential (RR) zoning districts is permitted by right, based on a Timber Harvest Plan. It is recommended that the Timber Harvest Plan be prepared by a professional forester.
5. Commercial Timber Cut in the Conservation Recreation District (CR) is permitted subject to Special Use Permit, due to the size of the parcels and character of the area. Commercial Timber Cuts in this district shall be based on the recommendations of an approved Michigan Department of Natural Resources Forest Stewardship or Forest Management Plan, and the extent of the commercial timber cut shall be detailed in a

Timber Harvest Plan.

6. Additional recommendations (compliance is encouraged, although not required by this ordinance):
  - A. Maintain a 25-foot buffer of trees around the property's perimeter
  - B. Utilize selective cut methods to maintain the scenic characteristics of the Township.
  - C. Clear cut method should be only done based on a professionally prepared forestry plan for the property.
  - D. Conduct timber cut activities during winter and summer, avoiding spring and fall, to minimize damage and erosion risks.

### **Section 6.23 Medical Marihuana**

1. Intent and Purpose. The purpose of this section is to implement land use regulations to address medical marihuana in Burt Township only to the extent specifically authorized by the enactment of the Michigan Medical Marihuana Act (hereinafter referred to as the "MMMA", Initiated law 1 of 2008, MCL 333.26423, et seq, and its administrative rules, R333.101.et seq.
2. Regulations for a Qualifying Patient. A qualifying patient shall be permitted the medical use of marihuana, as an accessory use to the principal residential use of the dwelling, without a zoning permit, but shall be subject to the following regulations:
  - A. The qualifying patient must be issued and maintain a currently valid Michigan medical marihuana registry identification card, as issued by the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency under the provisions of the MMMA, or must be issued and maintain a currently valid registry identification card, or its equivalent, that is issued under laws of another state, district, territory, commonwealth or insular possession of the United States that allows the medical use of marihuana for the qualifying patient to whom it is issued.
  - B. The qualifying patient shall comply at all times with the MMMA and the General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, as amended.
3. Regulations for Primary Caregivers. A primary caregiver shall be permitted the medical use of marihuana as a primary caregiver as defined and in compliance with the General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, Michigan Admin Code, R 333.101 through R 333.133 (the General Rules), the Michigan Medical Marihuana Act, PA 2008, Initiated Law 1, MCL 333.26421 et seq ("the Act") and the requirements of this section, and shall ONLY be allowed as a home occupation. No zoning permit shall be required, but this type of home occupation shall be subject to the State regulations and the additional requirements of this Ordinance.

Nothing in this section, or in any companion regulatory section adopted in any other provision of this Ordinance, is intended to grant, nor shall they be construed as granting immunity from prosecution for growing, selling, consuming, using, distributing or possessing of marihuana.

Since federal law is not affected by the Act or the General Rules, nothing in this section or in any companion regulatory section adopted in any other provision of this Ordinance is intended to grant, nor shall they be construed as granting immunity from criminal prosecution under federal law. Except as superseded by the State regulations and associated rules or by the additional requirements of this section, primary caregivers shall also be subject to the regulations for all home occupations (Section 6.09). The following additional requirements for a Primary Caregiver as a home occupation shall apply:

- A. The medical use of marihuana shall comply at all times and in all circumstances with the Michigan Medical Marihuana Act and the General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, as they may be amended from time to time.
- B. All medical marihuana plants and product shall be kept in an enclosed, locked facility, (per MMMA) within the dwelling or within an attached garage that permits access only by the primary caregiver.
- C. No more than one (1) primary caregiver per dwelling unit shall be permitted. The dwelling unit shall be the principal dwelling of the primary caregiver. The medical use of marihuana shall comply at all times with the MMMA and General Rules of the Bureau of Health Professions, Michigan Department of Licensing and Regulatory Affairs or any successor agency, as they may be amended from time to time.
- D. Medical marihuana shall be delivered to the qualifying patient where the qualifying patient resides. Pick up of medical marihuana from the primary caregiver's home occupation is prohibited. Transactions relating to compensation of costs associated with assisting a qualifying patient are prohibited from occurring at the primary caregiver's home occupation.

4. Violations and enforcement.

- A. Information concerning any alleged violation of the provisions of the MMMA and associated rules shall be directed to appropriate state and/or local law enforcement agencies for investigation and/or enforcement.
- B. Only infractions pertaining to the unique requirements of this Ordinance and not governed by the MMMA shall fall under the jurisdiction of Burt Township, (per Section 9.07 Burt Township Zoning Ordinance).
- C. Disclosure of identifying information required by a provision of this Zoning Ordinance that conflicts with the confidentiality rules as set forth in Section 6(h) [or any other provision] of the MMMA shall not apply.

**Section 6.24 Cargo Containers**

Cargo Containers are prohibited in all zoning districts.

## Section 6.25 Personal Solar Installations

### 1. Roof-Mounted Solar Installations

- A. Height. The height of the roof-mounted solar installation shall not exceed the maximum allowed height for the structure it is mounted on in any zoning district.
- B. Setback: Roof-mounted solar installations shall be considered part of the building and meet all applicable building setbacks.
- C. Placement: Roof-mounted solar installations may be permitted on principal or accessory buildings. The color of the solar collector is not required to be consistent with other roofing materials.
- D. Coverage: Except for an area that allows adequate roof access for fire-fighting purposes, roof-mounted solar installations shall be allowed to cover the entire roof upon which they are mounted.
- E. Visibility and Glare: Roof-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or right-of-ways at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
- F. Energy Sales: Excess energy generated by roof-mounted solar installations may be sold to utility company and returned to the grid.
- G. Nonconformities: A roof-mounted solar installation installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.

### 2. Ground-Mounted Solar Installations

- A. Height: The maximum height of a ground-mounted solar installation shall be sixteen (16) feet above grade at maximum tilt.
- B. Setbacks: Ground-mounted solar installations shall comply with all district required setbacks.
- C. Placement: Ground-mounted solar installations shall only be allowed in the rear or side yard on a property with an established permitted principal use. Notwithstanding the foregoing, ground-mounted solar installations shall not be allowed on the waterfront side of lakefront properties.
- D. Coverage: The area of the ground-mounted solar installation energy collection system shall count towards the maximum area allowed for accessory buildings on property with a principal use.
- E. Visibility and Glare: Ground-mounted solar installations shall be mounted or oriented so that concentrated solar glare will not be directed toward or onto nearby properties or rights-of-way at any time of the day. Systems designed to track the maximum sun angle throughout the day shall be programmed to prevent positioning at any point that would result in glare directed toward nearby properties or rights-of-way. Support

structures shall be of a single, non-reflective matte finish that is consistent throughout the project.

- F. Energy Sales: Excess energy generated by roof-mounted solar installations may be sold to utility company and returned to the grid.
  - G. Nonconformities: A roof-mounted solar installation installed on a nonconforming building or nonconforming use shall not be considered an expansion of the nonconformity.
  - H. Prohibited Use: Ground-mounted solar installations shall not be used as a building.
3. Building-Integrated Solar Energy Panels: Building-Integrated solar energy panels are subject only to zoning regulations applicable to the structure or building.
4. Installation.
- A. Solar energy panels that are roof-mounted shall be permanently and safely attached to the building or structure and shall be safely supported by the roof according to the manufacturer's specifications.
  - B. Solar energy panels that are ground-mounted shall be safely attached to the ground according to manufacturer's specifications.
  - C. Solar energy panels shall be installed, maintained, and used only in accordance with the manufacturer's specifications.
  - D. Solar energy panels shall comply with building codes, electrical codes, and all other applicable regulations.



## **Article VII. SUPPLEMENTAL SITE DEVELOPMENT STANDARDS**

### **Section 7.01 Supplemental Site Development Standards**

Those permitted uses and uses allowed by Special Use Permit enumerated in any zoning district, if included below, shall be subject to the following conditions and requirements. The uses listed in this article are only allowed as listed in the Article III: Zoning Districts and Map.

#### **Section 7.01.1 - Bed and Breakfast Establishments:**

Bed and breakfast establishments shall be subject to the following regulations:

1. Bed and Breakfast Establishment as an Accessory Use: The bed and breakfast establishment shall be clearly incidental to the principal residence.
2. Principal Residence: The dwelling unit shall be the principal residence of the operator, and the operator shall live in the dwelling unit when the bed and breakfast facility is in operation.
3. Maximum Number of Units: No more than four (4) bed and breakfast sleeping rooms shall be established.
  - A. Kitchen Facilities: There shall be no separate cooking facilities for the bed and breakfast establishment, other than those, which serve the principal residence. Food may be served only to those persons who rent a room in the bed and breakfast facility.
  - B. Building Requirements: A building used for a bed and breakfast establishment shall comply with the following minimum requirements:
    - 1) There shall be at least two (2) exits to the outdoors.
    - 2) Rooms used for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants, plus and additional thirty (30) square feet for each additional occupant. Rooms shall be designed to accommodate no more than four (4) occupants.
    - 3) Each sleeping room shall be equipped with a smoke detector.
  - C. Parking: An off-street parking spot shall be provided for bed and breakfast unit, in accordance with this Ordinance. Off-street parking in the front yard is prohibited.
  - D. The number of bathrooms and septic system size shall meet District Health Department requirements.

#### **Section 7.01.2 - Campgrounds**

1. A minimum lot size shall be ten (10) acres, and not less than six hundred (600) feet width.

2. The lot shall provide direct vehicular access to a public road. The term "lot" shall mean the entire campground or travel trailer park.
3. All sanitary stations, privies, or any sanitary facilities shall be located at least one hundred (100) feet from property lines.
4. Campground perimeter shall be completely screened by natural terrain, neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.
5. Campsites shall be located at least fifty (50) feet from property lines.
6. All campgrounds and trailer courts shall comply with State of Michigan Health Department requirements.
7. No person shall occupy any campsite for more than six (6) weeks in any one year.

### **Section 7.01.3 – Cemeteries**

1. Location: No portion of any cemetery that is located in a wetland shall be developed or platted for gravesites.
2. Accessory Buildings: A crematorium, mausoleum, columbarium, or other accessory building may be permitted within a cemetery provided that any such building shall be designed and located in accordance with a cemetery master plan, which shall be subject to Planning Commission Approval.
3. Setbacks: No building or structures containing bodies or remains, other than subterranean graves, shall be located closer than fifty (50) feet to the boundary line of any residential or commercial district.

### **Section 7.01.4 - Funeral Home or Mortuary**

Funeral Home or Mortuary property shall have direct vehicular access to a public road. Funeral home or mortuary property shall be at least one hundred fifty (150) feet of lot width. All uses, off- street parking areas, and loading areas are accommodated on site, without encroachment into the setback areas. The service entrance to the building shall be screened from view of adjoining residential properties, or contained within the confines of the building.

### **Section 7.01.5 - Gasoline/Service Station**

1. Minimum lot size shall be twenty thousand (20,000) square feet for a Service station or repair garage and twelve thousand (12,000) square feet for a filling station.
2. Minimum lot width shall be one hundred twenty (120) feet for a service station, repair garage and one hundred (100) feet for a filling station.
3. An automobile service station building, repair garage or main building for a filling station

shall be located not less than forty (40) feet from the road right-of-way or less than twenty-five (25) feet from the side or rear lot line of any adjoining residential property or less than twenty-five (25) feet from the side or rear lot line of adjoining commercial or industrial property.

4. No ingress or egress to an automobile service station, public garage or filling station, shall be closer than twenty-five (25) feet from any intersection or residential property line abutting the property on which such facility is located.
5. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building. All gasoline pumps shall be located not less than twenty-five (25) feet from any lot line and shall be arranged so that motor vehicles may be provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.
6. When adjoining residential property, a masonry wall at least five (5) feet in height shall be constructed parallel to the property line of such residential property. All masonry walls shall be protected by a fixed curb or other barrier to prevent vehicular contact.
7. All outside storage areas for trash, used tires, auto parts and similar items shall be enclosed by a masonry wall at least five (5) feet in height. Outside storage or parking of disabled, wrecked or partially dismantled vehicles shall be allowed for a period not to exceed fifteen (15) days.
8. All exterior lighting shall comply with [Section 6.15 - Outdoor Lighting](#) of this Ordinance.
9. On a corner lot, both road frontage sides shall conform to all applicable front yard regulations of this ordinance.
10. Parking and stacking spaces shall be provided subject to the [Section 6.20 - Parking Requirements](#).

#### **Section 7.01.6 - Junk and Salvage Material Storage**

1. **Junk Storage:** Junk shall be stored, placed or otherwise located only within a completely enclosed building.
2. **Salvage Material Storage:** Any open storage yards or areas used for the storage of salvage materials shall be entirely enclosed by an eight (8) foot high obscuring wall or fence, or a hedge of a minimum height of eight (8) feet. No salvage yard facility (or outside junk storage yard or area) shall be nearer to the exterior boundary of the Light Industrial District than one hundred (100) feet.

#### **Section 7.01.7 - Kennels or Veterinary Clinic/Hospital**

1. All kennels shall be operated in conformance with County and State regulations and shall be on sites of at least five (5) acres. Veterinary clinics or hospitals shall be located on sites of at least one (1) acre in size.
2. Animals shall be confined in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than fifty (50) feet from

the property line, whichever is greater.

3. Any fenced areas shall be screened from adjacent properties and/or roads with an opaque fence or a vegetated evergreen buffer at least five (5) feet in height.
4. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
5. Animals shall be kept in a soundproof building between the hours of 10 p.m. and 8 a.m.
6. All principal use activities shall occur within an enclosed main building.

### **Section 7.01.8 - Manufactured Home Developments**

Manufactured home developments shall be subject to the following conditions:

1. Manufactured home developments shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes but is not necessarily limited to compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.
2. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require all mobile homes in mobile home parks to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.
3. To the extent permitted by the Michigan Manufactured Housing Commission, this ordinance shall require the underside or chassis of all mobile homes in mobile home parks to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed.

### **Section 7.01.9 - Mobile Homes and Trailers, Other Uses**

Mobile homes, travel trailers and motor homes may be used as follows:

1. Mobile homes may be used as temporary dwellings until the owner or occupant thereof completes the construction or erection of a conventional housing unit for which a Building Permit has been issued, subject to the conditions of this Ordinance. The temporary dwelling shall be included on the Building Permit, and maintained as long as diligent progress is being made on the main property use, and shall be removed upon issuance of an Occupancy Permit for the main use.
2. Mobile homes may be used as a temporary contractor's office and/or equipment shed in any district when in connection with a construction project and authorized by the Zoning Administrator.
3. The unoccupied storage of a motor home or travel trailer, not a mobile home, on any residential property by the owner thereof shall be allowable as a permitted accessory

use of the premises where there is a main use, provided such storage is confined to the rear yard when the rear yard is accessible. If the rear yard is not accessible, then storage in the side yard is permissible, if no nuisances, hazards, or blocking of views are created for the adjoining property.

#### **Section 7.01.10 - Motels and Hotels**

1. Motels and Hotels shall have a minimum lot width of one hundred fifty (150) feet at the road line.
2. There shall be at least eight hundred (800) square feet of lot area per guest room.
3. Each unit shall contain at least a bedroom and bath and a minimum gross floor area of two hundred fifty (250) square feet.
4. Motels shall provide customary motel services, such as maid service, linen service, telephone and/or desk service, and the use of furniture.
5. Parking and stacking spaces shall be provided subject to the [Section 6.20 - Parking Standards](#).

#### **Section 7.01.11 - Nursing Homes and Assisted Living Facilities**

Nursing and convalescent homes, medical care facilities and similar uses shall meet the following requirements.

1. The minimum lot size for such facilities shall be five (5) acres.
2. Such uses shall front County road and the main means of access for residents or patients, visitors, and employees shall be via the road.
3. Any such facility shall provide a minimum of fifteen hundred (1,500) square feet of outdoor open space for every room used or intended to be used. The open space shall be landscaped and shall include places for walking and sitting. Off- street parking areas, driveways, and accessory uses or areas shall not be counted as required open space.

#### **Section 7.01.12 - Planned Unit Development**

1. Intent. The intent of the Planned Unit Development is to allow design and use flexibility on a given site while at the same time protecting present and future residents and public facilities from the adverse effects of unplanned or unregulated development. This approach allows the applicant to utilize innovative designs and methods to control the effects of development rather than having rigid numerical zoning standards dictate design parameters. The burden of proving a Planned Unit Development is within the parameters and intent of this Ordinance is completely upon the applicant. The Township Planning Commission is to be the judge of whether or not the design contains sufficient safeguards as to make the effects of the development compatible with the intent of this Ordinance. It is the expressed intent of this section to allow such items as setbacks, yards, parking spaces, type of dwelling unit and use to be regulated on an overall impact or gross development basis rather than individually for each lot, use, or structure.

2. Criteria. A Planned Unit Development shall be judged against the criteria outlined below. The discretionary judgmental process shall follow, first the procedures specified in this subsection and second other conditions specified in this Ordinance, such as under the General Provisions and Supplemental Site Development Standards.

A. Size

- 1) A Planned Unit Development shall be of sufficient size to contain on the site both physically and aesthetically not only the development proposed but also any effects of such development that would ordinarily be apparent and different from the effects of permitted uses on the adjacent properties.
- 2) The maximum density for any residential portion of a development (dwelling units per acre) shall be based on the standards set forth in [Article III: Zoning Districts and Map](#). Underwater areas, such as lakes, streams, ponds, and similar watercourses shall not be included as part of the total lot area in the calculation of density.
- 3) A PUD located in an Rural Residential - Agricultural district shall have building sites not more than one acre in size to encourage clustering of residential development, allow for the continuation of agricultural practices and the protection of open space.
- 4) At least fifty (50) percent of the total land area shall be designated as dedicated open space. The open space may consist of areas which contain physical characteristics that limit the development potential such as steep slopes or wetlands.

The required open space shall be set aside by the developer in a conservation easement or deed restriction placed on the property, whereby the open space shall be developed according to an approved site plan. Said conveyance shall specify that the open space is an integral component in the overall development for the use and enjoyment of the residents within the Planned Unit Development.

Such conveyance shall:

- a) Provide for the privately owned open-space to be maintained and the provisions of the conservation easement or deed restriction to be enforced by the private property owners.
- b) Provide maintenance standards and a maintenance schedule.
- c) Grant the Township the right, but not the obligation, to enforce the provisions of the conservation easement or deed restriction, if in the Township's opinion such provisions are not adequately enforced by the property owners.
- d) Be held by two entities, one being the Burt Township and the other the landowner's association, land conservancy or other entity found acceptable to the Burt Township Planning

Commission.

B. Unified Control. The proposed development shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed.

C. Internal Design Standards

1) A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with light, air, privacy, circulation patterns, park areas, and public services equal to or greater than those required of the same uses in any zoning district where they are permitted within Burt Township.

2) The development shall be designed to promote the preservation of natural features. If animal or plant habitats of significant value exist on the site, the Planning Commission as a condition of approval may require that the open space development preserve these areas in a natural state and adequately protect them as nature preserves or limited access areas. The planned unit development shall clearly show the location of existing natural features in relation to the proposed buildings, roads, parking areas, areas to be graded and other project elements.

3) Direct access from a paved minor or major thoroughfare to a planned unit development is required. The nearest edge of any entrance or exit drive shall be located no closer than two hundred (200) feet from any existing street or road intersection (as measured from the nearest intersection right-of-way line).

4) All private roads shall be constructed within a permanent right-of-way easement duly recorded with the Cheboygan County Register of Deeds. Such easements shall be a minimum of forty feet in width, unless additional right-of-way is required for adequate construction. At any dead-end or cul-de-sac, the easement shall widen to a minimum radius of sixty feet.

5) Applicable district setbacks will apply, with the exception that no dwelling shall be allowed closer than fifty (50) feet to an exterior property line.

D. External Effects. A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.

3. Approval Procedures

A. Pre-Application Meeting. The procedure of application and approval of a PUD permit shall include one (1) or more informal conferences between the applicant and Zoning Administrator. The applicant shall inform the Zoning Administrator of the applicant's general intentions at this time. The Zoning Administrator may request or recommend the applicant request representatives from Township or County

agencies (department of public works, fire department, county sheriff and other agencies) to attend such informal conferences. After consideration of comments from the pre-application meetings, the applicant shall prepare a preliminary plan. In no case, however, shall any representations made by the Planning Commission at the pre-application conference be construed as expressing a position on whether the site plan should be denied, approved, or approved with conditions.

- B. Requirements of Preliminary Plan. Following the Pre-application Conference, the applicant may file a PUD application with the Zoning Administrator in order to receive a formal Planning Commission review of a Preliminary Planned Unit Development Plan for the subject property. The applicant shall submit eight (8) copies and a digital PDF copy of all files of the Preliminary Planned Unit Development Plan with the PUD application, at least thirty (30) days prior to the date of the Planning Commission meeting at which a Public Hearing on the Plan is to be scheduled. The Zoning Administrator shall review the submitted site plan application and if determined to be complete, (all required information provided), shall cause the submittal to be placed on the agenda of the next regular Planning Commission meeting. If the application is not complete, the Zoning Administrator shall send a letter to the applicant identifying the deficiencies. *(Amended 07-07-16)*

The Preliminary Planned Unit Development Plan shall provide all the information specified under [Section 4.03 \(3\) Site Plan Review-Site Plan Review-Site Plan Data Required](#).

C. Planned Unit Development Review Procedure

- 1) Public Hearing: Township Planning Commission shall schedule, place one notice in a newspaper of general circulation not less than 15 days prior to the hearing, and conduct a public hearing on the Planned Unit Development Preliminary Plan.
- 2) Approval / Action: Following the public hearing, the Township Planning Commission shall approve, disapprove or approve subject to specified conditions / revisions to the proposed Planned Unit Development. If the required conditions or revisions are, in the opinion of the Planning Commission, substantive in nature, a second public hearing shall be held. Approvals shall be valid for twelve (12) months. If a final plan is not submitted within twelve (12) months the preliminary approval shall become null and void.
- 3) Final Approval: A final plan shall be prepared incorporating any changes specified as part of the preliminary approval. The Zoning Administrator shall review the final plan for compliance with the provisions of the preliminary approval. If found to be in compliance, the Zoning Administrator shall issue a final approval and shall notify appropriate agencies that construction permits may be issued. Final approval shall be valid for twelve (12) months. If construction permits are not obtained within this time, the approval shall become null and void.
- 4) Performance Bonds: To ensure compliance with the approved final plan, the Township may require a deposit, (cash, certified check, irrevocable bank letter of credit, or security bond), to cover the estimated cost of

improvements. See [Section 9.06 - Performance Guarantee](#) in this Ordinance.

- D. Fees. Fees for PUD Project Master Plan review shall be established or revised by resolution of the Township Board of Trustees, as per [Section 9.05 - Fees](#).

#### **Section 7.01.13 - Public Buildings, Institutions, and Places of Worship**

Public buildings (except public works garages and storage yards), places of worship, public schools, private schools and their local supporting service uses, shall be permitted provided the arrangement of property uses shall minimize the impact on scenic views, and if feasible, the site design shall mitigate negative impacts related to building size, noise, lighting and traffic.

Any uses of church structures or properties for such other purposes as recreation, day care centers, group housing, and the like, shall be separately considered as part of the conditions to granting or denying a special permit in residential districts.

#### **Section 7.01.14 - Recreation Camps**

Recreation camps, recreation lodges and resorts for either profit or non-profit shall be subject to the following conditions:

1. The use is established on a minimum site of twenty (20) acres.
2. All outdoor activity areas, parking lots, main buildings and accessory buildings are located at least 100 feet from all property lines. The resulting 100 foot yard shall be maintained as a buffer area wherein all natural tree/shrub cover is retained in healthful growing conditions. Planted greenbelts may be required by the Planning Commission as deemed necessary.
3. The recreational camp use shall not locate within the confines of a platted subdivision intended for single residential occupancy or parcels which are deemed by the Planning Commission to be a logical extension of such a platted area.

#### **Section 7.01.15 - Recreational Areas, Public Lake Access, and Facilities**

All recreation lands and/or facilities, subject to findings that the uses are compatible with the surrounding residential area, the uses respect the environmental qualities of the site, noise levels do not exceed those of typical residential areas and no inordinate obstructions to scenic views are established. Recreational uses permitted herein include parks, playgrounds, and public lake access. No such facilities shall have a commercial appearance or be of a commercial character.

#### **Section 7.01.16 - Sand and Gravel Extraction**

1. From and after the effective date of this Ordinance, it shall be unlawful for any person, firm, corporation, partnership, or any other organization or entity to strip greater than 2,000 cubic yards of topsoil, sand, clay and gravel or similar material, or to use lands for filling within the Township without first submitting a site plan and procuring approval from the Planning Commission.

2. A separate site plan approval will not be required for excavation or fill activities associated with building construction pursuant to a duly issued building permit. However, where sand, gravel, topsoil, or other substances are removed from the site where found and taken to another site, site plan approval is needed for the receiving site.
3. Site plan application. A separate site plan shall be required for each separate excavation or fill site. In addition to the site plan requirements listed in [Section 4.03 \(B\) Site Plan Review \(All Districts\) - Site Plan Data Required](#), a site plan prepared under this section shall also include:
  - A. Names and addresses of parties interested in said premises setting forth their legal interest in said premises.
  - B. Full legal description of the premises where operations are proposed.
  - C. Detailed proposal as to method of operation, what type of machinery or equipment will be used, and estimated period of time that such operation will cover.
  - D. Detailed statement as to exactly what type of material is proposed to be extracted or deposited.
  - E. Proposed method of filling excavation and/or other means to be used to allow for the reclamation of lands to a usable purpose.
  - F. Such other information as may be reasonably required by the Planning Commission to base an opinion as to whether the site plan should be approved or not.
4. The sand and gravel operations application shall provide information to confirm compliance with the following standards:
  - A. Hours of Operation. The operation of mechanical equipment of any kind shall be limited by the day and/or the hour. Site Specific Hours of Operation for mining, processing and reclamation activities must be approved, but shall not exceed the following schedule Monday through Saturday, excluding legal holidays, during the following times:
    - 1) Mining or extracting operations, and processing and stockpiling of aggregates shall occur only between the hours of 7:00 a.m. and 6:00 p.m.
    - 2) Loading and hauling operations shall occur only between the hours of 7:00 a.m. and 8:00 p.m.
    - 3) Equipment maintenance and repair shall occur only between the hours of 7:00 a.m. and 9:00 p.m.
  - B. Screening. Fences, berms, walls, and visual screening devices may be required, if necessary, in the opinion of the Planning Commission, to protect adjoining properties and/or ensure the health, safety and welfare of persons in the vicinity of the site. Factors of safety and aesthetics shall be addressed.
  - C. Noise, Dust, and Debris. All processing equipment and activities and all storage

areas shall be treated, covered, muffled, or otherwise controlled to prevent excessive dust, debris, or other impacts beyond the property line. Noise levels shall not exceed 70 dBA at the property line. Any trucks hauling material to or from the site shall be enclosed or covered to prevent materials from blowing or falling out of the trucks.

D. Groundwater Impact. Extractive operations shall be managed and designed so as to not cause any negative impact on groundwater and potable water supply, whether as a result of contamination or reduction in the rate and volume of flow.

E. Road Impact

- 1) Extractive operations shall be managed and designed so as to have minimum negative impact on existing roadways. The truck route to be utilized in the accessing of the extraction site shall be designated and subject to approval by the Planning Commission.
- 2) Dust caused by truck traffic of the entrance drive to be treated as needed with dust suppression material.

F. Reclamation Plan. A reclamation plan, which shall include all information required by any State or federal agency having jurisdiction and which includes the following:

- 1) Description and location of each phase, number of acres included in each phase, estimated starting and termination dates for each phase and the amount of time that will be required to complete the entire reclamation operation. All areas shall be reclaimed progressively as the mining in that area is completed. Reclaimed areas shall be reasonably natural and inconspicuous, lacking in hazards and in a condition that the area can be reused for an allowable use in the district in which the site is located. All slopes and banks shall be graded to angles that do not exceed those found in the natural topography of the surrounding areas, and the banks shall be treated to prevent erosion.
- 2) Provisions for grading, drainage (especially agricultural field tiles) revegetation, and stabilization that will minimize soil erosion, sedimentation and public safety problems.
- 3) Description of proposed future land uses.
- 4) Description of plans for disposition of all structures, roads, drains or related facilities after cessation of the extractive operation.
- 5) A plan for disposal or treatment of all harmful or toxic materials found in any formations penetrated by the extractive operation or produced during the processing of minerals on the site and of chemicals or materials used during the extractive, processing or reclamation operations.
- 6) All information required as part of a reclamation plan that is required by state or federal law.

### **Section 7.01.17 - Sanitary Landfill**

All sanitary landfill operations shall comply with standards prescribed by applicable State and County health regulations.

### **Section 7.01.18 - Sawmills and Other Mills**

Sawmills, planing mills, veneer mills and accessory or incidental mill operations involving logs, "unprocessed timber" and/or rough sawn lumber, are permitted provided:

1. The use involves the processing of raw timber and/or rough lumber and shall not include retail lumberyard businesses or hardware supplies, paints, and the like. Log and lumber storage uses are permissible accessory uses.
2. The land area of the mill site shall be at least ten (10) acres with a minimum lot width of six hundred and sixty (660) feet.
3. Structures housing mechanical wood cutting devices (head saws, cut-off saws, planers, lathers, etc.), shall not be located closer to an off-premises residence than five hundred (500) feet, unless the owner of the residence signs a statement agreeing to a lesser setback.
4. Log storage and sawn timber or lumber shall not be located nearer than five hundred (500) feet from an off-premises residence unless the owner signs a statement agreeing to a lesser setback.
5. The location of a proposed mill is determined by the Planning Commission to be compatible with other uses in the general vicinity taking into account traffic flow, noise, scenic values, and residential environments where applicable and Township Community Master Plan for the area. The mill location shall be determined to be good land use.

In considering applications for forest industries the Planning Commission may permit modifications to the standards in items A through E, where owing to natural or man-made conditions, no good purpose would be served by requiring strict compliance. Such conditions may include, but need not be limited to, steep topography, intensely wooded areas, other natural barriers, existing uses, and the like.

Nothing in this Ordinance shall be interpreted to exclude temporary and itinerant sawmill operations on property where the timber harvesting involves only those resources found on the same property. No permit shall be required where the operation involves a period of less than six (6) months on the same property or zoning lot.

### **Section 7.01.19 - Sexually Oriented Business**

The purpose and intent of the section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will

not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimize activities which are prohibited by Township ordinance, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

1. No sexually oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually oriented business.
2. No sexually oriented business shall be established on a parcel which is within one thousand (1,000) feet of any parcel zoned RR, R-1, WR or MR.
3. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence.
4. The proposed use shall conform to all specific density and setback regulations, etc. of the zoning district in which it is located.
5. The proposed use must meet all applicable written and duly promulgated standards of Burt Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.
6. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.
7. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance.
8. 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 the business, and using lettering no less than two (2) inches in height that:
  - 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."
9. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining roadway or a neighboring property.

10. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM. (Midnight).
11. 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:
  - A. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;
  - B. Shall be unobstructed by any door, lock, or other entrance and exit control device;
  - C. Has 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;
  - D. Is illuminated by a light bulb of wattage of no less than 25 watts;
  - E. Has no holes or openings in any side or rear walls.
12. Review Procedures for Sexually Oriented Businesses. The Planning Commission shall adhere to the following procedures when reviewing a special approval application for a sexually oriented business.
  - A. If the Planning Commission determines that a special approval application for a sexually oriented business is not complete when it is first presented to the Planning Commission, it shall provide written notice by first class mail within five (5) business days of said determination detailing the items required to complete the application. Upon payment of a new filing fee, the applicant may resubmit the amended application for review by the Planning Commission for completeness.
  - B. If the Planning Commission determines that the application is complete, it shall within sixty (60) days of said determination make and adopt specific findings with respect to whether the proposed sexually oriented business is in compliance with the standards designated in Section 19 (A-K). If the Planning Commission has not made and adopted findings of fact with respect to a proposed sexually oriented business and either approved or denied the issuance of a special approval for the same within sixty (60) days of its determination that a completed application has been filed, then the special approval shall be deemed to have been approved.
  - C. Prompt judicial review of adverse determination: If the Planning Commission denies a special approval application for a sexually oriented business pursuant to the above paragraphs, then the applicant shall be entitled to prompt judicial review by submitting a written request to the Zoning Administrator. The Township shall have within five (5) business days of the receipt of such written notice to do the following:
    - 1) File a petition in the Circuit Court for the County seeking a judicial determination with respect to the validity of such denial, and in

conjunction therewith, apply for a preliminary and permanent injunction restraining the applicant from operating the sexually oriented business in violation of the Township Zoning Ordinance;

- 2) Request that the application for issuance of a preliminary injunction be set for a show-cause hearing within ten (10) business days or as soon thereafter as is possible after the filing of such petition. In the event the applicant appears at or before the time of such show- cause hearing, waives the notice otherwise provided by Michigan Court Rules, and requests that at the time set for such hearing the Court proceed to hear the case under applicable rules of civil procedure for the issuance of such permanent injunction on its merits, the Township shall be required to waive its application for preliminary injunction and shall join in such request.

In the event that the applicant does not waive notice and/or does not request any early hearing on the Township's application for permanent injunction, it shall never the less be the duty of the Township to seek the earliest possible hearing date under Michigan law and the Michigan Court Rules.

The filing of written notice of intent to contest the Planning Commission's denial of a special approval shall not in any way affect the validity of such denial, but such denial shall be deemed invalid and the special approval application automatically approved if, within fifteen (15) business days of the filing of the Township's petition, a show-cause hearing has not been scheduled.

#### **Section 7.01.20 - Stables, Commercial**

1. Commercial stables shall be on sites of at least ten (10) acres in size.
2. Commercial facilities for horseback riding shall be subject to the review and approval of the Planning Commission, who shall find that animal housing facilities are located at least three hundred (300) feet from any off-premises residential structure.

#### **Section 7.01.21 - Storage Facilities**

Storage uses as allowed in Light Industrial (I), including mini-storage, shall meet the following regulations:

1. All proposed storage buildings nearest to the primary access road shall be site planned to be perpendicular to the road; landscape screening may be required by the Planning Commission per subparagraph 3) of this section.
2. Proposed storage buildings are positioned to the rear of other approved non-storage or non-warehousing buildings, e.g., retail or office uses, or, the storage buildings are set back at least one hundred (100) feet from public road right-of-way lines.
3. Effective year-round landscape screening is required to shield storage buildings from bordering public roads upon installation of proposed plant materials.

4. Nothing in this section shall prohibit or inhibit storage space as a necessary accessory use to any principal commercial use of the property, and these standards do not apply to internal roads within a planned industrial or commercial park.
5. Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, shall be within an enclosed building or behind an obscuring wall or fence on those sides abutting any Residential District and on any yard abutting a public thoroughfare.

#### **Section 7.01.22 - Towers and Antennae Facilities**

Antenna towers and masts for cellular phone and other personal or business communications services authorized as a special use by the Planning Commission. Antenna towers and masts erected and operated as a residential accessory use, and not more than fifty (50) feet in height as measured between the tower's base at grade and its highest point erected, are exempt from the provisions of this Section.

1. Application Requirements. In addition to the application requirements of Article V of this Ordinance, an application for a special use permit for a tower or antennae facility shall include all of the following information, unless expressly indicated otherwise. If the zoning administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the tower or antennae facility shall not proceed until all required information has been supplied.
  - A. Documentation that clearly establishes legal ownership of the tower and a signed commitment that the applicant, its agents, successors, and assigns shall report to the Planning Commission any changes in the legal ownership of the tower within thirty (30) days of the effective date of the change.
  - B. An analysis of alternative options, such as co-locations and documentation that a new tower is necessary.
  - C. A visual impact analysis, depicting the anticipated visual appearance of the tower from important vantage points in the surrounding area. Visual impact analysis methods to be approved by the zoning administrator.
2. Standards for Approval of Tower or Antennae Facilities. The Planning Commission shall approve, or approve with conditions, an application for a tower or antennae facility only upon a finding that the proposed tower or antennae facility complies with the standards contained in [Section 5.02.3](#) of this Ordinance and all of the following applicable standards:
  - A. A tower or antennae shall not exceed the minimum height necessary to serve its intended functions. Tower height shall not exceed two hundred feet.
  - B. Equivalent service cannot be provided by locating the antennae on an existing tower or other tower in the Township or neighboring community.
  - C. The floor area and height of the tower and an ancillary building shall be the minimum necessary for such equipment.

- D. The size, type, color and exterior materials shall be aesthetically and architecturally compatible with the surrounding area. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.
  - E. The tower or antennae facility shall not be artificially lighted unless required by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA. Unless the FAA requires otherwise, the lighting shall be a nonpulsating or nonblinking red light.
  - F. The tower, subject to any applicable standards of the FCC and FAA, shall be painted a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the tower or antennae facility is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
  - G. All tower and antennae facilities shall meet or exceed any standards and regulations of the Federal Communications Commission (FCC), Federal Aviation Administration (FAA), and any other agency of the State or Federal government with authority to regulate towers or other tall structures in effect at the time the special use permit is approved.
  - H. The tower shall be available on reasonable terms, for use by others, including personal or business communications service providers, and/or local government agencies, provided such use does not interfere with the owner/operator's reasonable use of the tower.
  - I. A deposit of funds in Escrow or an insurance bond may be required by the Planning Commission to assure the removal of towers and masts as prescribed in this Section. If required, such escrow deposit or insurance bond shall be in an amount equal to one and one-quarter (1.25) times the estimated cost of removal of the tower at the time of approval. Such escrow deposit or bond shall be maintained by success or owners.
  - J. The owner of any tower which ceases to operate for its original use, or is abandoned for any reason, shall remove the tower within three months of receipt of notice from the Township. If the cost exceeds the amount held in escrow, the current owner shall be responsible for additional costs.
  - K. No tower or supporting appurtenant structures shall be closer to any dwelling than a distance equal to 1.5 the height of the tower measured from the tower base at grade to the highest point on the structure or antennae.
3. Zoning Board of Appeals Jurisdiction: The Zoning Board of Appeals shall have no jurisdiction over a decision made by the Planning Commission to approve, approve with conditions, or deny an application for special use approval to erect and maintain cellular

phone and other personal and business communications antenna towers.

### **Section 7.01.23 - Wind Turbine Generators**

Commercial wind turbine generators, private wind turbine generators, and anemometer towers shall be permitted in the Rural Residential - Agricultural and Light Industrial districts pursuant to a special use permit obtained following the procedures of [Article V](#) of this Ordinance and the requirements of this subsection.

#### **1. Application Requirements**

In addition to the application requirements of [Article V](#) of this Ordinance, an application for a special use permit for a wind turbine generator (both commercial and private) or for an anemometer tower shall include all of the following information, unless expressly indicated otherwise. If the zoning administrator determines that all required information was not supplied, he or she shall send written notification to the Applicant of the deficiencies. The application for the wind turbine generator or anemometer tower shall not proceed until all required information has been supplied.

- A. A site plan meeting all of the requirements of [Article IV](#) of this Ordinance.
- B. A detailed analysis by a qualified registered engineer describing the specific commercial wind turbine generator structure(s) or anemometer tower proposed and all phases for implementing the development, if any. Provided, however, this application requirement shall not apply to a private wind turbine generator.
- C. A study prepared by a qualified registered engineer documenting that the site of the commercial wind turbine generator has sufficient wind resources for the proposed wind turbine generator equipment. Provided, however, this application requirement shall not apply to a private wind turbine generator and an anemometer tower.
- D. A resume or other written summary of the education, experience, and other qualifications of all experts providing information concerning the commercial wind turbine generator or anemometer tower project. Provided, however, this application requirement shall not apply to a private wind turbine generator.
- E. A detailed written statement, with supporting evidence, demonstrating how the proposed wind turbine generator (commercial and private) or anemometer tower will comply with all of the applicable standards for approval specified in this Ordinance.
- F. Written documentation establishing whether the location of a proposed wind turbine generator (both commercial and private) on the site will create shadow flicker on any existing structures located off the property on which the wind turbine generator will be constructed, and if so, the extent and duration of the shadow flicker on these existing structures and the steps to be taken to minimize the shadow flicker on these existing structures. Provided, however, this application requirement shall not apply to an anemometer tower.
- G. Written documentation that the applicant has notified the FAA and any other

applicable state and federal regulatory agencies of the proposed wind turbine generator (both commercial and private) or anemometer tower.

- H. Written documentation that the applicant has notified the operators of any microwave or communication link towers or similar facilities of a proposed wind turbine generator (both commercial and private) when the proposed location of the wind turbine generator is within the line of sight between two or more microwave or communication link towers or similar facilities. Provided, however, this application requirement shall not apply to an anemometer tower.
- I. Elevation drawings, computer generated photographic simulations or other images, or other visual aids that depict how the commercial wind turbine generator tower and all accessory structures or anemometer tower will appear as constructed on the proposed site from vantage points north, south, east, and west of the commercial wind turbine generator tower or anemometer tower. Provided, however, this application requirement shall not apply to a private wind turbine generator and an anemometer tower.
- J. Any additional information reasonably deemed necessary by the Planning Commission to determine compliance with the standards for approving a wind turbine generator (both commercial and private) or an anemometer tower specified in this Ordinance and the impact of the proposed wind turbine generator or anemometer tower on adjacent properties, public infrastructure, and the township as a whole. This information may take the form of, but is not limited to, traffic impact analyses, environmental impact assessments, and/or information from officials representing federal, state, or county departments or regulatory agencies.

## 2. Standards for Approval of Wind Turbine Generators and Anemometer Towers

The Planning Commission shall approve, or approve with conditions, an application for a wind turbine generator (both commercial and private) or for an anemometer tower only upon a finding that the proposed wind turbine generator or anemometer tower complies with the standards contained in [Section 5.02.3](#) of this Ordinance and all of the following applicable standards:

- A. Sufficient Wind Resources: The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No commercial wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one year. No private wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site over a minimum of one month.
- B. Minimum Site Area.
  - 1) The minimum site area for a commercial wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required setbacks and any other standards of this ordinance.

- 2) The minimum site area for a private wind turbine generator or an anemometer tower erected prior to a private wind turbine generator shall be three (3) acres.

C. Setbacks. Each proposed wind turbine generator (both commercial and private) or anemometer tower shall meet the following applicable setback requirements:

- 1) Each commercial wind turbine generator shall be setback from any adjoining lot line and any adjoining public or private road right-of-way or easement a distance equal to 1,500 feet. The setback shall be measured from the outermost point on the base of the wind turbine generator. The Planning Commission shall reduce this setback to the shortest distance, not less than 735 feet, where the proposed commercial wind turbine generator meets standards f, g, and h below.
- 2) Each anemometer tower shall be setback from any adjoining lot line and any adjoining public or private road right-of-way or easement a distance equal to the height of the anemometer tower. The setback shall be measured from the outermost point on the base of the anemometer tower.
- 3) Each private wind turbine generator shall be set back from any adjoining lot line and from a public or private road right-of-way or easement a minimum distance equal to one and one-half (1.5) times the height of the private wind turbine generator tower. The setback shall be measured from the outermost point on the base of the wind turbine generator.
- 4) For any newly proposed wind turbine generator (both commercial and private) a wind access buffer equal to a minimum of five (5) rotor diameters shall be observed from any existing off-site wind turbine generator tower.

D. Maximum Height.

- 1) The maximum commercial wind turbine generator tower height or the height of an anemometer tower erected prior to a commercial wind turbine generator shall be 300 feet.
- 2) The Planning Commission may approve an increased height for a commercial wind turbine generator tower or an anemometer tower, not to exceed 400 feet, if all of the following conditions are met:
  - a) The need for the increased height is the result of a stand of trees, existing land forms, or structures that would substantially hinder the operation of the commercial wind turbine at the normal height limitation.
  - b) The increased height is the minimum necessary to achieve a reasonable rate of return on the operation of the commercial wind turbine generator given the documented wind speeds

and other site conditions. A reasonable rate of return is not equivalent to maximizing economic return to the operator. The Planning Commission shall not grant the increased height if economic return is not met due to the use of inefficient equipment that does not utilize current commercial technologies.

c) The increased height will not result in increased intensity on lighting of the tower due to FAA requirements.

3) The maximum height of a private wind turbine generator tower or the height of an anemometer tower erected prior to a private wind turbine generator shall be 110 feet.

- E. Minimum Rotor Wind Vane or Blade Clearance: The lowest point of the arc created by rotating wind vanes or blades shall be fifty (50) feet on a commercial wind turbine generator and twenty-five (25) feet on a private wind turbine generator. Additional clearance may be required by the Planning Commission if potential safety concerns are identified.
- F. Maximum Noise Levels: Any proposed wind turbine generator shall produce sound levels that are no more than fifty (50) decibels as measured on the dB(A) scale at the property lines of the site in question. Provided, however, this standard shall not apply to an anemometer tower.
- G. Maximum Vibrations: Any proposed wind turbine generator shall not produce vibrations beyond the property lines of the site in question of such intensity, duration, frequency or character which annoy, disturb, or cause or tend to cause adverse psychological or physiological effects on any reasonable person of normal sensitiveness. Provided, however, this standard shall not apply to an anemometer tower.
- H. Blade Throw: The potential blade and ice throw from any wind turbine generator (both commercial and private) shall not cross the property lines of the site in question. Provided, however, this standard shall not apply to an anemometer tower.
- I. Rotational Controls: All wind turbine generators (both commercial and private) shall be equipped with controls to limit the rotational speed of the blades within design limits for the specific wind turbine generator. Provided, however, this standard shall not apply to an anemometer tower.
- J. Transmission Lines: The on-site electrical transmission lines connecting the commercial wind turbine generator to a public utility electricity distribution system shall be located underground. Provided, however, this standard shall not apply to a private wind turbine generator or an anemometer tower.
- K. Interference with Residential Reception: All wind turbine generators (both commercial and private) and any anemometer tower shall be constructed and operated so that it does not interfere with television, radio, or microwave reception in neighboring areas. If degradation of television, radio, or

microwave reception occurs as the result of the wind turbine generator or anemometer tower, the developer shall pay to correct the television, radio, or microwave reception.

- L. State or Federal Requirements: All wind turbine generators (both commercial and private) and any anemometer tower shall meet or exceed any standards and regulations of the FAA, the Michigan Public Service Commission, National Electric Safety Code, and any other agency of the state or federal government with the authority to regulate wind turbine generators or other tall structures in effect at the time the special use permit is approved.
- M. Aesthetics and Lighting: All wind turbine generators (both commercial and private) and any anemometer tower shall meet the following requirements:
  - 1) The wind turbine generator or anemometer tower shall, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Excessively bright or neon colors are not acceptable. The Planning Commission, however, may approve an alternate color if the wind turbine generator or anemometer tower is located within an avian migratory route or if an alternate color would otherwise benefit the neighborhood.
  - 2) A commercial wind turbine generator shall be a monopole or monotube style construction (as distinguished from a lattice-style tower) and shall not utilize guy wires. A private turbine generator or anemometer tower may be a lattice-style tower and may utilize guy wires.
  - 3) The wind turbine generator or anemometer tower shall not be artificially lighted unless required by the FAA. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations, the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground, and no strobe lighting shall be permitted, unless expressly required by the FAA. Unless the FAA requires otherwise, the lighting shall be a nonpulsating or nonblinking red light.
  - 4) Each wind turbine generator or anemometer tower shall be sited on the property in a location that reduces to the maximum extent possible any adverse impacts on significant view corridors from adjacent properties, while at the same time maintaining contact with economically viable wind resources.
  - 5) Each wind turbine generator (both commercial and private) or an anemometer tower shall have no advertising painted on or attached to the tower or any other structure of the wind turbine generator.
  - 6) Each wind turbine generator tower shall be designed to aesthetically complement the color and design of any existing wind turbine generator tower within a one-mile radius. The Planning Commission may require design changes in order to lessen the visual clutter associated with the siting of multiple wind turbines with non-complementary, inconsistent design within sight of each other.

- N. Sign: A commercial wind turbine generator or anemometer tower shall have posted on the site in a visible, easily accessible location a sign no more than four (4) square feet in area displaying an address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays. Provided, however, this standard shall not apply to a private wind turbine generator.
- O. Access limitation: The commercial wind turbine generator or anemometer tower shall be designed and constructed in such a manner that access is limited, to the extent possible, to authorize personnel only. Provided, however, this standard shall not apply to a private wind turbine generator.
- P. Shadow Flicker: All wind turbine generators (both commercial and private) shall be designed and sited in such a manner to minimize shadow flicker expected to fall on a roadway and on any existing structures located off the property on which the wind turbine generator is constructed. Provided, however, this standard shall not apply to an anemometer tower.
- Q. Removal of Abandoned or Unsafe Wind Turbine Generators or Anemometer Towers: Any wind turbine generator or anemometer tower that is not mechanically capable of operating for more than 4,380 hours over any twelve(12) month period or sits idle for more than 12 months shall be considered abandoned. Any tower found to be unsafe or not in compliance with the special land use conditions related to noise or shadow flicker placed upon it by the Planning Commission, shall be found to be in violation of the special land use permit. The owner of any wind turbine generator tower or anemometer tower that is abandoned or in violation of the special land use permit shall remove the same within ninety (90) days of receipt of notice from the Township of such abandonment or violation. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind turbine generator or anemometer tower shall be removed to a minimum depth of three (3) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wind turbine generator or anemometer tower within the ninety (90) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.

**Section 7.01.24 - Gas and Oil Processing Facilities**

1. The facility shall comply with all federal, state and local building, environmental and health codes and regulations.
2. The applicant shall provide copies of the application for permit to drill, survey record of well location, and plat, as provided to the Supervisor of Wells, Department of Natural Resources, as part of the permit process for the location and erection of oil and gas processing facilities.
3. The facility may incorporate surface land owned or leased by the oil and/or gas company. If leased, the lease documents shall be submitted to the Planning Commission, and the Township Board of Trustees shall be informed of the length of the lease.

4. Because the subject facilities are industrial in nature, the required site plan shall also show adequate visual and sound privacy from adjacent property and public roads. Forested greenbelt, berms, attractive fence screen, landscaping, mufflers, insulation, or other contrivances may be used to insure compliance with visual and sound privacy of the adjacent properties.
5. In the event the facility is no longer required or is not used for two (2) years, the existing facility shall be removed and the area restored to its original state.
6. The sound level of the facility shall not exceed fifty (50) decibels as measured four hundred and fifty (450) feet in any direction from the facility.
7. The facility shall be built no closer than four hundred and fifty (450) feet from an existing dwelling.
8. The facility shall be built no closer than one hundred (100) feet from any public road.

#### **Section 7.01.25 - Solar Energy Farms**

1. Intent and Purpose: To allow and promote the use of solar energy within the Township as a clean alternative energy source and to provide associated placement, land development, installation, and construction regulations for solar energy farm facilities subject to reasonable conditions that will protect the residents' public health, safety and welfare. These regulations establish the minimum requirements for solar energy farm facilities, while promoting a renewable energy source in a safe, effective and efficient manner.
2. Standards.
  - A. Minimum Lot Size: Solar energy farms shall only be located on lots which are at least twenty (20) acres in size. Adjacent parcels under the same ownership or which are leased by the owner of the solar energy farm may be considered in combination to satisfy the minimum lot size. However, the lots considered in combination shall not thereafter be separated throughout the life of the solar energy farm. Each solar energy farm is permitted as a use authorized by special use permit which review will consider its compatibility with the surrounding area.
  - B. Height Restrictions: All energy solar panels and support structures located in a solar energy farm shall be restricted to a maximum height of sixteen (16) feet when orientated at maximum tilt.
  - C. Setbacks: All solar energy panels and support structures associated with such facilities (excluding perimeter fencing) shall be set back a minimum of fifty (50) feet from all property lines. If the right-of-way exists as an easement, the fifty (50) foot setback shall be measured from the edge of the easement. Solar panels shall be kept at least two hundred (200) feet from an existing residential dwelling, measured to the nearest point on the residential structure. Any additional setback requirements in this Ordinance that exceed this requirement shall be adhered to, including but not limited to setbacks from streams, lakes, and wetlands.
  - D. Maximum Lot Coverage: Maximum lot coverage restrictions shall not apply to

the solar energy panels. Any other regulated structures on the parcel are subject to the maximum lot coverage restrictions of the underlying zoning district.

- E. Safety/Access: A security fence (height and material to be proposed and reviewed/approved through the special use permit approval process) shall be placed around the perimeter of the solar energy farm and electrical equipment. The Planning Commission may require wildlife- friendly fencing. Knox boxes and keys shall be provided at locked entrances for public safety and fire department access.
- F. Noise: Sound produced from a solar energy farm shall not exceed sixty (60) dBA as measured at the property line.
- G. Glare: Solar energy farm facilities shall be located or placed so that concentrated solar glare shall not be directed toward or onto nearby properties or rights-of-way at any time of the day. Support structures shall be of a single, non-reflective matte finish that is consistent throughout the project.
- H. Impervious Surface/Stormwater: If more than eight thousand (8,000) square feet of impervious surface will be located on the site, the special use permit application shall include a drainage plan prepared by a registered civil engineer showing how stormwater runoff will be managed. If detergents will be used to clean solar panels, details on the type of detergent, frequency and quantity of use, and groundwater quality protection measures shall be provided. Any necessary permits from outside agencies for off-site discharge shall be provided.
- I. Landscaping: The special use permit application for a solar energy farm shall include a proposed landscape plan prepared by a licensed landscape architect. This plan will be reviewed through the special use permit approval process to assure that the proposed facility is appropriately landscaped in relation to adjacent land uses and road rights-of-way. A landscape plan shall meet following standards:
  - 1) Plans: A plan view illustrating the landscape plan for the entire project and a rendered view illustrating the view from public rights-of-ways.
  - 2) Species: A list of plant species. If groundcover (such as conservation cover, pollinator habitat, forage cover, or agrivoltaics) is utilized, then a drainage plan is not required. The Planning Commission may require soil stabilization through groundcover.
  - 3) Buffer: A twenty-five (25) foot wide landscape buffer shall consist of two (2) rows of staggered evergreen trees that at planting shall be a minimum of four (4) feet in height. If a solar energy farm is adjacent to a residential dwelling or district, then the minimum height shall be eight (8) feet at the time of planting. The evergreen trees shall be spaced no more than fifteen (15) feet apart on center, measured from the central trunk of one tree to the central trunk of the next tree. The buffer shall also consist of native grasses, wildflowers, or plants which will provide wildlife and pollinator habitat, soil erosion protection, and/or aid in strengthening the soil structure. The buffer shall be required under the

following conditions:

- a) Along the property line adjacent to all residential zoning districts.
  - b) If solar panels are located within two hundred (200) feet of a public road right-of-way.
  - c) Along the property line for the portion of the project within a two hundred (200) foot radius of a residential dwelling in a non-residential zoning district.
- 4) Credit for Existing Conditions: Existing topographical features and existing wooded areas may be accepted in lieu of or in combination with the above by approval of the Planning Commission.
  - 5) Planting Timeline: The required trees shall be planted between April 1st and September 15th. If construction of the solar energy farm begins after August 15th, the required plantings shall be installed by May 1st the following calendar year.
  - 6) Financial Guarantee: A bond, letter of credit, or cash surety shall be provided in the amount equal to one and one-half (1.5) times the cost of the required plantings that the Township shall hold until the next planting season.
  - 7) Maintenance: The required plantings shall be continuously maintained in a healthy condition. Dead evergreen foliage shall be replaced.
- J. Local, State, and Federal Permits: Solar energy farms shall be required to obtain all necessary permits and licensing from Burt Township, Cheboygan County, State of Michigan, and U.S. Government as applicable prior to construction and shall maintain any necessary approvals as required by the respective jurisdictions or agencies.
- K. Electrical Interconnections All electrical interconnections or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be prohibited within the site with the exception of the following: any above-ground wiring within the footprint of the solar energy farm which cannot be placed underground shall not exceed the height of the solar array at maximum.
- L. Land Clearing: Land disturbance or clearing shall be limited to what is minimally necessary for the installation and operation of the solar energy farm and to ensure sufficient all-season access to the solar resource given the topography of the land. Topsoil distributed during site preparation (grading) on the property shall be retained on site.
- M. Access/Service Roads: New access drives within the solar energy farm shall be designed to minimize the extent of soil disturbance, water runoff, and soil compaction on the premises. The use of geotextile fabrics and gravel placed on the surface of the existing soil for temporary roadways during the construction of the solar energy farm is permitted, provided that the geotextile fabrics and

gravel are removed from those temporary roadways once the solar energy farm is in operation.

- N. Repowering: In addition to repairing or replacing solar energy components to maintain the system, a solar energy farm may at any time be repowered, without the need to apply for a new special use permit, by reconfiguring, renovating, or replacing the solar energy components to increase the power rating within the existing project footprint. A proposal to change the project footprint of an existing solar energy farm shall be considered a new application, subject to the ordinance standards at the time of the request.
- O. Abandonment: If a solar energy farm owner or operator intends to abandon and, if in fact, does abandon a solar energy farm by not operating it for a period of six (6) months, the solar energy farm shall be deemed to be abandoned. The applicant/permit holder will be so notified in writing by the Township Board and requested to dismantle the site and return it to its original state. If there are mitigating circumstances as to why the site has not been used, the applicant/permit holder may contact the Township Board and request a six (6) month extension. If a site has been deemed abandoned and no request for an extension is received, the applicant/permit holder will again be notified to dismantle the site and return it to its original state. If the applicant/permit holder does not do this, the Township Board will have the removal and restoration done at the owner/applicant's expense. Removal shall include removing posts, equipment, panels, foundations and other items so that the ground is restored to its preconstruction state and is ready for development as another land use.
- P. Performance Guarantee: The Planning Commission may require the applicant to furnish the Township with a performance guarantee in an amount equal to the estimated costs associated with dismantling the site and returning it to its original state in the event of abandonment.
- Q. Decommissioning Plan: A decommissioning plan is required at the time of special use permit application. The decommissioning plan shall include:
  - 1) The anticipated manner in which the project will be decommissioned, including a description of which above-grade and below-grade improvements will be removed, retained (e.g. access drive, fencing), or restored for viable reuse of the property consistent with the zoning district.
  - 2) The projected decommissioning costs for removal of the solar energy farm (net of salvage value in current dollars) and soil stabilization
  - 3) The method of ensuring that funds will be available for site decommissioning and stabilization (performance guarantee in the form of surety bond, irrevocable letter of credit, or cash deposit).
- R. Agricultural Protection: For sites where agriculture is a permitted use in a district, solar energy farms shall be sited to minimize impacts to agricultural production through site design and accommodations including:
  - 1) The ground mounting of panels by screw, piling, or a similar system that does not require a footing, concrete, or other permanent mounting in order to minimize soil compaction.

- 2) Siting panels to avoid disturbance and compaction of farmland by sitting panels along field edges and in nonproduction areas to the maximum extent practicable and financially feasible.
  - 3) Maintaining all drainage infrastructure on site, including drain tile and ditches, during the operation of the solar energy farm.
  - 4) Siting the solar energy farm to avoid isolating areas of the farm operation such that they are no longer viable or efficient for agricultural production, including, but not limited to, restricting the movement of agricultural vehicles/equipment for planting, cultivation, and harvesting of crops, and creating negative impacts on support infrastructure such as irrigation systems or drains.
- S. Voluntarily purchasing agricultural conservation easements from an equivalent number of prime farmland acres.

## Article VIII. ZONING BOARD OF APPEALS

### Section 8.01 Zoning Board of Appeals

1. Creation and Membership: The Zoning Board of Appeals (ZBA) shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act 110, of Public Acts of 2006, as amended, and in such a way that the objectives of this Ordinance shall be observed, public safety secured, and justice done. The Board shall consist of five (5) members, appointed by the Township Board.
  - A. The first member shall be a member of the Township Planning Commission for the terms of his/her office.
  - B. The remaining members must be selected from the electors of the Township residing outside of incorporated cities and villages and shall be representative of the population distribution and of the various interests present in the Township. One (1) member may be a member of the Township Board.
  - C. An elected officer of the Township shall not serve as chairman. An employee or contractor of the Township Board may not serve as a member or an employee of the Board of Appeals.
  - D. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
2. Meetings Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules or procedure. All hearings conducted by said Board shall be open to the public. The Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the office of the Township Clerk, and shall be a public record. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

The Board of Appeals shall not conduct business unless a majority of those Board of Appeals members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

3. Jurisdiction
  - A. An appeal concerning the administration of the provisions of this Ordinance may be

taken to the Board of Appeals within the timeframe defined in the general rules and procedures adopted by the Zoning Board of Appeals. If such a timeframe is not specified, appeals shall be filed within thirty (30) days of the decision of the Zoning Administrator from which the appellant seeks relief.

- B. The ZBA may hear appeals made by any person who alleges he or she has been aggrieved by a decision of the Zoning Administrator.
- C. The ZBA may grant variances as provided for in [Section 8.01.5 - Variances](#).
- D. The ZBA may also interpret the location of zoning district boundaries and may hear and decide the following interpretation matters:
  - 1) To determine the meaning of zoning ordinance provisions when ambiguity exists in those provisions.
  - 2) To classify a proposed use of land or use of a structure that is not expressly provided in this Ordinance (an unlisted property use). In determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the township master plan. Once classified, the unlisted property use shall be subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.
- E. An appeal may be made by any person, firm or corporation, or by any Officer, Department or Board of the Township. The appellant shall file with the Board of Appeals, on blanks or forms to be furnished by the Zoning Administrator, a notice of appeal specifying the grounds for the appeal.
- F. The Zoning Administrator shall transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The final decision of such appeal shall be in the form of a resolution reversing, modifying or affirming, wholly or partly, the decision or determination appealed from. Reasons for the decision must be stated.
- G. Any person may appear and testify at the hearing either in person or by duly authorized agent or attorney.
- H. The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning special approvals, planned unit developments, or stop or suspend temporarily.
- I. Unlisted Property Uses

When the proposed use of land or use of a structure is not specified in this Ordinance, the Zoning Board of Appeals shall have the power upon written request of the property owner or zoning administrator to classify the unlisted property use. In

determining the proper classification of an unlisted property use, the Zoning Board of Appeals shall consider the characteristics of the proposed unlisted property use in relation to similar and comparable uses listed in any zoning district and in relation to the requirements of the township master plan. Once classified, the unlisted property use is subject to all applicable regulations pertaining to similar uses in the zoning district in which placed, including the regulations pertaining to uses subject to special use permit approval, if classified as such a use by the Zoning Board of Appeals.

#### 4. Stay

An administrative appeal to the Zoning Board of Appeals and an appeal of a decision by the Zoning Board of Appeals to circuit court stays (or suspends) all proceedings of the action appealed from, including the effectiveness of any zoning permit issued, unless the Zoning Administrator certifies to the Zoning Board of Appeals after such appeal has been filed that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed, unless ordered stayed by the Zoning Board of Appeals or the circuit court. Provided, however, this section shall not apply to an administrative decision to take enforcement action for alleged violations of this Ordinance.

#### 5. Variances

A. Dimensional Variances. The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

- 1) The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship.
- 2) The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).
- 3) That strict compliance with regulations governing area, setback, frontage, height, bulk, density or other dimensional requirements will unreasonably prevent the property owner from using the property for a permitted purpose, or will render conformity with those regulations unnecessarily burdensome.
- 4) Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give a substantial relief to the property owner and be more consistent with justice to other property owners.
- 5) That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district.

6. Zoning Board of Appeals Submittal (*Amended 07/07/16*)

The applicant is required to submit six (6) copies and a digital PDF copy of surveys, plans and data as required under [Article VI: Site Plan Review](#), or other information deemed reasonably necessary for making any informed decision on his or her appeal.

7. Conditions of Approval

The ZBA may impose such conditions or limitations in granting a variance as deemed necessary to protect the character of the area, as provided for in [Section 9.03 - Conditions](#).

8. Exercising Powers

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

9. Public Hearing; Notice Requirements

Following receipt of a written request concerning an appeal of an administrative decision, a request for an interpretation of the zoning ordinance or a request for a variance, the Zoning Board of Appeals shall hold a public hearing, after giving the following applicable notice:

- A. For an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person filing the appeal and to the zoning administrator or other administrative agency or official whose decision is being appealed no less than fifteen (15) days before the public hearing.
- B. For a request seeking an interpretation of the zoning ordinance, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation no less fifteen (15) days before the public hearing.
- C. For a variance request, a notice stating the nature of the variance being requested and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the variance no less than fifteen (15) days before the public hearing.
- D. In addition to the above notice requirements, when the matter before the Zoning Board of Appeals involves a specific parcel, a notice stating the nature of the appeal, interpretation request, or variance being requested and the time, date, and place of the public hearing shall be sent by first class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question, not less than fifteen (15)

days before the public hearing.

10. Miscellaneous

No order of the Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than two (2) years, unless a building permit for such erection or alteration is obtained within such period and substantial construction has occurred.

No order of the Board of Appeals permitting the use of a building or premises shall be valid for a period longer than two (2) years unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period of erection or alteration is started and substantial construction has occurred.

## **Article IX. ADMINISTRATION AND ENFORCEMENT OF ORDINANCE**

### **Section 9.01 Zoning Administrator**

The provisions of this Ordinance shall be administered and enforced by a Township Zoning Administrator, appointed by the Township Board of Trustees for such term and subject to such conditions and at such rate of compensation as said Board shall determine as reasonable.

The Zoning Administrator shall have the power to grant Zoning Permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any Permits for the excavation or construction until such plans have been inspected in detail and found to conform to this Ordinance.

The Zoning Administrator shall under no circumstances be permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out the duties of Zoning Administrator.

The Zoning Administrator shall not refuse to issue a Permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements that may occur upon the granting of said Permit.

### **Section 9.02 Zoning Permit**

1. No building or structure subject to the provisions of this Ordinance shall hereafter be erected, structurally altered, reconstructed, used, or moved, nor shall any excavation, tree removal or filling of land commence until a Zoning Permit application has been filed with the Township Zoning Administrator and a Zoning Permit has been issued by the Zoning Administrator, except as otherwise provided for in this ordinance. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. No Zoning permit shall be required for an accessory structure less than 200 sf in size, or signs, specifically allowed without a permit per Section 6.14.1.
2. The application shall be signed by the owner of the premises or his agent and shall certify compliance with all provisions of this Ordinance and other applicable laws and requirements. Any application requiring approval from the Planning Commission must be submitted not less than thirty (30) days prior to a scheduled meeting for consideration at that Planning Commission meeting. The application shall be accompanied by:
  - A. A site plan, if required, or a sketch in duplicate, in a scale sufficient to clearly detail— as determined by the Zoning Administrator, the location and dimensions of the premises including the boundary lines of all parcels of land under separate ownership contained therein; the size, dimensions, location on the premises, and height of all buildings, structures or other impervious surfaces in existence, to be erected and/or altered; the width and alignment of all abutting streets, highways, alleys, utility locations, easements and public open spaces; the front yard dimensions of the nearest building on both sides of the proposed building or structure-if applicable; the location and dimensions of sewage disposal facilities on the lot under consideration; and the location of all wells on the lot under consideration.

- B. Properties under two (2) acres in size may be required to submit a legal survey, sealed by a professional surveyor (not a mortgage survey). The Zoning Administrator shall have the authority to require such a survey in the cases where there may be encroachment on the setbacks by the proposed structures or when the exact locations of lot lines are not known.
  - C. Copies of permits or waivers of permits by other agencies as may be required by statute and/or by the Zoning Administrator of this Ordinance.
  - D. Such other information as may be required to determine compliance with the Ordinance.
3. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits issued by the Cheboygan County Building Department.
  4. The location of the property boundaries and all structures shall be staked on the ground for Zoning Administrator approval prior to the issuance of the Zoning Permit.
  5. Any Zoning Permit under which no construction has occurred or no substantial construction has been done in the furtherance of the zoning permit, the zoning permit will expire after eighteen (18) months from date of issuance.
  6. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.
  7. No Zoning Permit shall be valid until the required fees have been paid. Except for an accessory building or structure less than 200 square feet in size, or specified signs which do not require a zoning permit pursuant to Section 9.02.1 of this Ordinance, no separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board of Trustees.

**Section 9.03 Conditions**

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under their jurisdiction. These conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, 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. Any conditions imposed, however, shall meet all of the following requirements:

1. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration,

residents and landowners immediately 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 purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

#### **Section 9.04 Rehearing Process**

1. Final Decisions: Except as provided in this section, a decision of the Planning Commission or Zoning Board of Appeals shall be final. The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. Exceptional circumstances shall mean any of the following:
  - A. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.
  - B. There has been a significant material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.
  - C. The Township attorney by written opinion states that in the attorney's professional opinion the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.
1. Rehearing Procedure: A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.
  - A. A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date of approval of the Planning Commission's or Zoning Board of Appeals' minutes regarding the decision for which the rehearing is being requested.
  - B. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.
  - C. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicants' last known address, or may be served personally on the applicant. The notice must be served at least nine (9) days before the

time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

- D. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

### **Section 9.05 Fees**

1. To assist in defraying the costs of investigating, reviewing and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees, such as those fees related to the following.
  - A. Zoning permits.
  - B. Special land use permits.
  - C. Ordinance interpretations by the Zoning Board of Appeals: appeals of administrative interpretation or request for interpretation. Appeals and requests for interpretation initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  - D. Classification of unlisted property uses.
  - E. Requests to change a non-conforming use to another non-conforming use.
  - F. Requests for variances from the Zoning Board of Appeals.
  - G. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  - H. Site plan reviews.
  - I. Requests for a planned unit development (PUD).
  - J. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the

application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant.

1. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary or advisable, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals 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 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 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.

#### **Section 9.06 Performance Guarantee**

In connection with the construction of improvements through site plan approval, special land use approval, or a PUD project the Planning Commission may require the applicant to furnish the township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean by way of example and not limitation: roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the township clerk at or before the time the township issues the permit authorizing the development, or if the development has been approved in phases, then the performance

guarantee shall be deposited with the township clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans approved by the Planning Commission.

Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

1. One-third of the cash deposit after completion of one-third of the public and site improvements;
2. Two-thirds of the cash deposit after completion of two-thirds of the public and site improvements; and
3. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this section for each phase of the development. If an applicant has contracted with a third- party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the township as a third- party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this section.

**Section 9.07 Violations and Penalties**

**Section 9.07.1 - Nuisance per se**

Any land, dwellings, buildings or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

**Section 9.07.2 - Inspection**

The Zoning Administrator shall have the duty to investigate each alleged violation and shall have the right to inspect any property for which a zoning permit has been issued to the ensure compliance with the plans and conditions of the zoning permit or approved site plan.

**Section 9.07.3 - Penalties**

1. Any person, partnership, limited liability company, corporation, association or other entity who creates or maintains a nuisance per se or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction and shall be subject to a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars. Every day that such violation continues may constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with provisions of this Ordinance or prohibit the Township from seeking additional and/or equitable relief from any court to ensure

compliance with the provisions of this ordinance.

2. The Township Zoning Administrator is hereby designated as the authorized Township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court. The Township Board may also designate from time to time other officials to issue municipal infraction citations on behalf of the Township in connection with alleged violations of this ordinance.
3. In addition to or in lieu of enforcing this Ordinance, as a municipal civil infraction, the Township may initiate proceedings in the any court of competent jurisdiction to abate, eliminate, or enjoin the nuisance per se or any other violation of this Ordinance.
4. Fee Recovery
  - A. If the Township initiates a proceeding to abate, eliminate or enjoin a nuisance per se or any other violation of this Ordinance, in addition to any remedies available to it in law or equity, the Township shall be entitled to collect all costs and attorney fees incurred by it in bringing such a suit.
  - B. If the Township enforces violations of this Ordinance as a municipal civil infraction, the Township shall be entitled to collect all costs and attorney fees incurred by it in such an enforcement action.

**Section 9.07.4 - Stop Work Order** *(Amended 05/02/19)*

If construction or land uses are being undertaken contrary to a zoning permit, the zoning enabling act, or this ordinance, the zoning administrator or deputy of the zoning administrator or any other official authorized by the Township Board is authorized to post a stop work order on the property at a suitable location, such as at an entrance, in order to prevent the work or activity from proceeding in violation of the ordinance.

A person shall not continue, or cause or allow to be continued, construction or uses in a violation of a stop work order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop work is not obeyed, the enforcing agency may apply to the circuit court for an order enjoining the violation of the stop work order. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal or civil prosecution for failure to obey the order.

At such time that the condition(s) of the ordinance violation have been resolved, the zoning administrator or any other official authorized by the Township Board, may lift the stop work order. Written notice of the resolved stop work order shall be provided to the offender by the zoning administrator or authorized individual.

**Section 9.08 Conflicting Regulations**

In the interpretation of this Ordinance, this Ordinance shall control unless there exists a conflict with any other township ordinances, in which case the more stringent regulations will control.

## **Article X. ADOPTION AND AMENDMENTS**

### **Section 10.01 Amendment to this Ordinance**

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act, Act 110 of the Public Acts 2006.

1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Burt Township Zoning Map maybe amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
2. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
3. The procedure to be followed for initiating and processing an amendment shall be as follows:
  - A. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
  - B. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.
  - C. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
  - D. Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of such hearing and by notifying all property owners within three hundred (300) feet of any land proposed for rezoning and occupants of all structures within three hundred feet not less than fifteen (15) days prior to the public hearing. Not less than 15 days' notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township zoning commission for the purpose of receiving the notice. The notices shall include the places and times at which the tentative text and any map of the Zoning Ordinance may be examined and shall be verified by an affidavit of mailing or personal service.

- E. The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
4. The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
    - A. Is the proposed rezoning consistent with the Burt Township Master Plan?
    - B. Is the proposed rezoning reasonably consistent with surrounding uses?
    - C. Will there be an adverse physical impact on surrounding properties?
    - D. Will there be an adverse effect on property values in the adjacent area?
    - E. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
    - F. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
    - G. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
    - H. Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
    - I. Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
    - J. Is the site served by adequate public facilities or is the petitioner able to provide them?
    - K. Are there sites nearby already properly zoned that can be used for the intended purposes?
    - L. The community should evaluate whether other local remedies are available.
  5. Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within 30 days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
  6. The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
  7. The Township Board may hold additional public hearings if they decide it is necessary. Notice of such hearing shall be published in a newspaper, which circulates in the

Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review as prescribed by the Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006.

8. Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
9. No application for a rezoning which has been denied by the Township 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 Planning Commission to be valid.

#### **Section 10.02 Enactment and Effective Date**

1. This Ordinance was adopted on October 5, 2006 by the Burt Township Board of Trustees and will be effective October 20, 2006. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on August 14, 2006 and the Township Board on October 5, 2006.
2. Amendments or revisions to this Ordinance or Map of Zoning Districts shall become effective eight (8) days, or a specified later date, after publication of a notice of adoption of said amendment.