Ingallston Township

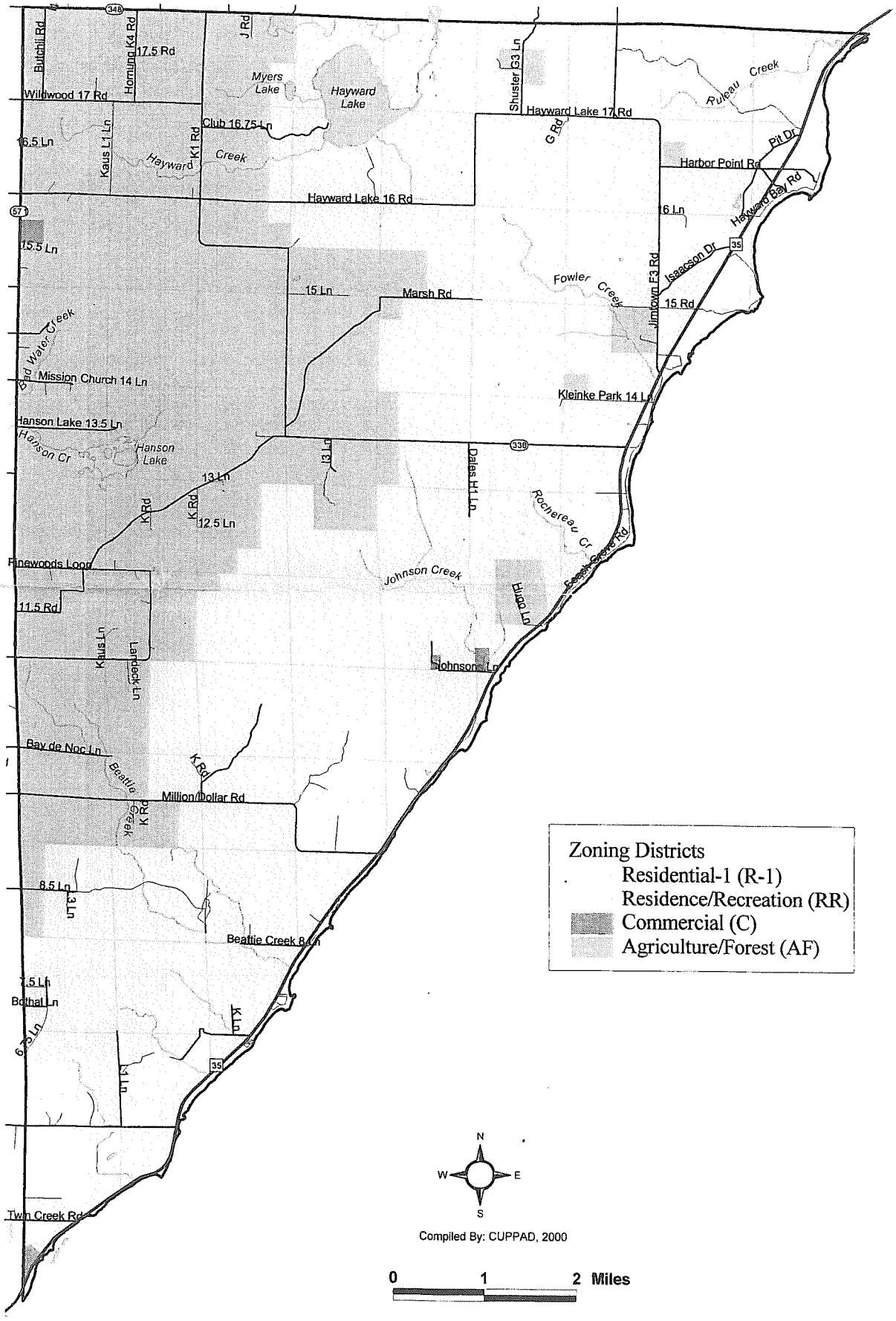

TABLE OF CONTENTS

	Page
ARTICLE I: PURPOSE OF ZONING	
Section 101 Purpose	I - 1
Section 102 Short Title	I - 1
	I - 2
ARTICLE II: DEFINITIONS	
Section 201 Construction of Language	II - 1
Section 202 Definitions	II - 1
	II - 2
ARTICLE III: ZONING DISTRICTS AND MAPS	
Section 301 Establishment of Districts	III - 1
Section 302 Zoning District Maps	III - 1
Section 303 Interpretation of the Zoning Map	III - 1
Section 304 Replacement of Official Zoning Maps	III - 1
Section 305 Application of District Regulations	III - 2
Section 306 Scope of Provisions	III - 2
Section 307 Conflicting Regulations	III - 2
Section 308 Exemptions	III - 3
Section 309 District R-1: Residential One	III - 3
Section 310 District RR: Residence and Recreation	III - 3
Section 311 District C: Commercial	III - 4
Section 312 District AF: Agriculture and Forests	III - 5
Section 313 Recreational Uses	III - 6
	III - 7
ARTICLE IV: GENERAL REGULATIONS	
Section 401 Height, Bulk and Placement Regulations	IV - 1
Section 402 Waterfront Development	IV - 1
Section 403 High Risk Erosion Area Regulations	IV - 1
Section 404 Right-of-Way	IV - 2
Section 405 Minimum Building Floor Area	IV - 2
Section 406 Accessory Buildings and Uses	IV - 2
Section 407 Accessory (Echo) Housing	IV - 2
Section 408 Home Occupation	IV - 3
Section 409 One Principal Structure or Use Per Lot	IV - 3
Section 410 Keeping and Stabling of Horses	IV - 4
Section 411 Variance of Requirements for Lots of Record	IV - 4
Section 412 Allocation and Reduction of Lot Area	IV - 4
Section 413 Parks and Recreation Area in Created Subdivisions	IV - 5
Section 414 Height Requirement Exceptions	IV - 5
Section 415 Use of Yard or Open Space	IV - 5
Section 416 Recreational Vehicle Use and Storage	IV - 5
Section 417 Off-Street Parking Requirements	IV - 6
Section 418 Required Planting Screens	IV - 6
Section 419 Buffer Zone	IV - 8
Section 420 Fence Regulations	IV - 9
Section 421 Minimum Mobile Home Requirements	IV - 9
Section 422 Garage Sales	IV - 10
Section 423 Temporary Agricultural Produce Stand	IV - 10
	IV -

ARTICLE V: SANITARY WATER AND SEWAGE REGULATIONS V - 1
Section 501 Conformance with Local and State Regulations V - 1
Section 502 Sewage Disposal V - 1
Section 503 Location of Sewage and Wells V - 1
Section 504 Sanitary Provisions V - 1

ARTICLE VI: SIGNS VI - 1
Section 601 Intent VI - 1
Section 602 Residential District Regulations for Signs VI - 1
Section 603 On-Premise Sign Regulations VI - 2
Section 604 Off-Premise Sign Regulations VI - 2
Section 605 Agriculture and Forest District Sign Regulation VI - 3
Section 606 Cluster Sign Regulations VI - 3
Section 607 Signs for Conditional Use VI - 3
Section 608 Temporary Signs VI - 3
Section 609 Construction Signs VI - 4
Section 610 Exempt Signs VI - 4
Section 611 Lighting of Signs VI - 4
Section 612 Maintenance of Signs VI - 4
Section 613 Nonconforming Signs VI - 5

ARTICLE VII: SITE PLAN REVIEW VII - 1
Section 701 Intent VII - 1
Section 702 Site Plan Required VII - 1
Section 703 Site Plans for Single and Two-Family Dwellings, Residential Accessory Uses and Structures, and for Recreational Structures VII - 1
Section 704 Site Plans for Commercial, Industrial and Multiple Family Development (all other development) VII - 2
Section 705 Review Procedures VII - 2
Section 706 Standards for Site Plan Approval VII - 3

ARTICLE VIII: CONDITIONAL USE PERMITS VIII - 1
Section 801 Intent VIII - 1
Section 802 Application Procedure VIII - 1
Section 803 Review and Findings VIII - 2
Section 804 General Standards VIII - 2
Section 805 Conditions and Safeguards VIII - 4
Section 806 Appeals VIII - 5

ARTICLE IX: NONCONFORMING USES AND STRUCTURES IX - 1
Section 901 Intent IX - 1
Section 902 Class A Nonconforming Uses and Structures IX - 1
Section 903 Procedure for Obtaining Class A Designation IX - 2
Section 904 Provisions for Class A Nonconforming Uses and Structures IX - 2
Section 905 Regulations Pertaining to Class A Nonconforming Uses and Structures IX - 3
Section 906 Class B Nonconforming Uses and Structures IX - 3
Section 907 Revocation of Class A Nonconforming Uses and Structures IX - 3
Section 908 Appeal of Granting, Denying or Revocation of Class A Status IX - 4

ARTICLE X: ADMINISTRATION AND ENFORCEMENT X - 1
Section 1001 Administration X - 1
Section 1002 Administrative Standards X - 1
Section 1003 Administrative Procedures for Public Notifications X - 1
Section 1004 Standards for Hearings and Zoning Administration X - 3
Section 1005 Zoning Administrator X - 4
Section 1006 Duties of Zoning Administrator X - 4
Section 1007 Zoning Compliance Permit X - 5
Section 1008 Enforcement and Violation X - 5
Section 1009 Special Zoning Orders Book and Map X - 5
Section 1010 Fees X - 5

ARTICLE XI: PLANNING COMMISSION OF APPEALS XI - 1
Section 1101 Creation and Membership XI - 1
Section 1102 Procedures XI - 1
Section 1103 Duties and Powers XI - 2
Section 1104 Administrative Review XI - 2
Section 1105 Variances XI - 2
Section 1106 Appeals XI - 3
Section 1107 Duties on Matters of Appeal XI - 4

ARTICLE XII: TOWNSHIP PLANNING COMMISSION: ZONING AUTHORITY XII - 1
Section 1201 Designation XII - 1
Section 1202 Changes and Amendments XII - 1
Section 1203 Required Amendment Information XII - 1
Section 1204 Review of Amendment by Planning Commission XII - 1
Section 1205 Amendment Procedure XII - 2

ARTICLE XIII: INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE XIII - 1
Section 1301 Interpretation and Conflict XIII - 1
Section 1302 Severability XIII - 1
Section 1303 Vested Right XIII - 1
Section 1304 Penalties and Remedies XIII - 2
Section 1305 Repealing Clause XIII - 2
Section 1306 Effective Dates XIII - 2

ARTICLE I: PURPOSE OF ZONING

THE TOWNSHIP OF INGALLSTON HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within Ingallston Township, in accordance with the provisions of ***Act 110, Public Acts of 2006, MCL 125.3101, et. seq., as amended;*** to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

Section 101 Purpose

A. Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare;

2. Protecting the character and stability of the Township's valuable natural resources--its Lake Michigan coastline, forests and agriculture;

3. Promoting the orderly and beneficial development of residential and non-residential areas within Ingallston Township;

4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;

5. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;

6. Providing for the needs of forest resource production, housing, and commerce for future growth;

7. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;

8. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;

9. Enhancing social and economic stability in the Township;

10. Conserving the taxable value of land, buildings and structures in the Township;

11. Enhancing the aesthetic desirability of the environment throughout the Township;

12. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous uses of land;

13. Preserve agricultural uses in the Township.

Section 102 Short Title

A. This Ordinance shall be known and may be cited as the Ingallston Township Zoning Ordinance of the Township of Ingallston, County of Menominee, Michigan.

ARTICLE II: DEFINITIONS

Section 201 Construction of Language

A. The following rules of construction shall apply to the text of this Ordinance:

1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

2. The particular shall control the general.

3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

5. The word "use" includes the words structures and buildings associated with such use.

6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.

7. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.

8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.

9. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.

10. The word "lot" includes the words "plot" and "parcel."

11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
    a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
    b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.

c. "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.

12. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

13. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.

Section 202 Definitions

A. For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

1. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.

2. Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

3. Agriculture: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.

4. Agricultural Produce Stand: A structure which is used seasonally for display and sale of agricultural produce, and farm products and flowers.

5. Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

6. ***Apartment: A dwelling unit in a "dwelling, multiple family" as defined herein.***

7. Area, Sign: The entire area within a circle, triangle, parallelogram or other polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.

8. Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.

9. Basement: That portion of a building which is partially 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. A basement shall not be counted as a story.

10. Bed and Breakfast Establishment: A single family residence structure that meets all of the following criteria:

    a. Has 8 or fewer sleeping rooms, including rooms occupied by the inn keeper, 1 or more of which are available for rent to transient tenants.
    b. Serves breakfast at no extra cost to its transient tenants.
    c. Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper working order on every floor.

11. Bed and Breakfast Establishment, small: A single family residence structure that meets all of the following criteria:

    a. Has 3 or fewer sleeping rooms, excluding rooms occupied by the inn keeper, 1 or more of which are available to not more than 6 transient tenants over the age of 6 years.
    b. Serves breakfast at no cost to its transient tenants.
    c. Has a smoke detector in proper working order in every sleeping room and a fire extinguisher in proper order on every floor.

12. Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.

13. Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.

14. Bluff: The top of a steep bank rising sharply from the water's edge.

15. Boathouse: A structure located in or adjacent to the water in which boats are kept.

16. Boat Livery: An establishment for the renting of boats, canoes and other similar vessels to the public and may include the sale of gasoline and oil.

17. Boatel: A combination of a motel and marina that is accessible to boats as well as automobiles and may include boat sales and serving facilities, overnight accommodations for transients, eating and drinking facilities.

18. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.

19. Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.

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

21. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.

22. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.

23. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.

24. Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply service.

25. Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.

26. Cemetery: A place for the interment of the dead.

27. Cemetery, municipal: A place for the interment of the dead, owned and managed by a local unit of government.

28. Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.

29. Clinic: A place where medical or dental care is furnished to persons on an outpatient basis by two or more licensed health care professionals.

30. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

31. Commercial Vehicle: A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.

32. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

33. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property which is joined at a common point is not considered contiguous property.

34. Contractor Yard: An area intended for the storage of materials and equipment used for construction, road building, and forestry operations.

35. Convenience Store: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption.

36. County Board: Menominee County Board of Commissioners.

37. Day Care Center: A facility other than a private home receiving preschool-aged children for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian and licensed as a day care center under PA 218 of 1979.

38. Directional Sign: A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.

39. District: One zoning district.

40. Double Faced Sign: An off-premise sign with two adjacent faces oriented in the same direction and not more than 10 feet apart at the nearest point between the two faces.

41. Drainfield: That part of the on-site sewage disposal system that distributes the overflow of effluent from a septic tank or other sewage treatment facility in an arrangement of

absorption trenches, dry wells, or seepage beds below the ground surface, so as to allow the effluent to be absorbed by the surrounding soil.

42. Dwelling, Single-family: A structure designed or used for residential occupancy by one family.

43. Dwelling, Two-family: A structure containing two dwelling units each designed for residential occupancy by one family.

44. Dwelling, Multiple Family: A structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.

45. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

46. Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

47. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution systems, collections, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.

48. Excavation: Any breaking of ground, except common household gardening, general farming and ground care.

49. Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

50. Family Day Care Home: A private home licensed under PA 116 of 1973, in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day

care home includes a home in which care is given to an unrelated minor child for more than 4 weeks during a calendar year.

51. Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.

52. Farmstead: Farm buildings and the adjacent service areas of a farm, including feedlot, and manure pit.

53. Farm Stand: A structure which is used seasonally for the display and retail sale of farm products, flowers and agricultural produce.

54. Feed Lot: The place of confined or concentrated feeding of farm animals which are being fattened for market.

55. Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the separation of yard areas.

56. Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.

57. Fish Market: A commercial establishment engaged in retail and/or wholesale trade of fish.

58. Floodplain: That area of land adjoining the designated portions of Lake Michigan (Green Bay) rivers and tributaries which:

    a. Will be inundated by a flood which has a one percent chance of occurring or being exceeded in any given year (intermediate regional flood), as determined by detailed hydraulic studies which are acceptable to the Michigan Water Resources Commission; or
    b. In the absence of such detailed floodplain studies, have a history of flooding or are delineated by approximate methods such as USGS flood prone area maps or HUD's special flood hazard boundary maps.

59. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breezeways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.

60. Floor Area Ratio: Intensity measured as a ratio, derived by dividing the total floor area of a building(s) by the lot area.

61. Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or

customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the building, measured from the interior faces of the exterior walls, including private garages.

62. Fur Farm: The place of confined keeping, raising, or breeding of animals for the purpose of producing fur or pelts.

63. Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the non-commercial storage of motor vehicles, boats, and similar items.

64. Garage Sale: The sale of used household items, clothing, crafts and assorted secondhand objects held at a residence. The sale may take place in residential garage, yard, or residence.

65. Gasoline Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, refinishing, or conveyor type car wash operations.

66. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.

67. Gravel Pit: An open land area where sand, gravel and rock fragment are mined or excavated for sale or off-tract use.

68. Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.

69. Group Day Care Home: A private home licensed or registered under Public Act 116 of 1973, in which more than six (6) but not more than twelve (12) adults or minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during the year. A group day care home does not include facilities offering nursing services,

congregate care facilities, drug treatment facilities nor facilities for the care and treatment of persons released from or assigned to correctional facilities.

70. Habitable Buildings: A structure designed and intended as a dwelling unit or a structure used as a commercial establishment for permanent retail sales and/or manufacturing operations.

71. High Risk Erosion Area: An area of shoreline which is determined by the Department of Environmental quality on the basis of studies and surveys to be subject to erosion and which is designated as such pursuant to Part 323, the Shorelands Protection and Management of the Natural Resources and Environmental Protection Act 1994 PA 451.

72. Home Occupation: Home occupation means a use or occupation conducted within the main residential dwelling which is clearly incidental and secondary to residential occupancy.

73. Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but does not include hospitals and nursing homes.

74. Identification Sign: A sign which pertains to the use of a premise and contains any or all of the following information:
    a. The occupant of the use.
    b. The address of the use.
    c. The kind of business and/or the principle commodity sold on the premise.

75. Industry: Those fields of economic activity including forestry; fishing; hunting; trapping; mining; construction; manufacturing; transportation; communication; electric, gas, and sanitary services; and wholesale trade.

76. Intensive Agricultural Activity: The keeping of animal or poultry species, either in pens or buildings where the number of animal or poultry species, equivalent to one (1) animal unit, exceeds one (1) animal unit per acre, and where the following conditions exist:

    a. Animals have been, are, or will be, stabled or confined and fed or maintained for a total of forty-five (45) days, or more, in any twelve (12) month period.
    b. Crops, vegetation forage growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

An animal unit is a unit of measurement for determining the number of domestic animals or poultry permitted in a district and calculated by multiplying the actual number of animal or poultry by their applicable animal equivalent unit(s) as shown in the table below. Generally, animal units shall not exceed 1.0 per acre of land directly devoted to the raising and keeping of the animals. For purposes of this ordinance, the following equivalent animal units shall be used:

Animal or Poultry Type	No. = to 1 Animal Unit (A.U.)
Slaughter and Feed Cattle	1.00
Mature Dairy Cattle	1.40
Swine Weighing >55lb.	0.60
Horses	1.00
Sheep or Goats	0.10
Turkeys	0.02
Chickens w/Overflow Watering	0.01
Chickens w/Liquid Manure System	0.03
Ducks	0.20

77. Junkyard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.

78. Kennel: The permanent or temporary keeping, as a commercial or business enterprise, of more than three dogs that are more than six months of age. This specifically excludes dogs kept and raised for a person's personal enjoyment or hobby or recreational purposes.

79. Livestock Farming: The raising of domesticated animals, such as cattle, horses, sheep, for home/personal use or as a source of income.

80. Loading Space: An off-street space on the same lot with a building, or group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

81. Lodge: A building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or fami lies;

82. Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:

    a. A single lot of record;
    b. A portion of a lot of record;
    c. Any combination of complete and/or portions of lots of record; or
    d. A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.

83. Lot Area: The area of land within the boundary of a lot which is bounded by any front lot lines, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines, excluding any part under water.

84. Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.

85. Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

86. Lot, Interior: A lot other than a corner lot.

87. Lot Line(s): Any of the lines bounding a lot as defined herein.

    a. Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a through lot, it is each line separating said lot from each street. In the case of a corner lot, both sides abutting the street are considered front yards and consequently both have front lot lines.
    b. Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has a discontinuous lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
    c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

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

89. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.

90. Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.

91. Lumber Yard: An establishment where the dimensional lumber is manufactured and sold on site.

92. Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of components parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins or liquor.

93. Manufacturing, Light: Establishments where the finished product generally consists of small machine parts, small electronic equipment or similar items. Motors used in light manufacturing operations shall not be in excess of ten horsepower. Light manufacturing operations shall be located within the principal building. Noise emanating from a light manufacturing building will be less than 90 decibels.

94. Marina: A facility for the storing, serving, fueling, berthing and securing of boats that may include eating, sleeping, and retail facilities for owners, crews, and guests.

95. Marquee: A roof like structure of a permanent nature projecting from the wall of a building.

96. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semi-precious stones, and uranium.

97. Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.

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

99. Manufactured Home Park: A parcel or tract of land under the control of a person upon which three or more mobile (manufactured) homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home.

100. Modular (Pre_Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulars or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

101. Moveable Structure, Readily: A small permanent structure (greater than two hundred twenty-five square feet and less than three thousand five hundred square feet) which is designed, sited, and constructed to accomplish relocation at a reasonable cost relative to other structures of the same size and construction. Access to and from the site shall be of sufficient width and acceptable grade to permit the structure to be relocated. New construction and installations shall meet the following criteria to be considered readily moveable structures:

a. The buildings shall be on pilings, a basement, or crawl space. Except as noted below, a slab-on-grade foundation does not meet this criterion.
b. Above-grade walls shall be stud wall construction. Above-grade walls that are constructed of masonry, including stone walls, concrete poured or concrete block walls, and brick veneer walls do not meet this criterion.

Existing permanent structures shall be considered readily moveable structures if the cost of relocation landward of the required setback distance is not more than 25% of the replacement cost of the structure (including any added cost of land) or if the existing structure meets the criteria for new construction in this subdivision. A 1- or 2-car garage which is bolted to a slab foundation, which does not have interior walls shall be considered a readily moveable structure if it meets the remainder of the requirements specified in this subdivision. Septic systems, tile fields, or other waste-handling facilities are not readily moveable structures.

102. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located. (Refer to Article VIII Non-Conforming Uses and Structures)

103. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated. (Refer to Article VIII Non-Conforming Uses and Structures)

104. Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale.

105. Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.

106. Off-Premise Outdoor Advertising Sign: A sign, including the supporting sign structure, which is visible from a street or highway and advertises goods or services not usually located on the premises and/or property upon which the sign is located; also called a "billboard." The following shall not be considered an off-premise sign for the purposes of this ordinance:

a. Directional or official signs authorized by law;
b. Real estate signs;
c. On-Premise signs.

107. On-Premise Outdoor Advertising Sign: A sign which advertises the primary goods or services sold or taking place upon the premises on which the sign is located.

108. On-Site Sewage Disposal System: The sanitary sewage treatment and or disposal device installed to service an individual home, business, or industrial establishment in areas not served by municipal sanitary sewers.

109. Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.

110. Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

111. Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

112. Ordinary High Water Mark (Lake Michigan): For structures located within the immediate Lake Michigan coastline, the ordinary high water mark for Lake Michigan shall be deemed to be at 580.5 feet above sea level, International Great Lakes Datum of 1985.

113. Parking Lot: A use containing one or more parking spaces located at or above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrance giving access thereto.

114. Parking Space: An accessible area including drives, aisles or entrance giving access thereto, utilized for the parking or temporary storage of permitted vehicles.

115. Pet: An animal kept for amusement or companionship.

116. Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.

117. Planning Commission: The Township Planning Commission of the Township of Ingallston.

118. Poultry Farm: The place of confined keeping, raising, or breeding fowl on a commercial scale for the production of eggs or meat.

119. Premises: A lot as otherwise used in this Ordinance.

120. Principal Floor Area: The total of all floor areas of a structure, excluding stairwells, elevator shafts, unfinished basements, garages, porches, decks, breezeways, unfinished attics, that could be used for human occupation.

121. Principal Structure: The main structure or building to which the premises are devoted.

122. Principal Use: The main use to which the premises are devoted.

123. Private Club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership.

124. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state, or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including, radio, telephone, telegraph, television, cable, or fiber optics).

125. Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.

126. Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

127. Recreation Facility, Commercial: A recreation facility operated as a business and open to the public for a fee.

128. Recreation Facility, Private: A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.

129. Recreation Facility, Public: A recreation facility open to general public use. The facility does not have to be owned or operated by a government agency; the facility may be owned by a private company or individual but is open to general public use.

130. Recreational and Residential Storage Facility: A structure or group of structures for the dead storage of customer's residential goods and wares, recreational vehicles and related equipment.

131. Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.

132. Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.

133. Resort: A facility for transient guests where there are a number of recreational features or activities including but not limited to such facilities as swimming pools, tennis courts, golf course, restaurant, camping, hotel/motel accommodations, skiing, trails, horseback riding, boating.

134. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, drive-ins, and any fast food establishments permitting consumption on the premises.

135. Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail sales establishments are: (1) the establishment is usually a place of business and is engaged in activity to attract the general public to buy; (2) the establishment buys and receives as well as sells merchandise; (3) it may process or manufacture some of the products, such as a jeweler or bakery, but such processing or manufacturing usually is incidental or subordinate to the selling activities; and (4) retail establishments sell to customers for their own personal or household use.

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

137. Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety.

138. Sawmill: The machinery and appurtenant structures used for the manufacture of wood products, not limited to but including circular or band saws, planers, debarkers, chippers, and kilns.

139. Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.

140. Septic Tank: A watertight covered receptacle designed and constructed to receive the discharge of sewage, separate solids from the liquid, digest organic matter and store digested solids through a period of detention, and allow the clarified liquids to discharge for final disposal.

141. Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.

142. Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line.

143. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.

144. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.

145. Shoreland: The land, water and land beneath the water which is close proximity to the shoreline of Lake Michigan.

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

147. Shopping Center: A group of businesses providing a variety of merchandise and/or services located on the same lot.

148. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.

149. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.

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

151. Stable, Riding or Boarding: A facility where horses are kept for hire, sale or boarding.

152. State Licensed Residential Facility: A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128 and provides residential services for 6 or fewer persons under 24-hour supervision or care.

153. Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

154. Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.

155. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, utility poles and fences. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.

156. Subdivision: The partitioning or dividing of a parcel or tract of land by the property owner for the purpose of sale, lease or building development.

157. Township Board: The elected governing body of the Township of Ingallston.

158. Tourist Cabins: An establishment that has separate, individual dwelling units with at least one room that has complete bathroom facilities and may or may not have kitchen facilities that are rented on a temporary basis by the day, week or season.

159. Transfer Station: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

160. V Type Sign: An off-premise sign structure which consists of multiple sign facings placed at angles to each other, oriented in different directions and not exceeding 10 feet apart at the nearest point to each other.

161. Variance: A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.

162. Vehicle: A self-propelled device used for transporting people and/or goods over land surfaces and is licensable as a motor vehicle by the Michigan Department of State.

163. Wood Products Industries: Establishments engaged in sawmills, lath mills, shingle mills, cooperage stock mills, planing mills, plywood mills and veneer mills engaged in producing lumber and wood basic materials; and establishments engaged in manufacturing finished articles made entirely or mainly of wood or related materials, except mobile homes.

164. Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.

165. Yards:

a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of any building or structure.
b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of any building or structure.
c. Yard, Side: An open space between the side line of the lot and the nearest line of any building or structure and extending from the front yard to the rear yard.

166. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.

Deleted Zoning Board: Replaced with Planning Commission

167. Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Ingallston.

168. Zoning Compliance Permit: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any buildings or structures in the Township.

ARTICLE III: ZONING DISTRICTS AND MAPS

Section 301 Establishment of Districts

A. For the purpose of this Ordinance, Ingallston Township is divided into the following zoning districts, which shall be known by the following respective symbols and names:

R-1: Residential One
RR: Residence and Recreation
C: Commercial
AF: Agriculture and Forest

Section 302 Zoning District Maps

A. The boundaries of the respective districts enumerated in Section 301 are established as depicted on the map entitled "Ingallston Township Official Zoning Map," which is an integral part of this Ordinance. These maps, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.

B. The Ingallston Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Ingallston Township Official Zoning Map and approved by the Township Board together with an entry on the Ingallston Township Official Zoning Map showing the date and official action taken.

C. One copy of the Ingallston Township Official Zoning Map is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in Ingallston Township.

Section 303 Interpretation of the Zoning Map

Where due to the scale, lack of detail or illegibility of the zoning maps, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon; the Zoning Board of Appeals shall make an interpretation of said map upon request of any person. The Zoning Board of Appeals shall apply the following standards in interpreting the zoning map:

A. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular to, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.

B: Where zoning district boundary lines are indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.

C. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary lines, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

D. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Ingallston Township, as well as all other relevant facts.

Section 304 Replacement of Official Zoning Maps

A. In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the same signatures and certification as required in Section 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be pre served together with all available records pertaining to its adoption or amendment.

Section 305 Application of District Regulations

A. The regulations established for each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XI, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

Section 306 Scope of Provisions

A. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.

B. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to a use specifically permitted by right or by conditions.

C. Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.

D. The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

E. Any structure, use of a structure or land use and any lot, the size, width, or other characteristic of which fails to meet the requirements of the land use district in which it is located and which was lawfully established in accordance with state and local statutes ("of record") prior to the effective date of this amendment shall be considered a legal nonconforming use.

Section 307 Conflicting Regulations

A. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding Ingallston Township Zoning Ordinance.

Section 308 Exemptions

A. The location of pipes, wires, poles, and generating and transmission equipment of public utilities or railroad tracks regulated by the State of Michigan or by the United States are exempt from regulation under this Ordinance.

Section 309 District R-1: Residential One

A. Intent: The R-1, Residential One District is intended for the establishment and preservation of single-family homes. The R-1 District is designed to accommodate residential opportunities as well as limited recreational opportunities. It is reasonable to require spacious lots to insure safe potable water supply and treatment of wastewater on the same lot.

B. Permitted Principal Uses:
   1. Single-family dwellings
   2. Mobile homes
   3. Recreational uses defined in Section 313
   4. Community service buildings, including museum
   5. Family day care home

6. ***State Licensed Residential Facility, except for care of persons released from or assigned to adult correctional institutions.***

C. Permitted Accessory Uses: The following are permitted accessory uses:
   1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed and sauna.
   2. Accessory uses and structures normally associated with permitted uses.
   3. Home Occupations, subject to regulations of Section 408.

D. Conditional Uses Authorized by Permit: the following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided by Article VIII.
   1. Churches
   2. Recreational Uses defined in Section 313
   3. Small bed and breakfast establishments
   4. ***Group day care home, shall be granted if consistent with the conditions in Section 804***
   5. Fish markets and docks

Section 310 District RR: Residence and Recreation

A. Intent: The RR District, Residence and Recreation, is composed of lands in a rural area where recreational activities along with residential uses are likely to occur. The uses established within this district are designed to protect the character of the district without unduly restricting the residential and recreational potential. The district will provide for commercial/retail development suitable for a rural setting.

B. Permitted Principal Uses:
   1. Single-family dwellings
   2. Two-family dwellings
   3. Mobile homes
   4. Small bed and breakfast establishments
   5. Tourist cabins
   6. Motels
   7. Recreational Uses defined in Section 313
   8. Community service buildings
   9. Agriculture and farming, except intensive agricultural activity
   10. Harvesting of timber
   11. Livestock: minimum one acre of pasture/open land per animal
   12. Gravel pit located on minimum 5 acre parcel with activity to be located more than 25 feet from property line
   13. Family day care home
   14. ***State Licensed Residential Facility, except for care of persons released from or assigned to adult correctional institutions.***

C. Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed and sauna.
2. Accessory uses and structures normally associated with permitted uses.
3. Home Occupations, subject to regulations of Section 408.

D. Conditional Uses Authorized by Permit: the following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided by Article VIII.

1. Churches
2. Recreational Uses defined in Section 313
3. Retail establishments
4. Offices
5. Mini-storage warehouse
6. Recreational and residential storage facility
7. Resorts
8. Fish markets/docks
9. Wood products industries
10. Lumber yards (on site produced lumber)
11. Large bed and breakfast establishments
12. Cemetery
13. ***Group day care home shall be granted if consistent with the standards in Section 804***
14. Airfield
15. Medical services
16. Commercial greenhouse
17. Convenience store
18. Communication towers

Section 311 District C: Commercial

A. Intent: The C District, Commercial, is established to provide areas within the township for general commercial businesses for the convenience of township residents, the traveling public and people from the surrounding area.

B. Permitted Principal Uses:

1. Retail establishments such as, but not limited to hardware, drug, groceries, convenience store, sporting goods, clothing, antiques, baked goods, arts and crafts, beauty and barber shops, banks, restaurant, supper clubs, drinking establishments, laundromat, and gas stations.
2. Motor vehicle sales
3. Construction, farm and forestry equipment sales and service
4. Sale and repair of mobile homes, recreational vehicles, motor vehicles.
5. Wholesale storage and sales
6. Contractor yards

7. Light manufacturing
8. Sawmills
9. Fish markets/docks
10. Recreational Uses defined in Section 313
11. Community service buildings
12. Wood products industries
13. Lumber yards
14. Manufacturing
15. Kennels
16. Medical services
17. Commercial greenhouse
18. Harvesting of timber

C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory uses and structures normally associated with permitted uses.
2. Home Occupations, subject to regulations of Section 408.

D. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided by Article VIII.
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed and sauna.
2. Single-family dwellings
3. Two-family dwellings
4. Mobile homes
5. Recreational Uses defined in Section 313
6. ***Family day care home***
7. ***Group day care home shall be granted if consistent with the standards in Section 804***
8. Cash crop farming
9. Communication towers

Section 312 District AF: Agriculture and Forests

A. Intent: The AF District, Agriculture and Forest, is intended to maintain for agriculture those lands which because of their soil characteristics, drainage and other factors are suited for farming, dairying, forestry operations and other similar agricultural operations. The district will provide for limited recreational uses.

B. Permitted Principal Uses
1. Single-family dwellings
2. Two-family dwellings
3. Mobile homes
4. Agriculture production, dairy operations
5. Harvesting of timber

6. Contractor yards
7. Sawmills
8. Recreational Uses defined in Section 313
9. Community service buildings
10. Wood products industries
11. Lumber yards (on site produced)
12. Kennels
13. Small bed and breakfast establishments
14. Gravel pits with activity to be located more than 25 feet from property line
15. Commercial greenhouses
16. Family day care home
17. ***State Licensed Residential Facility, except for care of persons released from or assigned to adult correctional institutions.***

C. Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed and sauna.
2. Accessory uses and structures normally associated with permitted uses.
3. Home Occupations, subject to regulations of Section 408.

D. Conditional Uses Authorized by Permit: the following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided by Article VIII.
1. Churches
2. Recreational Uses as defined in Section 313
3. Retail establishments
4. Sales and service of construction, farm and forestry equipment
5. Tourist cabins
6. Resorts
7. Cemetery
8. ***Group day care home shall be granted if consistent with the standards in Section 804***
9. Airfield
10. Light manufacturing
11. Recreational and residential storage facility
12. Communication towers

Section 313 Recreational Uses

The following recreational uses are Permitted Principal Use (P), or require a Conditional Use Permit (C) in the districts indicated below. A use not permitted by right or as a conditional use is indicated by "N".

Zoning Districts				Recreational Land Uses
AF	C	RR	R-1	
P	N	P	P	Community Playgrounds
P	N	P	P	Picnic Areas
P	P	P	P	Passive Park Area
P	C	P	P	Unlit Ballfields
C	C	C	C	Lighted Ballfields
C	C	C	C	Soccer, Ice Hockey, Field Hockey Fields
P	P	P	P	Cross-Country Ski Trail
P	P	P	C	Horseback Riding (equestrian) Trail
C	N	P	P	Golf Courses
C	P	C	C	Indoor Recreation Courts: Handball, Badminton, Basketball, Tennis
P	C	P	P	Golf Driving Range-Unlighted
P	C	P	C	Golf Driving Range-Lighted
C	P	C	N	Mini-golf Course
C	C	C	N	Tracks: ORV, Motorized, Motocross, Go-carts, Snowmobile, Car
P	P	P	P	Tracks for Non-Motorized Use
C	C	C	C	Archery Range (indoor and outdoor)
C	C	C	N	Rifle and Shotgun Range
C	P	C	C	Ice Rinks (indoor and outdoor)
C	C	C	C	Swimming Beach
C	C	C	N	Campgrounds
C	C	C	N	Skeet and Trap, Sporting Clay Fields
N	P	C	N	Bowling Alley
N	P	C	N	Indoor Golf Course
C	C	C	N	Wildlife Preserve and Zoos
C	C	C	N	Snowmobile Trails
P	C	P	N	Private Hunting Area
P	P	P	P	Fishing Piers
N	P	P	C	Marinas
P	P	P	P	Boat Launches

ARTICLE IV: GENERAL REGULATIONS

Section 401 Height, Bulk and Placement Regulations

A. Except as otherwise provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations						
District	**Minimum Lot Size**	**Minimum Lot Width (Feet)[1]**	**Setback (Feet)[2]**			**Maximum Height (Feet)**
			Front	**Side**	**Rear [3]**	
R-1	20,000 square feet	100	25 feet	10 feet	10 feet	30
RR	20,000 square feet	100	25 feet	10 feet	10 feet	30
C	25,000 square feet	100	50 feet	10 feet	10 feet	30
AF	1 acre	200	50 feet	10 feet	10 feet	30

Footnotes to the Table:

1. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
2. An accessory building or structure may be located 10 feet from a side lot line. An accessory building or structure may be located 10 feet from a rear lot line.
3. Where a parcel abuts Lake Michigan (Green Bay) or other water body, the rear lot line setback shall be measured from the ordinary high water mark.

B. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to a 20 acre minimum lot size requirement.

Section 402 Waterfront Development

A. Setbacks from Inland Waters and Rivers - All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 60 feet as measured from the ordinary high water mark.

B. Setbacks from Lake Michigan Water - Structures on lots located within the High Risk Erosion Area shall be subject to requirements in Section 403.

C. Setbacks from Lake Michigan Water - Structures on lots located abutting Lake Michigan shall maintain the greater of either of 60 feet as measured from the ordinary high water mark or the setback as required in Section 403 High Risk Erosion Area.

D. Limitation of "Funnel Development" - Development in a zoning district located along Lake Michigan may not permit more than one single family home, cottage, condominium or apartment unit of each 100 feet of lake frontage, as measured along the water's edge of normal high water mark of Lake Michigan. This restriction is intended to limit the number of users of the lake frontage to preserve the quality of the waters, avoid congestion and preserve the recreational value of the Township. This restriction shall apply to any parcel regardless of whether access to the water is gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.

Section 403 High Risk Erosion Area Regulations

Within the designated High Risk Erosion Area of Lake Michigan, as determined by the Michigan Department of Environmental Quality, permanent buildings (such as residential, commercial, industrial, or institutional buildings), mobile homes, accessory and related buildings, septic systems, tile field, and other waste handling facilities shall be erected within the designated High Risk Erosion Area only after a permit is received under the high risk erosion area program. All land use shall be consistent with other regulations and sections of the zoning ordinance. Zoning permits shall be withheld until a State permit under the high risk erosion area program is issued.

Section 404 Right-of-Way

A. Where the right-of-way is established under the McKnitt Act (P.A. 130 of 1931 as amended) and varies from the standard 66 feet of width, the setback shall be not less than 33 feet from the centerline of the roadway.

B. Principal buildings and structures located on property abutting the M-35 state trunkline right-of-way shall be located a minimum of 25 feet from said right-of-way.

Section 405 Minimum Building Floor Area

A. The minimum principal floor area, exclusive of unfinished basements, garages, porches and breezeways for structures used for residential use shall be:
Single family dwelling including mobile homes: 720 square feet;
Two-family dwelling: 1,440 square feet total structure;
Recreational structure: 600 square feet.

Section 406 Accessory Buildings and Uses

Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

A. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment

between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.

B. All accessory buildings shall not be closer than ten (10) feet to any other structure on the lot.

C. An accessory building shall not be located within the minimum front yard setback.

D. An accessory building is permitted to be located within the front yard.

Section 407 Accessory (Echo) Housing

A. It is the intent of the Township of Ingallston to allow for accessory housing units where because of advancing age, illness, or death of a spouse or other family member assistance or companionship is needed. The individual requiring the assistance may reside in either a separate housing unit as permitted by this Ordinance, or separate apartment within the principal dwelling unit.

B. Accessory housing units may be permitted in all districts, except Commercial (District C), upon issuance of a Conditional Use Permit.

C. No alteration, conversion, construction or placement of an accessory housing unit shall take place without the acquisition of a building permit. The construction or placement of a separate structure, as an accessory housing unit shall meet all applicable setback and height requirements for a principal building.

D. The accessory housing unit may continue as long as medical or other reason for allowing the accessory housing exists. Upon cessation of the medical or other condition, a mobile home placed as an accessory housing unit shall be removed from the property within 24 weeks.

Section 408 Home Occupation

Home occupations shall be subject to the following regulations:

A. Home occupations shall only be operated within the principal dwelling, with no more than 25% of the dwelling devoted to the home occupation. Home occupations in a Residential District are limited to a maximum of 1,000 square feet in accessory buildings for the conduct of the Home Occupation.

B. Home occupations shall employ only those members of the household residing on the premise and not more than two outside employees.

C. There shall be off-street parking provided, in accordance with Section 417 Off-Street Parking Requirements.

D. There shall be no outdoor storage or exterior evidence of the home occupation in a Residential District. Excluded from this provision is the sale of firewood and display of samples of merchandise for sale produced as part of home occupation.

E. The use of the building for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

F. There shall be no sale of merchandise that is not directly related to the home occupation.

G. No equipment or processes shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

H. Advertising of a home occupation shall comply with Section 602E.

Section 409 One Principal Structure or Use Per Lot

A. No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.

Section 410 Keeping and Stabling of Horses

A. The keeping and stabling of up to one horse per acre of pasture land is permitted in the R-1 and RR Districts. The keeping and stabling of horses is permitted in the AF District without consideration for minimum pasture land. The keeping and stabling of horses is not permitted in the C District.

Section 411 Variance of Requirements for Lots of Record

A. Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. No vested right shall arise to the property owner for any parcel created in violation of any preceding Ingallston Township Zoning Ordinance. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined to reduce or eliminate the non-conformity.

Section 412 Allocation and Reduction of Lot Area

A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the stated minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the established minimum requirements.

Section 413 Parks and Recreation Area in Created Subdivisions

All platted subdivisions shall set aside a minimum of ten percent of the total acreage to be dedicated for park and recreation use as allowed for in R-1 Districts as defined in Section 313.

Section 414 Height Requirement Exceptions

A. The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial communication tower shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
3. Public utility structures; and
4. Agriculture related structures such as barns, silos, elevators and the like.

B. Radio antennas and towers, television antennas, satellite dishes, microwave towers and the like shall be properly secured and not placed in locations where the collapse of such a structure will occur on adjoining property.

Section 415 Use of Yard or Open Space

A. It is prohibited to use the open space surrounding a dwelling or accessory building for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded, worn out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances or junk.

B. A maximum of two unlicensed vehicles may be stored in all districts on the premises.

Section 416 Recreational Vehicle Use and Storage

A. Any recreational vehicle having a valid state license/ registration may be used as a principal structure for a period not exceeding six months.

B. The parking and/or storage of recreational vehicles: snowmobiles, motorcycles, scooters, 3 and 4 wheelers and other similar vehicles (whether on trailers or not) and boats, are permitted in front, side and rear yards provided setbacks are met as they pertain to accessory buildings.

C. The parking and/or storage of the recreational vehicle shall not materially obstruct the vision of motorist on adjacent streets or vision of motorist entering any street or other public roadway or private driveway.

Section 417 Off-street Parking Requirements

A. There shall be provided off-street parking for motor vehicles and the minimum number of parking spaces to be provided is shown in the following list:

Use	Spaces Required
Single and two family dwellings, recreational structures	2 per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent homes, and housing for the elderly	.4 times the lawful maximum number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and townhouses	2 per dwelling unit
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	.35 times the seating capacity
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Child-care facility	2 per dwelling unit plus .3 per child

Use	Spaces required
Fast food take-out establishments, drive in restaurants	1 per 100 sq. ft. of floor area
Restaurants (except drive-ins), bars and taverns	1.2 per 100 sq. ft. of floor area
Furniture and appliance stores	.3 per 100 sq. ft. of floor area
Household equipment, carpet and hardware stores, repair area shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor
Funeral parlors	1 per 50 sq. ft. of floor area
Laundromats	.5 per washing machine
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor area
Warehouses	1 per 500 sq. ft. of floor area
Retail stores and service establishments	1 per 150 sq. ft. of floor area and outdoor sales floor area
Offices	1 per 300 sq. ft. of floor area
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

B. Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

C. Required off-street parking shall be provided on the lot to which it pertains. Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

D. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited. For recreational and residential storage facilities and warehousing, loading areas shall be provided adjacent to the openings of the buildings. In no case shall these loading areas including access lanes be less than 26 feet wide when loading occurs on one side of the lane nor less than 30 feet wide when loading would occur from both sides.

E. The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

Parking Angle	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0° to 15°	9 ft.	12 ft.	23 ft.	30 ft.
16° to 37°	9 ft.	11 ft.	18 ft.	47 ft.
38° to 57°	9 ft.	13 ft.	18 ft.	54 ft.
58° to 74°	9 ft.	18 ft.	18 ft.	61 ft.
75° to 90°	9 ft.	24 ft.	18 ft.	63 ft.

Section 418 Required Planting Screens

A. In the Commercial (C) District, wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any Residence District or adjoins a residential dwelling within the AF, R-1 or RR Districts, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.

B. Planting Screen Specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet.

C. Plant materials in the following list are recommended and should be located no farther apart than the distance indicated. Other plant materials shall be permitted provided the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

Plant	Distance Apart
Lilac	**3 feet**
Privet	**1-1/2 feet**
Arbor Vitae	**4 feet**
Pfitzer	**4 feet**
Scotch Pine	**5 feet**
Spruce	**5 feet**

D. Parking Lot Plantings: Where off-street parking of 50 or more vehicles is required, there shall be a landscaped area in the minimum of 18 square feet for each parking space within the perimeter of the parking area. No parking space shall be more than 120 feet from the landscaped open space. The landscaped open space shall be kept continuously planted with living vegetation. The required landscaped open space need not be

contiguous, but there shall be at least one tree in each separate area. The trees shall be maintaining in a healthy condition and pruned to maintain height to a maximum of 15 feet. The trees shall be pruned to remove dead wood. All plant materials shall be pruned so not to create a hazard to drivers or pedestrians.

E. Time of Completion of Plantings. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any Zoning Compliance Permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

Section 419 Buffer Zone

It is recognized that noise and odors are inherent to certain land uses. To protect residential land values and avoid possible disputes the following uses shall be located 600 feet from existing residential structures: light manufacturing, farmsteads, sawmills, and lumber yards.

New residential structures are required to be located a minimum of 600 feet from existing light manufacturing, farmsteads, sawmills and lumber yards.

Section 420 Fence Regulations

A. The height of fences or hedges in the front, side and rear yard shall not exceed eight feet, subject to the following provisions:

1. No fence or hedge shall exceed four feet in the waterfront setback area.
2. No fence or hedge shall obstruct the vision of motorist on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.
3. Fences with a height greater than six feet are permitted for the purpose of retaining or excluding animals and the fence shall have clear visibility through it (such as a chain link fence).
4. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural fence or plant materials no less than six feet in height.

B. Any person erecting any fence or hedge shall be fully responsible for the care and maintenance of said fence or hedge and shall assume full responsibility for any damage arising due to the erection of such fence or hedge.

C. Normally required front, side and rear setbacks need not be met so long as the fence is not trespassing. The fence shall be at least two feet from the property line.

Section 421 Minimum Mobile Home Requirements

A. Mobile homes placed on private lands in the Township shall have skirting installed that meets the following standards: Skirting shall have louvered or similar vents with a minimum of 600 square inches of open space per 1,000 square feet of living space. A minimum of one vent shall be placed at the front and rear of the mobile home and two at each exposed side. An access panel of sufficient size to allow full access to utility hook-ups located beneath the mobile home shall be installed. All skirting shall be manufactured of certified fire-resistant material.

B. Mobile homes installed on private lands shall be installed at a minimum in compliance with rules established by the Mobile Home Commission.

Section 422 Garage Sales

A. Garage sales at residences are allowed a maximum of six occurrences per calendar year in all zoning districts; each occurrence shall not exceed four consecutive days. Garage sales are not considered to be a Home Occupation.

Section 423 Temporary Agricultural Produce Stand

A. A temporary farm stand for the display and retail sale of farm products is permitted in all districts. Said farm stands are subject to the following requirements: one farm stand per parcel, only operated during daylight hours, maximum total floor area is 320 square feet, off-street parking for a minimum of four vehicles, and are located a minimum of five feet from the road right-of-way. Farm stands are permitted to be operated from May 1 until January 1.

ARTICLE V: SANITARY WATER AND SEWAGE REGULATIONS

Section 501 Conformance with Local and State Regulations

A. Except as provided in this Article, individual sewage disposal systems and private water supply systems, municipal water systems and municipal sewage systems shall be constructed, maintained and conform to regulations established by the Delta-Menominee District Health Department or the Michigan Department of Environmental Quality.

Section 502 Sewage Disposal

A. All habitable buildings shall be connected to a public sewage disposal system, when available.

B. When no public sewage disposal system is constructed or in operation, all habitable buildings shall be connected to an on-site sewage disposal system.

C. Recreational structures without indoor running water may utilize a privy meeting the requirements of the Delta-Menominee District Health Department.

Section 503 Location of Sewage and Wells

A. No septic tank, drainfield, or well shall be located within 25 feet of a property line, unless the following are met:

1. The existing lot size and natural or man-made features necessitate its placement closer than 25 feet of the property line; and,

2. A variance has been received from the Delta-Menominee District Health Department.

Section 504 Sanitary Provisions

A. Every building and structure designed for human occupancy, including residence, business, industry and places of assembly, shall be provided with a sufficient number of approved fixtures, located and installed as to conform with the minimum code requirements of the State of Michigan and the Delta-Menominee District Health Department, for the removal of human excreta and other wastes, for the purpose of cleaning persons, apparel or utensils and for providing a potable water supply.

ARTICLE VI: SIGNS

Section 601 Intent

A. It is determined that regulation of the locations, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities without difficulty and confusion, to prevent wasteful use of natural resources in competition among business for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this Ordinance are consistent with customary usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customary usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 602 Residential District Regulations for Signs

Within all districts allowing residential uses as a permitted principal use, signs shall be permitted as follows:

A One sign to announce the sale or rent of property whose area shall not exceed six square feet.

B. Churches shall be permitted a total sign area of 20 square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.

C. One sign per vehicle entrance which identifies a platted subdivision development or mobile home park not exceeding 36 square feet and eight feet in height.

D. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 36 square feet and eight feet in height.

E. One sign shall be permitted to advertise a home occupation not to exceed 20 square feet and shall not be illuminated or have working parts. Free-standing (ground) signs shall not exceed a height of five feet. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. The sign shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public roadway or private driveway.

F. Signs permitted by this Section are exempt from the setback requirements of Section 401. Signs, however, shall not be located on the right-of-way and shall not interfere with traffic visibility.

Section 603 On-Premise Sign Regulations

A. Within all districts free-standing (ground) signs as an on-premise sign shall be permitted for non-residential land use as follows:

1. Free standing (ground) signs advertising an on-site business are permitted an area not to exceed six square feet for each 10 feet or fraction of frontage, or 60 square feet for each acre or fraction of area of the developed portion of the premises, whichever is larger. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them.

2. The on-premise sign shall be subject to the following setback requirements:
   a. a minimum of five feet when the right-of-way width from the centerline of the road to the property is less than 50 feet or, located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than 50 feet.
   b. setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade.

3. The maximum height for on-premise signs shall be 40 feet.

Section 604 Off-Premise Sign Regulations

A. Off-premise signs are permitted along M-35 in areas zoned as Commercial.

B. The maximum sign area for any one face of an off-premise sign shall not exceed 300 square feet, excluding the base or apron, trim supports, and other structural elements. Temporary embellishments shall not exceed 20% of the maximum sign area allowed.

C. Signs may be back-to-back, V-type, and multiple-faced with not more than two faces to each facing and such structure shall be considered as one off-premise sign.

D. An off-premise sign shall have a maximum height not to exceed 40 feet above road grade level. An off-premise sign shall maintain a minimum clearance of ten feet measured from the ground level at the base of the sign to the bottom of the sign face.

E. No off-premise sign may be established within 500 feet of any other off-premise sign, measured along either side of the street or highway to which the sign is oriented. Spacing from Directional and Official Signs, On-Premise signs or any other sign which does not constitute an off-premise sign shall not be counted nor shall measurements be made from such signs for the purpose of determining compliance with these spacing requirements.

F. Off-premise signs shall be located a minimum of 300 feet from the intersection of public roads.

G. Setback requirements for off-premise signs are:
Front: A minimum setback of 10 feet.
Side: A minimum setback of 5 feet.
Rear: A minimum setback of 5 feet.

H. No off-premise sign shall be constructed which resembles any official marker erected by a governmental entity, or which by reason of position, shape, or color would conflict with the proper functioning of any official traffic control device.

Section 605 Agriculture and Forest District Sign Regulation

A. Where a farm or other agricultural operation is permitted within the Agriculture and Forest District, the total area shall not exceed 20 square feet to advertise agricultural goods or other items for sale at that location.

B. Signs advertising seeds that are planted at a specific field are permitted not to individually exceed 6 square feet.

Section 606 Cluster Sign Regulations

A. A sign that lists and identifies a number or group of institutions, residences, organizations, churches and/or businesses and which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in all zoning districts. A cluster sign at one location shall have a maximum sign area of 60 square feet. The cluster sign must be maintained by the Township or recognized civic organization, churches or individuals.

Section 607 Signs for Conditional Use

A. In granting a conditional use permit, the Planning Commission shall stipulate the maxi mum sign area, setback requirements, location, sign height and other requirements of a sign or signs on the parcel.

Section 608 Temporary Signs

A. Signs which are intended to identify or advertise a non-profit annual or one time event or occurrence, such as a fair or other event of general public interest, shall be permitted for a period not to exceed two months provided that the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.

Section 609 Construction Signs

A. One construction sign is permitted per project not exceeding 16 square feet in sign area for residential buildings and 32 square feet for non-residential buildings. Signs shall be erected no more than five days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy or completion of the project.

Section 610 Exempt Signs

The following signs shall not exceed nine square feet and are otherwise exempt from this Ordinance:

A. Public Signs - Signs for a noncommercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.

B. Political Signs - Those signs which are intended to advertise a public election, individual actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.

C. Signs which announce no hunting or no trespassing.

D. Signs which identify the name of a farm or farming operation.

E. Residential Identification Signs - Those signs which have an occupant's name and/or house number or emergency identification number.

F. Signs which indicate a garage sale or directions to a garage sale.

Section 611 Lighting of Signs

A. No strobe blinking or other pulsating lights shall be permitted in any district. No sign shall be lighted so as to create a traffic hazard or to adversely affect neighboring land uses. No sign may be lighted to such intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Section 612 Maintenance of Signs

A. Dilapidated sign structures which are likely to cause injury or degrade the surrounding area, and signs which advertise a closed business, past event or political election, are no longer legible, or are otherwise untimely or unsafe, are a nuisance or danger to the public. The zoning administrator is authorized to remove, or to have removed, all dangerous or nuisance signs, the cost of which is to be borne by the sign owner and/or property owner.

Section 613 Nonconforming Signs

A. It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section as rapidly as the police power of the Township permits. Signs may be designated as Class A Nonconforming in accordance with Article IX.

B. No nonconforming sign:

1. shall be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered;
2. shall be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer; or
3. shall be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.

C. A conforming sign shall not be changed to a nonconforming sign.

D. Nonconforming signs may have their face or message updated but not structurally altered.

ARTICLE VII: SITE PLAN REVIEW

Section 701 Intent

A. It is the purpose of this Section to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 702 Site Plan Required

A. A site plan is required for and shall accompany the applications for:

1. Zoning Compliance Permits for:
   a. Any proposed construction
   b. Any commencement of a new use
   c. Any proposed change in use
2. Conditional Use Permit
3. Variances
4. Class A Non-Conforming use designations
5. Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

B. The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown.

Section 703 Site Plans for Single and Two-Family Dwellings, Residential Accessory Uses and Structures, and for Recreational Structures

A. The site plan for single and two-family dwellings, residential accessory uses and structures, and recreational structures shall show the following information:

1. A legal description of the site.
2. All lot lines and dimensions of the lot.
3. All roads and easements.
4. All existing and proposed buildings shall be shown and labeled.
5. Proposed use of each building.
6. Distances between buildings and <u>all</u> lot lines.

7. Building dimensions.
8. Natural features affecting development (rock, water, etc.).
9. Well and septic locations.
10. A north arrow.

Section 704 Site Plans for Commercial, Industrial and Multiple Family Developments (all other development)

A. Site plans meeting the following standards shall be required for the following: all commercial and industrial uses and developments; all non-residential Conditional Use Permits. This information shall be provided on two identical copies.

1. A scale adequate to illustrate the proposed activity.
2. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
3. Date, north arrow, and scale.
4. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 10 feet of the sites parcel lines. The site plan shall show all structures located within 600 feet of a proposed light manufacturing use.
6. The location of all existing and proposed drives and parking areas.
7. The location and right-of-way widths of all abutting streets, alleys, and private easements.
8. The location of proposed planting and screening, fencing, signs and advertising features.
9. The height and floor area of all proposed structures.
10. The size and location of all existing and proposed public and private utilities and required landscaping.
11. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
12. Location of all existing and proposed surface water impoundments and surface water drainage pattern. Indicate whether local, state or federal permits have been applied for.
13. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.

Section 705 Review Procedures

A. Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances of Ingallston Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning

Administrator shall, within ten (10) working days, approve or deny in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Planning Commission of Appeals. The Zoning Administrator and Planning Commission of Appeals shall use the following standards in their review.

Section 706 Standards for Site Plan Approval

A. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

B. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

C. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.

D. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

E. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to each building.

F. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.

G. All loading or unloading and outside storage areas at commercial, industrial and multi-family developments, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six feet in height.

H. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

ARTICLE VIII: CONDITIONAL USE PERMITS

Section 801 Intent

A. Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

B. In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Conditional Uses and may be authorized by the issuance of a Conditional Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

C. The following sections (802 through 805), together with previous references to Sections 309 through 313, designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all conditional uses indicated.

Section 802 Application Procedure

A. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.

B. Applications shall be submitted through the Zoning Administrator to the ***Planning Commission***. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.

C. Data Required in Application: Every application shall be accompanied by one copy of the following information and data:

1. Conditional use form supplied by the Zoning Administrator filled out by the applicant.
2. Site plan drawn to a readable scale and containing that information specified in Article VII, Section 703 or 704.
3. A statement with supporting evidence regarding the required findings specified in Section 804.

D. Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.

E. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the ***Planning Commission*** shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the ***Planning Commission*** may declare the permit null and void.

F. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The ***Planning Commission*** can approve an extension for one additional year upon request by the applicant.

Section 803 Review and Findings

A. The ***Planning Commission*** shall approve, approve with conditions, or reject the application within 60 days of the hearing based upon materials received and testimony recorded at the public hearing. The ***Planning Commission*** shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 804 and 1002. The petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to issuance of a zoning compliance permit by the Zoning Administrator pursuant to Section 1007 and the commencement of the use, unless a specified time is set or implied in the motion granting the Conditional Use Permit.

Section 804 General Standards

The ***Planning Commission*** shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

A. Will be harmonious with and in accordance with the general policies of Ingallston Township or with any specific objectives of any adopted development plans;

B. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;

C. Will not be hazardous or disturbing to existing or future neighboring uses;

D. Will not diminish the value of land, buildings, or structures in the District;

E. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

G. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, odors, or electrical or communication interferences.

H. Will protect the public health, safety and general welfare of the community; and

I. Will be consistent with the intent and purpose of the specific zoning district in which it is located.

J. ***The following standards shall be used by the Planning Commission when considering group day care homes:***

1. Is located not closer than 1,500 feet to any of the following:
   a. Another licensed group day-care home.
   b. Another adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Com piled Laws.
   c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
   d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Township.
3. Maintains the property consistent with the visible characteristics of the neighborhood.
4. Does not exceed 16 hours of operation during a 24-hour period. The Planning Commission may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.

5. Meets regulations, if any, governing signs used by a group day-care home to identify itself.
6. Meets regulations, if any, requiring a group day-care home operator to provide off-street parking accommodations for his or her employees.

Section 805 Conditions and Safeguards

A. Prior to granting any Conditional Use Permit, the ***Planning Commission*** may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under con sideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 804 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.

B. Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.

C. Conditional Use Permits may be issued for time periods as determined by the ***Planning Commission.*** Conditional Use Permits may be renewed in the same manner as originally applied for.

D. In authorizing a Conditional Use Permit, the ***Planning Commission*** may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Town ship, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the ***Planning Commission*** may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.

E. Revocation of a Conditional Use Permit by the ***Planning Commission*** shall be made at a public hearing following the same procedures as original approval to the effect that:

1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the ***Planning Commission*** are violations of this zoning ordinance.

F. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the ***Planning Commission*** shall become part of the Conditional Use Permit issued by the ***Planning Commission***.

G. The standards in Section 804 are basic to all conditional uses as identified in Sections 309 through 313.

Section 806 Appeals

A. Recourse for a person aggrieved by a decision of the ***Planning Commission*** in the granting or denial of a Conditional Use Permit shall be to the Zoning Board of Appeals.

ARTICLE IX: NONCONFORMING USES AND STRUCTURES

Section 901 Intent

A. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Any previous Class A designation authorized by formal action shall remain in effect. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction.

B. The zoning regulations established by this Ordinance are designed to guide the future use of land in Ingallston Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.

C. This Ordinance distinguishes by class the various nonconforming uses and structures. In general, Class A nonconforming uses and structures have been found by the ***Planning Commission*** not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or other standard in this ordinance and as such should either be encouraged or at a minimum not be discouraged to continue. In contrast, the Class B nonconforming uses and structures are not consistent with the aforementioned, and as such, should be not encouraged to exist by the Township. Different regulations are established for each class. The degree of restriction over each class is a function of the degree to which that class of nonconformity is a nuisance or incompatible with the purposes and regulations of this Ordinance.

D. Any use or structure created in violation of any preceding Ingallston Township Zoning Ordinance remains a violation, unless the use or structure is in compliance with the zoning ordinance.

Section 902 Class A Nonconforming Uses and Structures

A. Class A nonconforming uses and structures are those which have been designated by the ***Planning Commission***, after application by any interested person or the Zoning Administrator. The ***Planning Commission*** shall find that the continuance would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 804 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

Section 903 Procedure for Obtaining Class A Designation

A. A written application shall be filed with the ***Planning Commission*** utilizing forms obtained from the Zoning Administrator which shall include:

1. Name and address of property owner and applicant if not same;
2. A legal description of the property or lot;
3. A site plan pursuant to Section 703 or 704.
4. An explanation describing the present nonconforming use or structure.
5. An explanation of any proposed addition or alteration to the uses or structures.

B. ***The Planning Commission*** shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 1003. Upon hearing the facts and information, the ***Planning Commission*** shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 804. Conditions may be attached, including any time limit, where necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 904 Provisions for Class A Nonconforming Uses and Structures

A. Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. Class A Nonconforming Use or Structure may be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, with specific approval of the ***Planning Commission***.
2. Class A Nonconforming Use or Structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, with specific approval of the ***Planning Commission***.
3. Class A Nonconforming Use or Structure may be extended to displace a permitted (conforming) use, with specific approval of the ***Planning Commission***.
4. Class A Nonconforming Use or Structure may be changed to another nonconforming use, with specific approval of the ***Planning Commission***. Before granting such approval, the ***Planning Commission*** shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
5. Class A Nonconforming Use may be expanded to add another nonconforming use, with specific approval by the ***Planning Commission***. The proposed nonconforming use shall satisfy the standards as set out in Section 804.
6. Structural alterations to the interior of the building may be permitted without the prior approval of the ***Planning Commission***.

B. Where a sign has been designated as Class A Nonconforming, the following provisions apply:

1. The sign may be structurally altered so as to prolong the life of the sign and the shape, size, type, or design of the sign structure may be altered.
2. The sign may be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.
3. Other conditions as imposed by ***Planning Commission*** relative to the granting of Class A Nonconforming status.

Section 905 Regulations Pertaining to Class A Nonconforming Uses and Structures

A. No Class A Nonconforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least 18 months or if it has been changed to a conforming use for 18 months. No Class A Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

Section 906 Class B Nonconforming Uses and Structures

A. All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least twelve (12) months or if it has been changed to a conforming use for a one month period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds 50 percent of the reproduction cost of such structure.

B. No Class B Nonconforming Structure shall be enlarged or structurally altered. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area than was used at the time of becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

Section 907 Revocation of Class A Nonconforming Uses and Structures

A. Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served in person or may be mailed by certified mail, addressed to the owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

B. All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the ***Planning Commission***. The ***Planning Commission*** shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Section 1003 of this Ordinance. Upon hearing the facts and information, the ***Planning Commission*** shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Section 908 Appeal of Granting, Denying or Revocation of Class A Status

A. Any person aggrieved by the Planning Commission's granting or failure to grant a Class A Nonconforming status must appeal that decision to the Circuit Court of Menominee County as provided by law (within 30 days).

ARTICLE X: ADMINISTRATION AND ENFORCEMENT

Section 1001 Administration

A. The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate responsibility to appropriate township officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 1002 Administrative Standards

A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.

B. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals and the ***Planning Commission*** shall base their decision upon facts presented at a public hearing.

C. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:

1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards.

Section 1003 Administrative Procedures for Public Notifications

A. ***When the provisions of this ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Ingallston Township and mailed or delivered as provided in this Section.***

1. ***All mail, personal and newspaper notices for public hearings shall:***

a. *Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.*

b. *Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street or including a map showing the location of the property. No street addresses need be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.*

c. *When and where the request will be considered: Indicate the date, time and place of public hearings.*

d. *Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.*

e. *Handicap access: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.*

2. *Personal and Mailed Notice-When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to: The owners of property for which approval is being considered and the applicant, if different than the owner(s) of the property.*

a. *Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of Ingallston Township. If the name of the occupant is not knows, the term "occupant" may be used in making notification. The current year's assessment role shall be used as prima facie evidence of record of ownership. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.*

b. *All neighborhood organizations, public utility companies, railroads and other persons who have requested to receive notice pursuant to this Section shall receive notice by mail.*

c. *Other governmental units within one mile of the property involved in the application.*

3. ***Notice by mail/affidavit: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.***

4. ***Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, MCL 125.3101, (et.seq.) as amended; or this Ordinance where applicable, notice of a public hearing shall be provided as follows:***

   a. ***For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will considered for approval.***

5. ***Registration to Receive Notice by Mail:***

   a. ***General: Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to this Section. Personal and Mailed Notice, or written notice of all applications for development approval within the district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.***
   b. ***Requirements: The requesting party must provide the Zoning Administrator***
   c. ***information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.***

Section 1004 Standards for Hearings and Zoning Administration

A. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.

B. The body conducting the hearing:

   1. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
   2. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
   3. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section;
   4. Shall comply with all other requirements under the law; and
   5. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.

C. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.

D. All administrative guides or rules developed to assist the Zoning Board of Appeals or the ***Planning Commission*** in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 1005 Zoning Administrator

A. The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed elected officer of this Township. The Zoning Administrator shall not be a member of the ***Planning Commission*** or Zoning Board of Appeals. The Zoning Administrator, or designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

Section 1006 Duties of Zoning Administrator

A. The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to review Site Plans to determine whether they are in proper form, contain all of the required information and are in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.

B. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.

C. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.

D. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform to this Ordinance.

Section 1007 Zoning Compliance Permit

A. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or any part which has been created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit has been issued by the Zoning Administrator. The Permit shall state that the building, structure, lot, and use conform to the requirements of this Ordinance.

B. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and this record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 1008 Enforcement and Violation

Notice of Violation:

A. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, the Zoning Administrator shall issue a notice of violation.

B. Such notice shall be directed to each owner of or a party in interest in whose name the property appears on the current year's tax assessment records.

C. All notices shall be in writing and shall be served either in person or may be mailed by certified mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

D. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Township Board who shall initiate prosecution procedures.

Section 1009 Special Zoning Orders Book and Map

A. The Zoning Administrator shall keep a Special Zoning Orders Book, which shall list, with a brief description, all variances, conditional use permits, rezonings, designations of Class A nonconformance, and any terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 1010 Fees

A. The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit shall be issued unless such fees have been paid in full.

ARTICLE XI: ZONING BOARD OF APPEALS

Section 1101 Creation and Membership

A. ***The Zoning Board of Appeals is established in accordance with Act 110 of the Public Acts of 2006, as amended. The Board shall consist of three (3) members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. A Township Board member may serve on the Zoning Board of Appeals. The term of office of the member of the Planning Commission and also the Township Board member, if appointed, shall not exceed his term of office on the Commission and Township Board, respectively.***

Members may be reappointed. An elected officer of the Township shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Township shall not serve as a member of the Board. A member of the Board shall disqualify himself from a vote in which the member has a conflict of interest.

B. ***The Township Board may appoint not more than two alternate members to the Zoning Board of Appeals for the same term as regular members of 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 one (1) or more meetings.***

An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest; the alternate member shall serve in the case until a final decision is made. When called to serve on the Zoning Board of Appeals, the alternate member has the same voting rights as a regular member of the Zoning Board of Appeals.

Section 1102 Procedures

A. The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation 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 in this Ordinance.

B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

C. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 1003.

Section 1103 Duties and Powers

A. ***The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of the Public Acts of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.*** The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided, including administrative review; interpretation of the Zoning Ordinance, including the zoning map; and consideration of requests for variances and appeals of the granting or denial of Conditional Use Permits.

B. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.

Section 1104 Administrative Review

A. The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.

B. The Zoning Board of Appeals shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
2. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator; and
3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 417 or by an analysis of the specific needs.
4. Determine if a use is similar to an expressly permitted (either by right or conditionally) use within specific district.

1105 Variances

A. The Zoning Board of Appeals shall have the power and duty to authorize upon appeal, in specific cases a variance from the provisions of this Ordinance that will not be contrary to the public interest. ***Such variance shall be granted where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulties.***

Practical difficulties standard: Special or unique conditions and circumstances exist, which are peculiar to the land or structure and are not generally applicable to other land or same structures in the district. Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.

B. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.

C. The Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.

D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.

E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 1002 (C) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.

G. Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

H. The Zoning Board of Appeals may reverse, affirm or modify an order, requirement, decision or determination based on an appeal made by a public official. All actions taken by the Zoning Board of Appeals must be in conformance with the Ordinance.

<u>Section 1106 Appeals</u>

A. Appeals concerning interpretation of the administration of this Ordinance or for the granting or denial of a Conditional Use Permit shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.

B. A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.

C. Any party or parties may appear at the hearing in person or by agent or attorney.

D. The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.

E. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1107 Duties on Matters of Appeal

A. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Menominee County, as provided by law.

ARTICLE XII: TOWNSHIP PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

Section 1201 Designation

A. ***The Ingallston Township Planning Commission is hereby designated the Commission as specified in Act 110 of the Public Acts of 2006, as amended. Under said act it shall be the duty of the Commission to advise the Township Board on matters of planning. Further, the Commission shall assume the duties of the Zoning Commission prescribed in Act 110 of the Public Acts of 2006, as amended.***

Section 1202 Changes and Amendments

A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission or by an individual.

Section 1203 Required Amendment Information

A. If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. The petitioner shall explain the reasons for the change and any benefit or interest to be gained.

B. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
   1. A legal description of the property;
   2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
   3. The name and address of the petitioner;
   4. The petitioner's interest in the property;
   5. Date of filing with the Zoning Administrator;
   6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
   7. The desired change and reasons for such change.

Section 1204 Review of Amendment by Planning Commission

A. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made part of the Public Hearing.

B. The general standards to be considered by the Planning Commission shall include, but not be limited to, the following:

1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
2. Whether the requested zoning change is consistent with local plans and policies;
3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.

Section 1205 Amendment Procedure

A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 1003 of this Ordinance.

B. Following the public hearing, the Planning Commission shall submit the proposed zoning ordinance and any applicable maps to the Menominee County Planning Commission for their review and recommendation. The County has 30 days in which to respond with any comments.

C. Following receipt of comments from the County Planning Commission, the Planning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.

D. The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. ***One notice shall be given not less than 15 days before the hearing.*** After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions. The Planning Commission shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.

E. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be

permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.

F. ***Notice of adoption of the amendment shall be published in a newspaper of general circulation in the Township and in accordance with provisions provided in Act 110 of the Public Acts of 2006, as amended.***

ARTICLE XIII: INTERPRETATION, SEVERABILITY, VESTED RIGHT, PENALTIES, AND EFFECTIVE DATE

Section 1301 Interpretation and Conflict

A. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1302 Severability

A. This Ordinance and the various parts, sections, subsections, and clauses, thereof, are declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is provided that the remainder of the Ordinance shall not be affected. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional, or invalid as applied to a particular property; building, or structure, it is provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of Class A nonconformance, it shall be conclusively presumed that the authorizing officer or body considered such condition or limitation necessary to carry out the spirit and purpose of this Ordinance or the requirement of some provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1303 Vested Right

A. Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Section 1304 Penalties and Remedies

A. Civil Law: Any building, structure, or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

B. Criminal Law: Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred ($500) dollars and imprisoned for not more than 90 days, or both, and in addition, shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

C. Remedies: The Township Board may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence of both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 1305 Repealing Clause

The Zoning Ordinance for Ingallston Township, Michigan, adopted on November 10, 1998, and subsequent amendments, is hereby repealed.

Section 1306 Effective Dates

This Ordinance shall be effective seven (7) days after publication in a newspaper of general circulation in the Township as required by law. This Ordinance shall become effective on

_____.