

REC'D FEB 25 2005

# *Stephenson Township*

## *Zoning Ordinance*

*Ordinance #15*

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*Prepared By: Stephenson Township Zoning Board  
with assistance from the CUPPAD Regional Commission*

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**THE TOWNSHIP OF STEPHENSON HEREBY ORDAINS:**

**An Ordinance to establish zoning districts and regulations governing the development and use of land within Stephenson Township, Menominee County, Michigan, in accordance with the provisions of Act 184, Public Acts of 1943, 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 resolution of conflicts with other ordinances or regulations.**

**ARTICLE I ZONING**

Section 101 Short Title

- A. This Ordinance shall be known and may be cited as the Stephenson Township Zoning Ordinance.

Section 102 Purpose of Zoning

- 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. Promoting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas;
  3. Securing the most appropriate use of land;
  4. Protecting the character of the township's valuable natural resources;
  5. Promoting the orderly and beneficial development of residential and non-residential areas within the Township of Stephenson;
  6. 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;
  7. Providing adequate distance between buildings to lessen the spread of fire;
  8. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
  9. Providing for the needs of housing and commerce for future growth;
  10. 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;
  11. 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;
  12. Enhancing social and economic stability in the Township;
  13. Conserving the taxable value of land, buildings and structures in the Township;

14. Enhancing the aesthetic desirability of the environment throughout the Township;
15. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land; and,
16. Facilitating adequate and economical provision of transportation, water, sewers, schools, recreation and other public requirements.

#### Section 103 Designation and Duties of the Zoning Board

- A. The Stephenson Township Zoning Board has carried out the responsibilities of preparing this Ordinance and is the township body most closely associated with planning for the future of Stephenson Township. The Stephenson Township Zoning Board shall be the permanent zoning board as specified in Section 4 of Public Act 184 of 1943, as amended.
- B. The Stephenson Township Zoning Board shall exercise the duties and responsibilities granted to it by the Township Zoning Act, Public Act 184 of 1943, as amended.
- C. It is determined that the Stephenson Township Zoning Board shall provide continuing overall direction in the administration of this Ordinance and shall be the reviewing body of zoning actions most closely associated with planning considerations, such as proposed amendments, planned unit developments, conditional use permits, site plan review. The Stephenson Township Zoning Board shall have the powers and responsibilities granted to it as specified in this Ordinance.

#### Section 104 Effective Date

- A. This Ordinance shall take effect and be in force seven days following publication of a notice of adoption in the *Menominee County Journal*.
- B. Any parts or portions of other township ordinances which conflict with are hereby repealed. The previous Stephenson township Zoning Ordinance, as amended, is repealed.

#### Section 105 Severability

- A. This Ordinance and the various parts, sections, subsections, and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such portions of this Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing a planned unit development or any Conditional Use Permit, variance, grading permit, 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 106 Conflicting Regulations

- A. Whenever 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 provision of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements, regulations, restrictions, or limitations than those imposed or required by the provisions of this Ordinance, then the provision 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 Stephenson Township Zoning Ordinance or Menominee County Zoning Ordinance.

#### Section 107 Exemptions

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

#### Section 108 Fees

- A. The Township Board, by resolution, may establish a schedule of fees for zoning compliance permits, for the consideration of Conditional Use Permits, planned unit development, variances, amendments to this Ordinance and other permits as authorized by this Ordinance. Fees are established to defray the cost of zoning administration.



## ARTICLE II DEFINITIONS

### Section 201 Construction of Language

- A. The following rules 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 works 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 tense and words in the singular number shall include the plural.
  7. The word “building” includes the words “structure” and “dwelling.”
  8. The words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be occupied.”
  9. The word “lot” includes the words “plot” and “parcel.”
  10. The word “person” includes any firm, association, organization, partnership, trust corporation, or similar entity, as well as an individual.
  11. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
  12. Whenever a reference is made to several sections and the section number is connected by the word “to,” the reference includes both sections whose numbers are given and to all intervening sections.

13. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” or “either . . . or,” the conjunction shall be interpreted as follows:
  - 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 singly but not in combination.

#### Section 202 Definitions

- A. For the purpose of this Ordinance, the following words shall have the following meaning. For words not listed, the generally accepted definition as found in a dictionary shall suffice.
  1. Accessory Apartment: A separate private living unit complete with its own bathroom, bedroom, and living area created by remodeling or by adding onto an existing single-family dwelling.
  2. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
  3. 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.
  4. Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided with foster care for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.
  5. Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
  6. Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who

are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.

7. 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, pastures, pens and/or buildings.
8. Agricultural Activity (General): One or more plots of land comprising a farm devoted to the raising of domestic animals and/or the cultivation of crops in quantity, including dogs, cats, exotic animals, and exotic birds.
9. Agricultural Activity (Intensive): The keeping of animal or poultry species, either in pens or buildings where the number of animal or poultry species exceeds one 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 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.

Animal or Poultry Type	Number of animal or poultry equal to one Animal Unit (A.U.)
Slaughter and Feeder Cattle	1.00
Mature Dairy Cattle	1.40
Swine Weighing >55 lb.	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

10. Aircraft Landing Areas: An area where aircraft can land or take off, whether designated or not.
11. 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.

12. Alternative Support Structure: Any vertical component not designed and constructed primarily for the purpose of supporting antennas, including but not limited to, buildings, silos, water towers, or utility poles.
13. Antenna: Any exterior device for transmitting and receiving wireless communication to more than one customer at a time.
14. Antenna, Attached: An antenna affixed to a tower or alternative support structure.
15. Antenna, Concealed (stealth): An antenna with a support structure that screens or camouflages the presence of antenna and/or towers from public view, in a manner appropriate to the site's context and surrounding environment, including but not limited to clock towers, church steeples, light structures, water towers, or flagpoles that do not exceed 10 feet above the maximum building height.
16. Apartment: A dwelling unit in a "multiple family dwelling."
17. Automotive Repair Garage: A facility where the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting, undercoating, and detailing of automobiles.
18. Basement: A full story space below the first floor, usually part or all below grade. A basement shall not be counted as a story.
19. Bed and Breakfast: A structure that is also the innkeeper's residence; has sleeping accommodations meant for lodgers; has up to 4 rooms; and that serves breakfast, usually at no extra charge to lodgers. A lodger is defined as a person who rents a room in a bed and breakfast for fewer than 30 consecutive days.
20. Berm: A man-made, formed earth mound of definite height, width, and length used for obscuring purposes.
21. 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, un-subdivided acreage, lake, river, stream, or other barrier to the continuity of development.
22. Boarding House: See "Hotel."
23. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard area requirements, such buildings shall be considered as one integral unit.

24. Buffer Strip: Land area used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances.
25. Building: Any structure having a roof supported by columns or walls for the shelter, support, enclosure of persons, animals or property.
26. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface.
27. Building, Principal: A building in which is conducted the main or primary use of the lot on which the building is located.
28. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
29. Campground: An area designated for temporary overnight use by motor homes, R.V. trailers, slide-in campers, or tents, improved or unimproved, whether a fee is assessed or not.
30. Carport: A partially open structure, intended to shelter one or more vehicles, boats, or recreational vehicles. Such structure shall comply with all yard requirements applicable to private garages.
31. Cemetery: A place for the interment of the dead, but not dead animals.
32. Cemetery, Pet: A place designed and used for the interment of dead animals.
33. Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or building or construct any buildings or structures in the Township.
34. Child Day Care Center: An operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under P.A. 116 of 1973.
35. Child Day Care Facility, Family: An operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.
36. Child Day Care Facility, Group: An operation located in and subordinate to the residential use of the residence of the operator of the facility, and subordinate to the residential use, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.

37. 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.
38. Clinic: A place where health care professionals furnish physical or mental health care to persons on an outpatient basis.
39. 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.
40. Co-location: The use by two or more wireless communication providers and/or two or more antennas on a common structure, tower, or building.
41. Commercial Vehicle: A motor vehicle and/or trailer licensed as a commercial vehicle.
42. Common Use Riparian Lot: Property which abuts a lake or a navigable tributary which provides lake access to owners or occupants of nearby property which does not abut the lake.
43. Comprehensive Plan: A comprehensive, long-range plan intended to guide the growth and development of a community, Township, or region, and one that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.
44. Conditional Use Permit: A permit issued by the Zoning Board to a person or persons intending to undertake the operation of a land use upon land, or within a structure or building, specifically identified in the affected Zoning District under Conditional Uses. 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.
45. Condominium: Multiple unit structure(s) having individual ownership of the units and joint ownership of the accompanying land and usually having special covenants.
46. Condominium Unit: As applied to land usage, means that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, and for the purpose of this Ordinance shall be interpreted as a lot.

47. 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.
48. Contractor Storage Yard: An area intended for the temporary or long-term storage of materials and equipment used for construction, road building, and forestry operations.
49. Convenience Mart: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages and sandwiches and other freshly prepared foods, for both off-site or on-site consumption with limited indoor/outdoor seating, along with the retail sale of fuel and other operating commodities for motor vehicles.
50. Correctional Facility: A facility where prisoners lawfully sentenced by a court are housed for detainment purposes, or are detained awaiting adjudication. The facility may be publicly or privately operated.
51. Crematory: A facility to burn a dead body to ashes.
52. District: A zoning district.
53. Dwelling:
- A. Dwelling, Single-Family: A single structure, including a mobile home, designed or used for residential occupancy by one family. The single-family dwelling, including mobile homes and manufactured housing, shall have a minimum exterior breadth/caliper/ width of 20 feet in the R-1 District. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least 20 feet. Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet.)
  - B. Dwelling, Two-Family: A structure containing two dwelling units each designed for residential occupancy by one family.
  - C. Dwelling, Multiple-Family: A structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.

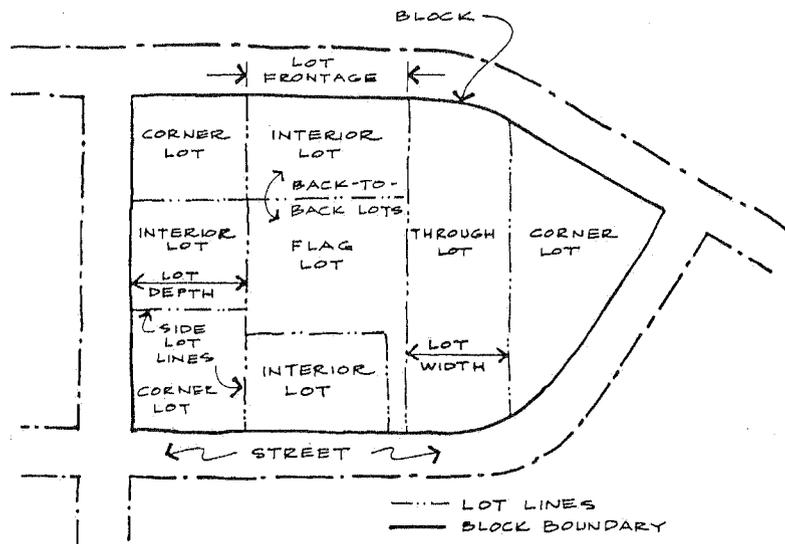
54. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.
55. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal 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.
56. Excavation: Removal or recovery, by any means whatsoever, of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.
57. Family: An individual, or two or more persons related by blood, marriage, or adoption, or parents 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 fewer 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 families under P.A. 395 of 1976, as amended.
58. Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
59. Feed Lot: The place of confined or concentrated feeding of farm animals that are being fattened for market.
60. Fence: An artificially constructed barrier of wood, metal, stone, wire, or any manufactured materials erected for separation for yard areas.
61. Filling: The depositing or dumping of any matter into or onto the ground, except common household gardening and general maintenance.
62. 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.

63. Floor Area Ratio: An intensity measured as a ratio derived by dividing the gross floor area of a building(s) by the lot area.
64. Floor Area, Usable: For the purposes of comprising parking requirements, is that area to be used for the sale of merchandise 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."
65. Fur Farm: The place confined to keeping, raising, or breeding of animals for the purpose of producing fur or pelts.
66. Garage, Residential: An enclosed accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.
67. Gasoline Service Stations: A structure used for the retail sale 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, or refinishing.
68. 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.
69. Grandfathered: A land use, structure or lot which was lawfully established prior to the adoption of this Ordinance, but which is no longer in full compliance with all requirements of this Ordinance. See also nonconforming building, nonconforming lot and nonconforming use.
70. Gravel Pit: A land area where soil compaction including clay, peat, marl, sands and gravel with not more than a 30-inch diameter as measured at the longest chord thru the center, are excavated or removed for sale of off-tract use. As part of their

primary operations, gravel pits may include sifting, crushing and washing. Any operation that harvests by any means rock, ore, stone, or materials defined as “minerals” in the Michigan Mining Lands Reclamation Act, MCL 324.63101 is specifically excluded from this definition, is prohibited in a gravel pit, and constitutes a Quarry as defined in this Ordinance.

71. Height, Tower: The distance measured from ground level at the base of the tower to the highest point on a tower or structure, including any attachments.
72. Home Occupation: A use or occupation conducted on the premises whether within the main residential dwelling or an accessory building, for income production, which is clearly incidental and secondary to residential occupancy.
73. Hotel: A facility offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants, meeting rooms, and recreational facilities. Hotel does not include single-family homes in residential areas that are rented on a transient basis.
74. Incinerator: A furnace, or similar device, for burning trash, waste and/or soils to ashes.
75. Inn: See “Hotel.”
76. Junkyard: Any land or building used for salvaging, purchasing, storage, keeping, collecting, processing, or baling of paper, rags, scrap metals, or other scrap or discarded materials, or for abandonment, demolition, dismantling, storage, or salvaging of automobiles or vehicles not in normal operating conditions, machinery or parts thereof, occurring within the normal course of business operations for income purposes.
77. Kennel: Any establishment where four or more dogs that are more than six months old are permanently or temporarily kept. Dog kennels will meet the requirements of P.A. 339 of 1919.
78. 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.
79. Long-term parking: The parking of a vehicle in the same general location for 30 calendar days or longer.
80. Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.



81. Lot Area: The area of land within the boundary of a lot excluding any part under water, and, in addition, it is the area of land bounded by any front lot lines, the right-of-way line of the roadway on which it fronts, and side lot lines intersecting the front lot line at its end extended to the rear property (lot) lines.
82. Lot, Corner: A lot which has at least two contiguous sides abutting a street for their full length.
83. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
84. Lot, Depth: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of side line of the lot.
85. Lot, Flag: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow right-of-way or driveway.
86. Lot, Interior: A lot, other than a corner lot.
87. Lot Line, Front: 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.
88. Lot Line, Rear: 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 feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has an irregular lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.

89. Lot Line, Side: Any lot line other than the front or rear lot lines. A side lot line separating a lot from another lot or lots is an interior side lot line.
90. 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 acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
91. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and back lot lines.
92. Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
93. Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
94. Metes and Bounds: A method of describing the limits of property by means of measuring distances and angles from designated landmarks and in relation to adjoining properties.
95. Mineral: An organic or inorganic substance in the earth includes, but is not limited to, topsoil, iron ore, copper, uranium, gypsum, silver, gold, diamonds, and other precious and semi-precious stones.
96. Mini-Warehouse: A structure containing storage spaces of varying sizes, leased or rented on an individual basis.
97. Mobile Home: A structure, transportable in one or more sections, which is built on a steel undercarriage and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. A mobile home does not include recreational vehicle or any unit which can be licensed by the Secretary of State or transported by a licensed vehicle as a slide-in camper.
98. Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than

two mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents. A mobile home park shall be licensed in accordance with P.A. 96 of 1987.

99. Modular (Pre-manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modular 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 dwelling unit, and meeting all codes and regulations applicable to conventional home construction.
100. Motel: See "Hotel".
101. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or subsequent amendments thereto, that does not conform to one or more provisions of this Ordinance.
102. Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district in which it is located.
103. Nonconforming Sign: Any sign lawfully existing on the effective date of this Ordinance or amendment which renders such sign nonconforming because it does not conform to one or more of the present standards or requirements of this Ordinance.
104. 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 amendments that does not conform to one or more provisions of this Ordinance.
105. Nuisance: The unreasonable interference with the enjoyment and use of property.
106. Nursing Home: A facility licensed by the State of Michigan, other than a hospital, having as its primary function the rendering of nursing care for extended period of time to persons afflicted with illness, injury, or an infirmity.
107. Open Space Ratio: The ratio between open space on a lot, whether required or not, and the total lot area.
108. 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.

109. Park: An open space used primarily for outdoor leisure activities.
110. Parking Lot: An off-street, ground-level open area, usually improved for the short-term (not overnight) parking of automobiles, constructed in accordance with the requirements of this Ordinance.
111. Parking Space: A space for the parking of an automobile within a public or private parking area of definite length and width and exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the parking of automobiles.
112. Planting Screen: A line of vegetation of sufficient height, width, and length as to provide an obstructed view of a land use from an adjoining property or roadway.
113. Plat: A map that shows the location of lots.
114. Premises: A lot as otherwise stated in this Ordinance.
115. Principal Structure: The main structure or building to which the premises are devoted.
116. Principal Use: The main use to which the premises are devoted.
117. Public Buildings: A building, structure, facility or complex used by the general public or providing public services, whether constructed by a state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to assembly building, auditorium, library, township hall, community center, public school, senior citizen center, or fire hall.
118. 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).
119. Quarry: A place where rock, ore, stone, or materials defined as “minerals” in the Michigan Mining Lands Reclamation Act, MCL 324.63101, are excavated, drilled, blasted, cut, sawed, removed, or harvested by any means whatsoever.
120. Race Track: A continuous track area used for the purpose of racing, by motorized vehicles, non-motorized, animals, or humans.

121. 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.
122. Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home, or other similar structure used intermittently for recreational or vacation purposes which is not a permanent place of domicile or residency of the owner.
123. Recreational Use: Enclosed or open premises, public or private, which provide recreational opportunities.
124. Recreational Vehicle (RV): A vehicle used for pleasure and designed for recreational use and not as place of domicile, built upon a frame or chassis, which can be licensed by the Secretary of State, and including pickup campers.
125. Rental House: A dwelling with kitchen and bathroom facilities located on the same lot of a principal single-family dwelling; the rental house is rented as a principal residence.
126. Resort: A facility offering transient lodging accommodations to the general public, but differing from a Hotel in that the accommodations are often provided in cabins, condominiums, or other detached units on a single parcel. Resorts are often located in proximity to amenities such as lakes, rivers, golf courses, or other attractions, and may offer additional services such as a restaurant, meeting rooms, etc.
127. Resource Production: Including, but not limited to, the growing and harvesting of timber, tree farming, landscape vegetation, agriculture, natural resource, and outdoor recreational uses.
128. 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 establishment permitting consumption on the premises.
129. Retail Establishment: A place of business where goods and services are offered for sale to the public, and where repair services are incidental and secondary to the sale of such goods.
130. Right-of-Way: A strip of land acquired by deed, reservation, dedication, forced dedication, prescription, condemnation, or McNitt Act (PA 130 of 1931), and occupied or intended to be occupied by a road, crosswalk, railroad, electric

transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses.

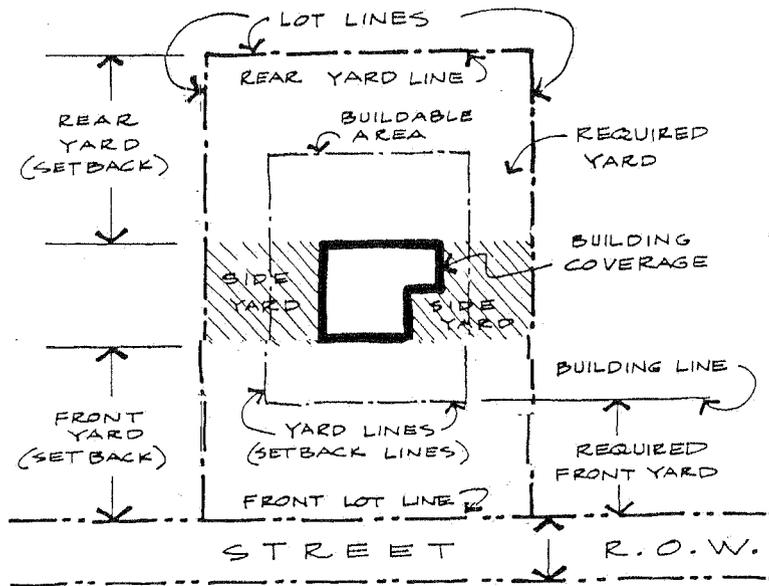
131. Riparian Lot: The lake front property or other property on a navigable tributary of a lake which is used to access a lake exclusively by the owner or occupant of the property.
132. Riparian Owner: A person whose property adjoins a lake or who has rights of access to a lake because of a recorded instrument granting such rights.
133. Riparian Rights: Those rights which are associated with the ownership of the bank or shore of an inland lake or stream.
134. Sawmill: A commercial establishment with the machinery and appurtenant structures used for the manufacture of dimensional wood products, including, but not limited to, circular or band saws, planers, debarkers, chippers, and kilns. This definition does not include small "portable" sawmills typically operated by one or two people and capable of being moved from place to place. (See Temporary Use)
135. Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.
136. Setback: The minimum required unoccupied distance between the lot line and the principal and accessory buildings.
137. Setback, Front: The minimum required unoccupied distance, extending the full lot width, between any building or structure and the front lot line.
138. 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.
139. 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.
140. Shooting Range: An area where firearms or archery equipment are discharged for target or recreational purposes, whether the area is open to the public or reserved for club members only.
141. 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,

facility, structure, 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.

142. Sign Area: The entire area within a circle, triangle, or parallelogram 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, the larger of the two sides shall be used in calculating the total area.
143. Sign, Directional: 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.
144. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
145. Sign, Identification: A sign which pertains to the use of a premise and contains the occupant of the use, the address of the use, and/or the kind of business and/or the principal commodity sold on the premise.
146. Sign, Off-Premise: A sign which advertises goods, services, events, and facilities available at a location other than the premises on which the sign has been placed.
147. Sign, On-Premise: A sign which advertises goods, services, events, facilities, or attractions available only on the premises on which the sign is located, or identifies the owner or occupant or directs traffic on such premises. All other signs are considered off-premise signs.
148. 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.
149. Stable: An area or facility where more than three horses are kept.

150. Story: That part of a building, except a mezzanine or basement, 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 above it.
151. Street: A public or private roadway that affords traffic circulation and principal means of access to abutting property.
152. Street Line: The outer edge of the street or road.
153. Structural Alteration: Any change in a structure other than normal repairs and maintenance or a change in the useful columns, beams, girders or foundations; or any complete rebuilding of the roof; or the exterior walls; or the construction of any addition to or enlargement of a structure; or the removal of any portion of a structure. For the purpose of this definition, the following shall not be considered a structural alteration:
- a. Attachment of a new front where structural supports are not changed.
  - b. Addition of fire escapes where structural supports are not changed.
  - c. New windows where lintels and support walls are not materially changed.
  - d. Repair or replacement of non-structural member.
  - e. Installation of new siding.
  - f. Installation of shingles (either over existing shingles or remove existing shingles).
154. 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 fences, driveways, or sidewalks.
155. Tank Farm: An area where petroleum products, LP gas, chemicals, hazardous waste, or any other materials are stored in tanks for distribution or transfer purposes.
156. Temporary Sales Products Stand: A structure used for the seasonal sale of items propagated on or off the premises.
157. Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.
158. Township Board: The Stephenson Township Board.
159. Tower: A structure designed and constructed primarily for the purpose of supporting one or more antennas, including guyed towers, monopole towers, and lattice towers.

160. Tower, Lattice: A self-supporting structure, erected on the ground, which consists of cross-bracing of structural steel to support antennas and other related equipment.
161. Tower, Monopole: A self-supporting structure, with a single shaft of wood, steel or concrete, to support antennas and other related equipment.
162. Variance: Permission to depart from the literal requirements of this Ordinance.
163. Wind Turbine: Any of the various machines used to produce electricity by converting the kinetic energy of wind to rotational, mechanical, and electrical energy. Wind turbines consist of the turbine apparatus (motor, nacelle, tower) and any other buildings, support structures, or other related improvements necessary for the generation of electrical power.
164. Wireless Communication Facility: Any combination of one or more antennas, accessory structures, and/or equipment together with a single tower. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are: citizen band radio facilities, short wave facilities, ham or amateur radio facilities, satellite dishes and government facilities which are subject to state or federal laws or regulations which preempt local regulatory authority.
165. Wireless Communication Provider: Any FCC-licensed service provider, and/or any supplier of wireless communication facilities for such providers.
166. Wood Yard: A parcel of land where pulpwood and other logs are gathered from various locations and stored for commercial sale, or transportation elsewhere.
167. Yard: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Ordinance.



168. Yard, Front: An open space extending the full width of the lot and lying between the front lot line and the nearest line of any building or structure, and measured perpendicular to the building at the closest point to the front lot line.
169. Yard, Rear: An open space extending the full width of the lot and lying between the rear lot line and the nearest line of any building or structure, and measured perpendicular to the building at the closest point to the rear lot line.
170. Yard, Side: An open space between the side lot line and the nearest line of any building or structure, and extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.
171. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.

## ARTICLE III ZONING DISTRICTS AND MAP

### Section 301 Zoning Maps

- A. The boundaries of the respective districts described in this Ordinance are depicted on the maps entitled "Stephenson Township Official Zoning Map," which is an integral part of this Ordinance. These maps, along with all notations and explanatory matter shall become as much a part of this Ordinance as if fully described herein.
- B. The Stephenson Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor and attested by the Township Clerk. When changes are made in zoning district boundaries, such changes shall be incorporated on the Stephenson Township Official Zoning Map and approved by the Township Board with an entry on the Stephenson Township Official Zoning Map showing the date and official action taken.
- C. One copy of the Stephenson Township Official Zoning Map is to be maintained and kept current by the Zoning Administrator accessible to the public, and shall be the final authority as to the current zoning status of properties in Stephenson Township.
- D. Historical map and text information shall be maintained by the Township Clerk.

### Section 302 Replacement of Official Zoning Maps

- A. In the event the Stephenson Township Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, 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 signatures and certification as required in Section 301(B). Unless the original Official Zoning Map has been lost, or has been totally destroyed, the prior map, or any significant parts remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

### Section 303 Interpretation of the Zoning Map

- A. Where there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary, the Zoning Board of Appeals shall make an interpretation of the map upon request of any person.
- B. The Zoning Board of Appeals, in interpreting the zoning map or deciding any appeal, shall apply the following standards:
  - 1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, right-of-way or

water courses, unless such boundary lines are fixed by dimensions shown on the zoning map;

2. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines;
3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon; and
4. 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 Stephenson Township, as well as all other relevant facts.

#### Section 304 Application of District Regulations

- A. The regulations established within 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.
- B. 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 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 305 Zoning Districts

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

R-1	Residential 1
R-2	Residential 2
R-3	Residential 3
TD	Town Development
A	Agriculture
I	Industrial

Section 306 Residential 1 District (R-1)

- A. Intent: The R-1 (Residential 1) District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings, free from other uses except those that are both compatible with and convenient to the residents in this district.
- B. Permitted Uses:
1. Family day care home
  2. Cemetery
  3. Single family home
- C. Conditional Uses:
1. Accessory apartment
  2. Adult foster care home- small group home
  3. Adult foster care facility- large group home
  4. Bed and breakfast establishment
  5. Church
  6. Group day care facility
  7. Lodge hall
  8. Planned unit development
  9. Public building utility and public service

Section 307 Residential 2 District (R-2)

- A. Intent: The R-2 (Residential 2) District is intended for the establishment and preservation of quiet neighborhoods for single- and two-family dwellings, free from other uses except those that are both compatible with and convenient to the residents in this district.
- B. Permitted Uses:
1. Bed and breakfast establishment
  2. Family day care home
  3. Single family homes
  4. Two family dwelling
- C. Conditional Uses:
1. Adult foster care- small group home
  2. Adult foster care- large group home
  3. Church
  4. Group day car facility
  5. Hospital, nursing home, convalescent home, assisted living facility
  6. Lodge hall
  7. Multi family dwelling
  8. Planned unit development
  9. Public building

10. Utility and public service

Section 308 Residential 3 District (R3)

- A. Intent: The R-3 (Residential 3) District is established to provide for a transition zone between more densely settled residential areas and the more sparsely developed rural, agricultural and forested areas of the Township. Such areas provide for a mix of moderately intensive compatible uses. The R-3 District is designed to provide rural residential opportunities for those who are willing to assume the costs of providing their own services.
- B. Permitted Uses:
1. Bed and breakfast establishment
  2. Family day care home
  3. Mobile home
  4. Mobile home park
  5. Single family home
  6. Two family dwelling
- C. Conditional Uses:
1. Church
  2. Convenience store
  3. Gasoline service station
  4. Group day care facility
  5. Lodge hall
  6. Planned unit development
  7. Public building
  8. Utility and public service

Section 309 Town Development District (TD)

- A. Intent: The TD (Town Development) District is intended to preserve a district for residential, retail, and service establishments, and certain governmental uses that are compatible with a small town setting, serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.
- B. Permitted Uses:
1. Automobile repair facility
  2. Automobile, farm implement and recreational vehicle sales and service
  3. Bed and breakfast establishment
  4. Banks and financial institution
  5. Business office
  6. Commercial greenhouse/nursery

7. Convenience store
8. Family day care home
9. Gasoline service station
10. Medical and dental office/clinic
11. Mini-storage facility
12. Motel and hotel
13. Retail establishment
14. Restaurant
15. Single family home
16. Two family home
17. Tavern

C. Conditional Uses:

1. Adult foster care home- small group home
2. Adult foster care facility- large group home
3. Building contractor and building material storage yards
4. Building material sales
5. Commercial dog boarding facility
6. Drive Through/Drive In connected with a permitted or conditional use
7. Group day facility
8. Hospital, nursing home, convalescent home, assisted living facility
9. Lodge hall
10. Light manufacturing
11. Planned unit development
12. Public building
13. Sawmill and planing mills
14. Utility and public service
15. Wholesale and storage facility

Section 310 Agriculture District (A)

A. Intent: The A (Agriculture) District is established to maintain low-density rural areas which, because of their rural character and locations, accessibility, natural characteristics, and the potentially high cost of providing public services, are suitable for a wide range of forestry, agriculture, natural resource, and recreational uses.

B. Permitted Uses:

1. Agriculture production
2. Bed and breakfast establishment
3. Building contractor and building material storage yard
4. Business office
5. Church
6. Commercial greenhouse/nursery
7. Commercial dog boarding facility

8. Communication tower
9. Contractor storage yard
10. Family day care home
11. Gravel pit
12. Timber production
13. Mobile home
14. Single family home
15. Two family home

C. Conditional Uses:

1. Adult foster care- small group home
2. Adult foster care facility- large group home
3. Automobile repair facility
4. Drive though/Drive In connected with a permitted or conditional use
5. Group day care facility
6. Hospital, nursing homes, convalescent homes, assisted living facility
7. Light manufacturing
8. Mini-storage facility
9. Planned unit development
10. Petroleum, natural gas and propane storage tanks
11. Public building
12. Rental house
13. Restaurant
14. Timber processing- sawmill, planing mill, wood processing, log home fabrication
15. Trucking facility
16. Wind turbine
17. Wholesale and storage facility

Section 311 Industrial District (I)

A. Intent: The I (Industrial) District is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, and other commercial activities which may require larger sites and isolation from many kinds of other land uses, and to make provisions for commercial uses necessary to service the immediate needs of an industrial area.

B. Permitted Uses:

1. Automobile repair facility
2. Automobile, farm implement and recreational vehicle sales and service
3. Building contractor and building material storage yard
4. Building material sales
5. Business office
6. Communication tower
7. Light manufacturing

8. Sawmill and planing mill
9. Trucking facility
10. Wholesale and storage facility

C. Conditional Uses:

1. Drive Through/Drive In connected with permitted or conditional use
2. Heavy manufacturing
3. Planned unit development
4. Petroleum, natural gas, and bulk propane storage tanks
5. Public building
6. Utility and public service

Section 312 Recreational Uses Allowed

- A. The following recreational uses either are a permitted use or may be permitted upon application for and issuance of a Conditional Use Permit in the districts as indicated below:

<b>RECREATIONAL LAND USES</b>						
<b>P-Permitted      C-Conditional</b>						
<b>Land Use/District</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>A</b>	<b>I</b>	<b>TD</b>
community playgrounds	P	P	P	P	C	P
picnic area	P	P	P	P	C	P
passive park (nature areas, non-motorized trails, walkways)	C	C	C	P	C	C
fields: soccer, ice hockey, field hockey, ballfields, ice rinks	P	P	P	P	C	P
cross-country ski trail	C	C	C	P	C	C
horseback riding (equestrian) trail	C	C	C	P	C	C
indoor recreation: handball, badminton, basketball, tennis, archery, golf, bowling alley	-	-	C	-	-	C
golf- driving range	-	-	-	C	-	-
golf course (9 or 18 hole)	C	C	C	P	-	C
mini-golf course	-	-	-	C	-	C
tracks - non-motorized: bicycle, BMX, skateboard	-	-	-	C	-	C
tracks- motorized: ORV, motor cross, go-carts, snowmobile, car, midget racing	-	-	-	C	-	C
archery range (outdoor)	-	-	-	C	-	C

RECREATIONAL LAND USES						
P-Permitted			C-Conditional			
Land Use\District	R-1	R-2	R-3	A	I	TD
rifle and shotgun range, skeet and trap, sporting clay fields	-	-	-	C	-	C
campgrounds	-	-	-	C	-	-
zoos	-	-	-	P	-	-
off-road vehicle and snowmobile trails	C	C	C	P	C	C

## ARTICLE IV GENERAL REGULATIONS

### Section 401 Height, Bulk, and Placement Regulations

A. Except as otherwise specifically provided for in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel, but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and also to any lot line which is neither a front, rear, or side lot line.

B.

Schedule of Regulations						
District	Minimum Lot Size (Square Feet or Acreage)	Minimum Lot Width (Feet)	Minimum Setback (Feet)			Maximum Height (Feet)
			Front <sup>C</sup>	Side <sup>A,B</sup>	Rear <sup>A,B</sup>	
R-1	30,000	200	30	20	20	40
R-2	30,000	200	30	20	20	40
R-3	30,000	200	30	20	20	40
TD residential use	30,000	200	30	20	20	40
TD non-residential use	15,000	150	30	20	20	40
A	3 acres	200	30	20	20	40
I	80,000	200	30	30	30	-

Footnotes to the Table:

- (A) An accessory building or structure which is eight feet or less in height may be located 6 feet from a side or rear lot line in the R-1 and R-2 Districts.
- (B) An accessory building or structure which is greater than eight feet in height may be located 20 feet from a side or rear lot line in the R-1 and R-2 Districts.
- (C) The front setback shall be measured from the road right of way, except where a parcel abuts a water body. In that case the front setback shall be 30 feet from the ordinary high water mark.

#### Section 402 Height Requirements 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 steeples, 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.
  - 3. Public utility structures.
  - 4. Agriculture related structures such as barns, silos, elevators, and the like.

#### Section 403 Waterfront Development

- A. All structures on lots abutting any body of water, as defined in Act No. 451 of the Public Acts of 1994, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 30 feet as measured from the high water mark or lot line.

#### Section 404 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.
- B. In the Town Development District, buildings with commercial use on the ground floor may have residential use within the structure.
- C. A single-family dwelling may be allowed to be located on the same lot as a permitted business by application for and issuance of a Conditional Use Permit.

#### Section 405 Minimum Building Standards

- A. Every single-family dwelling used for year-round habitation shall have a minimum floor area of 840 square feet.
- B. Each dwelling unit within a two-family dwelling shall have a minimum floor area of 750 square feet.
- C. Each dwelling unit within a multiple family dwelling shall have a minimum floor area of 600 square feet.
- D. A recreational structure shall have a minimum floor area of 400 square feet.

E. Every dwelling must comply with the following standards:

1. A dwelling located in the R-1 District must have a minimum width across any front, side or rear elevation of 20 feet and comply in all respects with the Menominee County Building Code, including minimum heights for habitable rooms.
2. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different from those imposed by the Menominee County Building Code, then and in that event such federal or state standards or regulations shall apply.
3. It is firmly attached to a permanent foundation constructed on a site in accordance with the Menominee County Building Code and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a mobile home, as defined herein, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.
4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels and under carriage removed. Additionally, no dwelling shall have any exposed towing mechanism, under carriage, or chassis.
5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.
6. The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
7. The foregoing shall not apply to mobile homes located in a licensed mobile home park, except to the extent required by state and federal laws, or otherwise specifically required in this Ordinance.

Section 406 Recreational Vehicle

A. Regulations applicable to the R-3 and A Districts:

1. A recreational vehicle having a valid state licence/registration may be used on a lot without a principal building for dwelling purposes for a period not to exceed 120 consecutive calendar days.
  2. Persons using a recreational vehicle for such use must register with the Zoning Administrator. Vehicles remaining unattended must have the owner's name, address and telephone number visibly placed on the vehicle.
- B. Regulations applicable to all districts:
1. The long-term parking and/or storage of recreational vehicles, snowmobiles, motorcycles, scooters, 3 and 4 wheelers, boats, and other similar vehicles (whether on a trailer or not) are permitted in the front, side and rear yards provided the setbacks for a principal building are met.
  2. Recreational vehicles may be used as a temporary residence on the same lot where a residential dwelling is being constructed. This use of the recreational vehicle is permitted for as long as the building permit is valid.

#### Section 407 Nonconforming Lots

- 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 Menominee 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 acknowledgment of notary public, prior to the effective date of this Ordinance, and the lot actually exists as shown or described.
- B. No vested right shall arise to the property owner for any parcel created in violation of any preceding Stephenson Township or Menominee County Zoning Ordinance.
- C. When a nonconforming lot is held in common ownership with an abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

#### Section 408 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 a building.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements as established. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established.

Section 409 Use of Yard or Open Space

- A. It is prohibited to use the open space surrounding a dwelling 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, junk, or any other personal property. A maximum of two unlicensed or temporarily disabled vehicles may be stored outside provided they are screened from adjacent residence and the road. There are no limitations to the number of vehicles that may be stored within an enclosed building.
- B. The temporary or long-term parking of recreational vehicles must conform to the setbacks established for principal structures in the respective zoning district.

Section 410 Required Planting Screens

- A. A planting screen or fence shall be required in Town Development (TD), and Industrial (I) Districts, wherever any parking lot, trash collection, outdoor storage, storage building, service area, service building, or pole type structure is located on property adjacent to any residential district.
- B. A planting screen shall be required along open spaces that fronts an all season road if the blowing and drifting of snow creates a hazard to motorists and increases maintenance costs to the Road Commission.

Section 411 Planting Screen Specifications

- A. All planting screens required by this Ordinance shall consist of plants listed below and be maintained in a living condition and so pruned as to provide maximum opacity from the ground to a height of 12 feet.

Plant	Minimum Height	Distance Apart
Pine	6'	5'
Spruce	6'	5'
Arbor Vitae	5'	5'
Pfitzer (upright)	5'	4'
Lilac	6'	4'
Service berry	6'	5'

- B. Substitution of other plant material shall be permitted only upon certification to the Zoning Administrator that the proposed plant can be expected to thrive and provide equivalent screening and will not create a nuisance or hazard.
- C. In locations where plantings are subject to MDOT specifications, those specifications will apply.

- D. Where soil or other natural conditions make survival of the planting screen doubtful, an approved fence or wall of at least six feet in height may be substituted.
- E. All screens required by this Ordinance shall be installed prior to occupancy or commencement of use. Seasonal delay will be granted by the Zoning Administrator. The Zoning Administrator may revoke any Zoning Compliance permit after 30 days written notice to the occupant and the owner of record whenever the conditions of this Ordinance are not met.

Section 412 Parking Lot Landscaping

- A. Where off-street parking for 50 or more vehicles is required, there shall be a landscaped area within the perimeter of the parking area for every 18 square feet of parking space.
- B. Landscaped open space required by this Section 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.
- C. Required trees shall be at least 12 feet high when planted, shall be maintained in a healthy condition.
- D. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American elm, seed-bearing locusts, and box elders.
- E. All plant materials shall be kept pruned to maximize visibility through them so not to create a hazard to drivers or pedestrians.

Section 413 Fence Regulations

- A. The following requirements for all fences:
  - 1. The finished side of the fence shall be the exterior side of the fence, unless otherwise provided for in an agreement between abutting property owners.
  - 2. No fence shall obstruct the vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. Clear vision shall be maintained at no less than 3.5 feet from the grade of the street or alley for a continuous length of 15 feet from the curb or shoulder of the intersecting street or alley.
  - 3. No fence shall be located on any street or alley corner which would obscure the vision of drivers using the streets or conflict with traffic control signals at the intersections of any street or alley. No fence shall obstruct the vision of drivers at

any driveway, parking lot or other route providing ingress and egress to any premises.

B. The following requirements apply to non-agricultural use fences:

1. The maximum height of fences shall be eight feet. Fences constructed higher than eight feet will require approval through the conditional use permit process and must demonstrate the need for such a fence.
2. All fences must be located at least two feet from the property line of the person, firm or corporation constructing the fence, unless a written agreement stipulates that a fence may be constructed closer or on the property line.
3. An electrical fence may be erected for the purpose of containment of animals or to exclude animals. Such fence shall be clearly marked as being electrified.
4. Unless permitted by the Zoning Board, fences shall not use barbed wire.

C. Fences must be maintained so not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise imperils life or property, shall be deemed a nuisance. The Zoning Administrator shall notify the owner of the property on which the fence is located of the existence of the nuisance and require the nuisance be abated within six days of receiving such a notice.

Section 414 Off-Street Parking Requirements

A. There shall be provided off-street parking for motor vehicles with the minimum number of parking spaces to be provided as shown on the following list.

Uses	Minimum Parking Spaces
<b>Automotive Related Uses</b>	
Gasoline station, convenience mart, convenience store	1 per 150 square feet of usable floor area plus 2 per service bay, in addition to stopping places adjacent to pumps
Automobile repair garage	1 per employee plus 2 per service bay
Automobile wash facility	1 per vacuum plus 2 waiting space per self-service or automatic wash facility
Vehicle sales	1 per 400 feet of usable floor area in showroom, plus 2 per service bay, if any

Uses	Minimum Parking Spaces
<b>Dining, Entertainment, Assembly, Lodging, Recreational Facility and Public Building</b>	
Assembly and entertainment: Places of public gatherings, bowling alley, arcade, game room, dance hall, roller rink, ice rink, church, private club, and theater	.35 times the seating capacity or legal occupancy, whichever is greater
Golf course	2 per hole
Lodging: Boarding house, motel, hotel, tourist cabin, bed and breakfast, resort, hostel, boatel	1.2 per lodging or rental unit
Recreational structure	.4 times the maximum sleeping capacity
Restaurant, tavern	1 per every 2 capacity occupants, plus 4 stacking spaces for drive up/take out facility, if any
Tourist attraction	To be determined on a case by case basis by the Zoning Board of Appeals
<b>Industrial Uses</b>	
Production and processing	1.2 times the maximum number of employees on premise at any one time
Warehousing and wholesaling	1.2 times maximum number of employees on premise at any one time
<b>Residential Uses</b>	
Single-family, two-family, and multiple family	2 per dwelling unit
<b>Retail Establishments</b>	
Furniture, appliance, hardware and building supply store	1 per 800 square feet of usable floor area
Outdoor sales space	To be determined on case-by case basis by Zoning Board of Appeals
Other retail establishment	1 per 150 square feet of usable floor area, plus additional spaces required for outdoor sales space, if any

Uses	Minimum Parking Spaces
<b>Service Establishments</b>	
Barber and beauty shop	2 per chair or station
Business and professional office (non-medical)	1 per 200 square feet of usable floor area
Assisted living facility, home for the aged, adult care facility	1 per every 2 beds
Group/ Commercial child day care facility, adult foster care	1 per employee plus two loading and unloading site
Financial institution	1 per 150 square feet of floor area, plus 3 stacking spaces for each drive-up window
Hospital (in patient services)	2 per each bed
Funeral home	10 per each parlor room
Laundromat	1 per every 3 washers
Medical and dental clinic, out-patient services veterinary clinic	3 per exam room or chair
Mini-storage warehouse	1 parking/loading space per unit
Other service establishment	1 per 150 square feet of usable floor area
Repair shop, plumber, electrician, decorator, etc. showroom	1 per 500 square feet of usable floor area
School, public or private (includes auditorium as accessory use), technical, trade vocational or business	1 per each employee plus 1 per every 5 driving age students

- B. The parking lot shall be constructed six feet from the property line or road right-of-way.
- C. 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.
- D. Required off-street parking shall be provided on the lot to which it pertains. Access drive may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.
- E. The use of any required parking space for the storage of a motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.

- F. The following minimum design standards shall be observed in laying out off-street spaces and provided 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'	12'	23'	30'
16° to 37°	10'	11'	19'	47'
38° to 57°	10'	13'	19'	54'
58° to 74°	10'	18'	19'	61'
75° to 90°	10'	24'	19'	63'

- G. Off-street loading spaces required under this Section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for every additional 20,000 square feet of floor area of fraction thereof.

Section 415 Accessory Buildings and Uses

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as specifically prohibited or by necessary implication by this or any other ordinance.
- B. Structures, including carports, attached to the principal building 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 principal building, but shall not be considered livable floor space.
- B. A residential garage can be used a temporary dwelling while the principal dwelling is being constructed.
- C. On lots of three acres or more, where no principal building is presently constructed or planned for in the immediate future, a garage or similar structure shall be permitted.

Section 416 Decks and Porches

- A. Decks and porches shall be considered a structure. Attached or unattached decks and porches shall comply with required front, side and rear setbacks established for a principal building.

## Section 417 Home Occupations

- A. There shall be two classes of home occupations. Home occupation Class I shall be permitted in all districts by application of a zoning compliance permit. Class II home occupation may be allowed in all districts upon application of and issuance of a Conditional Use Permit pursuant to Article VIII Conditional Use Permits.
- B. Home occupation in a single-family residence for instruction in craft or fine arts is allowed in all districts subject to the provisions of Sections 418(E) and 418(F).
- C. Class I and Class II home occupations must be clearly incidental and subordinate to its use for residential purposes by its occupants.
- D. Class I and Class II home occupations shall not permit equipment or processes to be used which creates noise, vibration, glare, fumes, odors, or electrical interferences which create an unreasonable interference with the enjoyment and use of adjoining properties and which are detectable by normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates unreasonable visual or audible interference in radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
- E. Class I home occupation shall:
  - 1. Employ only those members of the family residing on the premises and not more than one non-occupant employee,
  - 2. Be conducted within the principal dwelling and utilize not more than 25% of the usable floor space,
  - 3. Permit no outdoor storage nor exterior evidence of the conduct of home occupations, other than an approved sign,
  - 4. Permit no exterior display of merchandise produced by such home occupations,
  - 5. Not generate traffic in greater volumes than would normally be expected in that residential neighborhood,
  - 6. Provide that parking generated by the conducted of such home occupation meet the requirements of Section 415,
  - 7. Utilize only stock vehicles such as passenger cars and light utility vehicles such as pickups and vans. These vehicles may be parked outside,

8. Allow a sign, not to exceed six square feet, to advertise the home occupation. The sign shall not be illuminated nor have working parts. It may be attached flush on the building or placed in the front of the lot or parcel. The sign location may be at the front lot line, but may not be placed so to interfere with traffic visibility. The sign shall not detract from the visual appearance of the neighborhood.

F. Class II home occupation may:

1. Employ not more than two non-occupant employees at the site,
2. Be conducted in an accessory building not exceeding 20 feet in height, and not more than 1,200 square feet, unless utilizing an existing building,
3. Utilize larger vehicles and heavy equipment provided they are stored in an enclosed building or adequately screened from view of the street or adjoining neighbors,
4. Utilize structures to store commercial vehicles which shall not exceed twice the floor area of the principal structure,
5. Permit outdoor storage or exterior evidence of the conduct of home occupations,
6. Permit exterior display of merchandise produced by such home occupations,
7. Provide for an illuminated sign greater than six square feet, except in the R-1 and R-2 Districts.

G. The Zoning Board may place additional conditions upon Class II home occupations to assure compliance with Section 802 and the intent of the zoning district.

#### Section 418 Temporary Sales Products Stand

A. A temporary sales products stand is permitted in all districts subject to the following regulations:

1. One stand per parcel,
2. The stand is to be located 20 feet from the road right-of-way,
3. The maximum total floor area is 320 square feet,
4. Off-street parking to be provided for a minimum of four vehicles and located a minimum of five feet from the road right-of-way,

5. Temporary sales stands are permitted on the parcel for a maximum of 120 days. The stand must be removed within 14 days of ceasing operations.

Section 419 Wireless Communication Facilities and Attached Wireless Communication Facilities

- A. Stephenson Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses, and has an interest in regulating the location of such facilities to retain the integrity of neighborhoods and protect the public health, safety and welfare of the residents.
- B. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this Section to:
  1. Facilitate adequate and efficient provisions for wireless communication facilities.
  2. Ensure that wireless communication facilities are situated in appropriate locations and relationship to other land uses, structures and buildings.
  3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems and other public services and facility needs.
  4. Promote the public health, safety and welfare.
  5. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.
- C. It is the policy of Stephenson Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is the Township's interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed so as to accommodate co-location.
- D. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:
  1. The applicant must demonstrate that feasible co-location is not available for the coverage area and capacity needs.

2. The applicant shall demonstrate a justification for the proposed height of the structures and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located, or maintained at any time on or upon any required setback area for the district in which it is located.
3. The wireless communication facility shall have legal access from a public road.
4. All support structures must be set back from all lot lines a distance equal to its height.
5. Where an attached wireless communication facility is proposed on the roof of a building, it shall be designed, constructed and maintained to be architecturally compatible with the principal building.
6. Equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform with all district requirements for principal buildings, including yard setbacks.
7. A wireless communication facility may be of such design as a steeple, bell tower, or a form which is compatible with the existing character of the proposed site, neighborhood and general area as approved by the Zoning Board.
8. All support structures must be certified by a professional engineer licensed in Michigan, that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All support structures must meet the standards of the Federal Aviation Administration, Federal Communication Commission, State of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F or subsequent standards.
9. The wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
10. There shall be no display or advertising on the wireless communication facility other than required for emergency purposes.
11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facilities.
12. Landscaping shall provide screening and aesthetic enhancement for the structure base, accessory buildings and enclosure.

13. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated so that they do not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
14. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities after six months of being abandoned by all users. Following complete demolition and removal of the structure, the premises shall be restored to an acceptable condition as reasonably determined by the Zoning Administrator. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the wireless communication facilities and restoration of the site.
15. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the Conditional Use Permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Zoning Board.
16. The Zoning Board will use appropriate standards of Section 802 in the further review for Wireless Communication Facilities and Attached Wireless Communication Facilities.



## ARTICLE V SIGNS

### Section 501 Intent

- A. It is hereby 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 businesses for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values.
- B. It is further determined that signs which are lawfully erected and maintained under the provisions of this Ordinance are consistent with customary usage. Signs which are not lawfully erected or maintained under the provisions of this Ordinance are not consistent with customary usage and are an abuse and an unwarranted invasion of the rights of legitimate business interests and the public.

### Section 502 Residential Use Sign Regulations

- A. Within all districts allowing residential use the following sign types shall be permitted:
  - 1. One sign, whose area shall not exceed six square feet, to announce the sale or rent of property.
  - 2. One sign, whose area shall not exceed 32 square feet, to announce the sale or rent of commercial or industrial property.
  - 3. Churches shall be permitted a total sign area of 32 square feet with a maximum height of eight feet.
  - 4. One sign, not exceeding 32 square feet and eight feet in height, per vehicle entrance at a platted subdivision or mobile home park.
  - 5. Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed 32 square feet and eight feet in height.
  - 6. Signs permitted by Section 502 are exempt from the setback requirements of Section 401. Signs shall not be located on the right-of-way and shall not interfere with traffic visibility.

### Section 503 On-Premise Sign Regulations

- A. Signs are permitted on parcels to advertise goods, services, events facilities or attractions on the premise. Freestanding (ground) signs are permitted having an area not exceeding 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 premises, whichever is larger. There shall be a maximum of 100 square feet of sign area for each developed parcel. Where a premise has more than one occupant, the permitted sign shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a distinct name from that of the occupants, an additional two square feet of sign area for each ten feet or fraction of street frontage, with a maximum of 200 square feet, is permitted for signs identifying the developed premises.

B. Signs shall be subject to the following setback requirements:

1. Minimum of five feet setback when the right-of-way width from the centerline of the road to the property line is less than 50 feet, and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than 50 feet.
2. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it is at or above grade.

C. The maximum height for a sign shall be 35 feet.

#### Section 504 Off-Premise Sign Regulations

A. It is determined that the regulation of the location, size, placement, and certain features of billboards 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 businesses 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 are lawfully erected and maintained under the provisions of this Ordinance are consistent with customary usage. Signs which are not lawfully erected or maintained under the provisions of this Ordinance are considered not to be consistent with customary usage, and are an abuse and warranted invasion of the rights of legitimate business interests and of the public.

B. An off-premise sign may be established in the I and TD District classifications provided that they meet the following conditions:

1. The maximum surface display area of an off-premise sign situated adjacent to US 41 shall be 300 square feet.
2. The maximum surface display area of an off-premise sign adjacent to a county road shall be 16 square feet.
3. Double-faced billboard structures (i.e., structures having back-to-back off-premise sign faces) and V-type off-premise sign structures having only one face visible to

traffic proceeding from any given direction on a street or highway shall be considered as one billboard. Additionally, billboard structures having tandem billboard faces (i.e., two parallel billboard faces facing the same direction and side by side to one another) or stacked billboard faces (i.e., two billboard faces facing the same direction with one face being directly above the other) shall be considered as one billboard. Otherwise, billboard structures having more than one billboard face shall be considered as two off-premise signs and shall be prohibited.

4. No off-premise sign shall be located within 1,000 feet of another off-premise sign abutting either side of the same street or highway.
5. The height of an off-premise sign shall not exceed 35 feet above the grade of the ground on which the off-premise sign sits or the grade or the abutting roadway, whichever is higher.
6. No off-premise sign shall be on top of, cantilevered, or otherwise suspended above the roof of any building.
7. An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of any adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.
8. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity. An off premise sign must be maintained to assure proper alignment of structure, continued structural soundness and continued readability of the message.
9. An off-premise sign established within a business, commercial or industrial area as defined in the Highway Advertising Act of 1972 (PA 106 of 1972 as amended) bordering interstate highways, freeways or primary highways shall comply with the above conditions and applicable provisions and promulgated regulations of PA 106 of 1972, as amended.

#### Section 505 Signs for Conditional Use

- A. In the granting a Conditional Use Permit, the Zoning Board is authorized to stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or sign associated with the conditional use.

### Section 506 Miscellaneous Signs

- A. The following signs shall not exceed nine square feet in the R-1 and R-2 districts and 25 square feet in the R-3, TD, and I districts:
1. Those signs which are intended to advertise a public election, an individual participating in such an election, public ballot issue, or express personal opinions are permitted on private property with the owner's permission. All political campaign signs must be removed within 10 days after the election date and shall not be located on the public right-of-way.
  2. Signs which identify or advertise a non-profit annual or one-time event or occurrence, such as a fair or other event of general public interest, may be posted for a period of not more than two months, provided the sign is not contrary to the spirit and purpose of 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.
  3. Signs which announce no hunting or trespassing.
  4. Signs which identify the name of a farm or farming operation.
  5. Residential identification signs which have an occupant's name and/or house number.

### Section 507 Lighting of Signs

- A. A sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is located so as to avoid glare or reflection onto any portion of any adjacent street or highway, the path of oncoming vehicles or any adjacent premises. In no event shall an sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate, pulsate or be of a strobe design.
- B. No sign shall be lighted so as to create a traffic hazard, adversely affect neighboring land uses, be lighted to such an intensity or in such a manner that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

### Section 508 Nuisance Signs

- A. A sign structure which is likely to cause injury, and signs which advertise a closed business, a past event, or past political election, are no longer legible, or are otherwise untimely or unsafe, are declared to be a nuisance sign. The cost of removal of the sign is to be borne by the sign owner and/or property owner.

## Section 509 Nonconforming Signs

- A. It is the intent and purpose of this Section to eliminate nonconforming signs as rapidly as the police powers of the Township permits. No sign shall be designated as Class A Nonconforming.
- B. Nonconforming signs:
  - 1. Shall not 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 not be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer.
  - 3. Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the sign value.
  - 4. May not be changed to another nonconforming use.
  - 5. May have their face or message updated but may not be structurally altered.



## ARTICLE VI ZONING ADMINISTRATION

### Section 601 Office of Zoning Administrator

- A. The office of Zoning Administrator is established. The Zoning Administrator shall be appointed by the Township Board to serve at their pleasure. A substitute may appointed by the Township Board when the Zoning Administrator is unable to carry out these duties for a period of time. The Zoning Administrator and appointed substitute shall receive such compensation as the Township Board may, from time to time, determine.

### Section 602 Duties of the Zoning Administrator

- A. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the duties which follow. However, in no case shall the Zoning Administrator, or any of his/her subordinates, waive or vary any of the provisions or standards in this Ordinance.
1. Issue Permits: All applications for zoning compliance permits shall be submitted to the Zoning Administrator who shall issue zoning compliance permits when applicable provisions of this Ordinance have been complied with.
  2. File Applications: The Zoning Administrator shall maintain files of all applications for zoning compliance permits, and shall keep records of all zoning compliance permits issued and/or denied. These shall be filed with the Zoning Administrator, and files and records shall be open for public inspection. Copies shall be provided upon request, in compliance with the Stephenson Township Freedom of Information Policy.
  3. Maintain Official Zoning Map: The Zoning Administrator shall maintain the official Zoning Map along with an updated zoning ordinance.
  4. Conduct Inspections: The Office of the Zoning Administrator shall be empowered to make inspections of buildings or premises in order to properly carry out the enforcement of this Ordinance.
  5. Maintain Record of Complaints: The Zoning Administrator shall keep a record of every identifiable complaint of a violation of the provisions of this Ordinance, and of the action taken consequent to each complaint. These records shall be public record.
  6. Report to the Zoning Board: The Zoning Administrator shall periodically prepare a report to the Township Zoning Board summarizing applications for zoning compliance permits, all complaints of violations, all appeals, variances, and exceptions granted by the Zoning Board of Appeals, and the action taken.

7. Review Site Plans for Completeness: The Zoning Administrator shall approve and/or review Site Plans in accordance with Article X Site Plan Review.
8. Provide Information: The Zoning Administrator shall present relevant information to the appropriate board.
9. Other Duties: The Zoning Administrator may have additional duties and responsibilities which are closely related to zoning duties.

Section 603 Official Zoning Orders Book and Map

- A. The Zoning Administrator shall keep the Official Zoning Orders Book, which lists a brief description of all variances, Conditional Use Permits, Class A nonconforming designation, and any termination. The Zoning Administrator shall keep the Official Zoning Map on which will indicate the locations affected by the items in the book. The Official Zoning Orders Book and Map shall be open to public inspection. Each item shall be assigned a number.

Section 604 Procedure for Public Notification

- A. When a public hearing is required, the notice provided shall be in accordance with the following. Required published notices shall be in a newspaper of general circulation.

Decision	Required Notice
Ordinance amendment (text or map)	Notice published two times. The first shall be at least 20 days but not more than 30 days before the hearing and the second notice shall be published not more than 8 days before the hearing.
Conditional Use Permit	Notice published not less than 5 days nor more than 15 days prior to the public hearing.
Nonconforming Use hearing	Notice published not less than 5 days nor more than 15 days prior to the public hearing.
Hearing before the Zoning Board of Appeals	Notice posted at the township hall not less than 5 days before the hearing.

- B. Notification for Conditional Use Permit, zoning map amendment and appeals by the Zoning Board of Appeals shall be given by mail or personal service to all property owners to whom real property is assessed and to all occupants of structures within 300 feet of the boundary of the property in question. The current year's assessment role shall be used as prima facie evidence of record of ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive the notice. In the case of a single structure containing more than four dwelling units or other

distinct spatial areas owned or leased by different individuals, partnerships, business 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. The notice shall be given at least 20 days before the hearing.

- C. Notification for Amendments shall be given to utilities registered to receive the notice and to railroads within the zone affected.
- D. All hearing notices shall include the time, place and nature of the request, the geographic area included in the zoning proposal, where and when written comments will be received and where and when the zoning ordinance and proposals may be examined.

#### Section 605 Review and Scheduling of a Public Hearing

- A. Unless contrary to other provisions in this Ordinance, the following shall be the procedure for review of materials submitted for review and action by the Zoning Board and Zoning Board of Appeals.
  - 1. The Zoning Administrator shall review, within 10 business days, materials submitted for review as specified in the Ordinance.
  - 2. If a public hearing is required, the Zoning Administrator shall schedule a public hearing within 30 days of receipt of materials.
  - 3. The Zoning Board and Zoning Board of Appeals shall make a decision within 30 days of the public hearing.
- B. Interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.
- C. 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.
- D. 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.
- E. All administrative guides or rules developed to assist the Zoning Board or the Zoning Board of Appeals in the administration of this Ordinance shall be filed with the Stephenson Township Clerk and be open to public inspection.

Section 606. Violations and Penalties

- A. Any person who violates any provision of this Ordinance, or any amendment, or who fails to perform any act required or does any prohibited act, shall be charged with a municipal civil infraction, and, upon a finding of responsibility shall be punished by a fine of not more than \$500, plus court costs, for each offense.
- B. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
- C. Any violation of this Ordinance is hereby declared to be a public nuisance per se and, in addition to the penalties specified herein for such violations, the Township may seek to enforce compliance with the terms and provisions on this ordinance by means of any and all other remedies or measures available to it by statute, ordinance, resolution, regulation, or civil or criminal law.

## ARTICLE VII ZONING COMPLIANCE PERMITS

### Section 701 Intent

- A. No land use shall be commenced or changed and no structure shall be erected or enlarged unless the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator.

### Section 702 Procedure

- A. The Zoning Administrator shall issue such permit upon:
  - 1. The furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance,
  - 2. A finding by the Zoning Administrator that such is the case, and
  - 3. Payment of a permit fee, if any.
- B. The Zoning Administrator shall respond to a permit request with either approval, denial, or a request for further information within seven working days of the receipt of the application request. The Zoning Administrator shall respond to the application by certified mail, the postmark of which shall fall within 10 business days of receipt of the application.
- C. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.
- D. If the development authorized by a zoning compliance permit has not commenced construction within one year from the date of issuance, the permit shall automatically expire. The Zoning Administrator can approve an extension for one additional year upon request of the applicant.
- E. Any zoning compliance permit based on any false statement in the application or supporting documents is absolutely void and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.



## ARTICLE VIII CONDITIONAL USE PERMITS

### Section 801 Intent

- A. Conditional uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land.
- B. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the conditional use under consideration.

### Section 802 Review Standards

- A. No conditional use shall be established in any zoning district except upon a permit issued by the Zoning Board. Any person seeking a Conditional Use Permit shall provide the Zoning Board with information to determine whether to approve the request.
- B. The Zoning Board shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use only upon a finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance.
  - 1. The conditional use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
  - 2. The conditional use shall not change the essential character of the surrounding area.
  - 3. The conditional use shall not interfere with the general enjoyment of adjacent property.
  - 4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.
  - 5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.

6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to continually provide adequately for the services and facilities deemed essential to the conditional use under consideration.
7. The conditional use shall not place demands on public services and facilities in excess of current capacity.
8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted township development plan.

C. The following standards shall be used by the Zoning Board when considering **Group Day Care Facilities**:

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 Compiled 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 Township 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/her employees.

D. The following additional standards shall be used by the Zoning Board when considering construction or use of an existing structure as a **Rental House**:

1. No more than two rental houses are permitted per lot. Each rental house will comply with all setback requirements of a principal structure. A site plan will show the rental house as located on a minimum lot size parcel of that district meeting the required set back requirements.
  - a. One rental house is permitted on a lot that is at least two times the minimum lot area for applicable district.
  - b. Two rental houses are permitted on a lot that is at least three times the minimum lot area for the applicable district.
2. The minimum size of the rental house shall be 840 square feet.

E. The following additional standards shall be used by the Zoning Board when considering if a portion of a single-family dwelling may be constructed as an **Accessory Apartment**:

1. It is the intent of Stephenson Township to allow for an accessory apartment where, because of advancing age or illness, assistance or companionship is needed. The accessory apartment shall be a separate apartment within the principal dwelling unit that shares a common wall.
2. No alteration or conversion of an existing housing unit shall take place without the acquisition of an authorized building permit.
3. The accessory apartment may continue as long as medical or other reasons exist.

H. The following additional standards shall be used by the Zoning Board when considering if a **single-family dwelling may allowed on the same lot as a permitted business**:

1. The single-family dwelling must be considered to be incidental to the permitted business.
2. To be considered incidental, the dwelling must be occupied by the business owner or operator.

### Section 803 Conditions and Safeguards

- A. The Zoning Board shall approve, approve with conditions, or reject the application within 60 days of the public hearing. The Zoning Board's action shall be based upon materials received and testimony recorded at the public hearing.
- B. The Zoning Board 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 judgement 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 consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole. The Zoning Board shall also consider the activity levels of the proposed use and may impose conditions to insure the preservation and protection of property values of adjacent properties.
- C. The Zoning Board 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 Section 802 Review Standards.
- D. Such conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator.
- E. All plans, specifications and written statements submitted by the applicant as part of the Conditional Use Permit, and all changes made by the Zoning Board shall become part of the Conditional Use Permit issued by the Zoning Board.
- F. If development of a Conditional Use Permit has not commenced (evidenced by construction) within one year from the date of issuance, the permit shall automatically expire. Upon request of the applicant, the Zoning Board may approve an extension for one additional year. Unless otherwise specified by the Zoning Board compliance with the conditions shall occur prior to the issuance of a zoning compliance permit.
- G. The 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.
- H. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Zoning Board 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 Zoning Board may declare the permit null and void.

- I. The Zoning Administrator shall be empowered to make periodic investigations of developments authorized by a Conditional Use Permit to determine compliance with all requirements.
- J. Only Conditional Use Permits that are clearly for a temporary use may be issued for a temporary time and shall be renewed in the original manner.
- K. In authorizing a Conditional Use Permit, the Zoning Board may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, 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 Zoning Board may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- L. The Zoning Board may review any Conditional Use Permit to determine if the conditions imposed are being complied with.
- M. The Zoning Board may revoke a Conditional Use Permit. Revocation of a Conditional Use Permit by the Zoning Board Commission shall be made following a public hearing using the same procedures as the permit was originally granted. The Zoning Board may revoke a conditional use permit upon finding 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 30 days after an order to correct has been issued. Violations of any conditions set by the Zoning Board are violations of this zoning ordinance.

Section 804 Appeals

- A. Recourse for a person aggrieved by a decision of the Zoning Board 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 adoption. It is recognized that those nonconformities which adversely affect the 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 and in Stephenson Township by encouraging appropriate groupings of compatible and related uses to promote and protect the public health, safety and general welfare.
- C. The continued existence of nonconformities is frequently inconsistent with the purpose for which these regulations were established. It is the purpose of this Ordinance to eliminate nonconforming uses and structures as permitted by law without payment of compensation, but not to create an undue hardship to the property owner.
- D. Any use or structure created in violation of any preceding Stephenson Township or Menominee County Zoning Ordinance remains a violation unless the use or structure is in compliance with the present zoning ordinance.
- E. Where, at the effective date of adoption 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 provisions of this Article.

### Section 902 Provisions for Continued Use of a NonConforming Structure or Use

- A. A nonconforming structure may be enlarged to occupy an area no greater than 110% of its gross floor area at the effective date of adoption of this Ordinance without the approval of the Zoning Board.
- B. If a nonconforming structure is damaged by fire or other casualty and such damage is less than the assessed value of such property, reconstruction or repair may proceed without the approval of the Zoning Board.
- C. If damage caused by fire or other casualty to a nonconforming structure equals or exceeds the assessed value of such property, reconstruction or repair to the structure is not permitted unless the Zoning Board authorizes the continuation of the nonconforming structure. A written application for such authorization must be filed with the Zoning Board within six months of the occurrence.

- D. Structural alterations to the interior of a nonconforming structure are permitted without the approval of the Zoning Board.
- E. Structural alterations to the exterior of a nonconforming structure as required by local, state or federal laws or regulations are permitted without the approval of the Zoning Board.
- F. 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 or structure subject to the approval of the Zoning Board.
- G. A nonconforming use or structure may be changed to another nonconforming use subject to approval of the Zoning Board. Before granting the approval, the Zoning Board shall determine that such change in use will have a less harmful effect on neighboring properties than the existing nonconforming use.
- H. No nonconforming use or structure shall be resumed if it has been discontinued for a continuous period of 12 months, unless caused by casualty or fire. Reconstruction or repair activities due to casualty or fire must be completed within a stipulated 18 month time period, unless extended by the Zoning Board.
- I. A nonconforming use or structure shall not be resumed if it has been changed to a conforming use or structure.

Section 903 Procedure For Approval by Zoning Board

- A. A written application shall be filed with the Zoning Board 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 1003 or 1004;
  - 4. An explanation describing the present nonconforming use or structure;
  - 5. An explanation of any proposed addition or alteration to the uses or structures;
  - 6. Time frame for completion of the project; and,
  - 7. Comparison of the proposed activity to the existing structure or use.

- B. The Zoning Board shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 604. The applicant must demonstrate undue hardship and a necessity for the continuation or expansion of the nonconforming use or structure. Upon hearing the facts and information, the Zoning Board 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 904. 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 Standards for Review and Approval

- A. In granting its approval, the Zoning Board shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:
1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance;
  2. The use or structure does not, and is not likely to significantly decrease the value of nearby properties;
  3. 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;
  4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by Stephenson Township;
  5. The use or structure 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 will not change the essential character of the area;
  6. The use or structure will not be hazardous or disturbing to existing or foreseeable neighboring uses;
  7. The use or structure will not diminish the value of land, buildings, or structures in the district;
  8. The use or structure will be served adequately by essential public facilities and services; and,
  9. The use or structure 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.

Section 905 Provision for Designation of a Class A NonConforming Structure

- A. It is recognized that there exists within the township structures which were lawfully established prior to passage of this Ordinance, but which no longer are in conformance with this Ordinance.
- B. It is the intent of this section to permit such legal nonconforming structure to be reconstructed as a result of damage by fire or other casualty, without the approval of the Zoning Board.
- C. The Zoning Board shall, upon receipt of an application, schedule a public hearing. A written application shall be filed with the Zoning Board which shall include:
  - 1. Name and address of property owner;
  - 2. A legal description of the property or lot;
  - 3. A site plan pursuant to Section 1003 or 1004;
  - 4. An explanation describing the present nonconforming structure or use.
- D. Upon hearing the facts and information, the Zoning Board shall make its decision in writing as to whether the structure shall be granted a Class A NonConforming designation. The findings and reasons shall be based, pursuant to the standards identified in Section 904.
- E. The conferring of a Class A NonConforming designation on a structure only allows the structure to be rebuilt or reconstructed in the event it is damaged by casualty or fire without obtaining the approval of the Zoning Board.
- F. Should the nonconforming structure or use become a conforming structure or use, the Class A NonConforming designation becomes null and void.
- G. Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Violations not corrected shall be reported to the Zoning Board. The Zoning Board shall, upon receipt of said violation, schedule a public hearing. Upon hearing the facts and information, the Zoning Board shall make its decision to consider revocation of the Class A NonConforming designation in writing and set forth the findings and reasons on which it is based.

## ARTICLE X SITE PLAN REVIEW

### Section 1001 Intent

- A. It is the purpose of this Article 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 are intended to provide and promote:
1. The orderly development of the Township,
  2. The safe and convenient movement of traffic both within the site and in relation to access streets, and,
  3. The stability of land values and investments by preventing the impairment or depreciation of land values and development.

### Section 1002 Site Plan Required

- A. No person shall commence any use or erect or enlarge any structure without first obtaining the approval of a site plan by the Zoning Administrator.
- B. A site plan is required for, and shall accompany, the following applications:
1. Zoning Compliance Permits for:
    - a. Any proposed construction,
    - b. Any commencement of a new use, and
    - c. Any proposed change in use.
  2. Conditional Use Permit
  3. Variance
  4. Request for Continuation of a Nonconforming Use or Structure
  5. Class A Nonconforming use designation
  6. Any other request for zoning status
- C. The site plan shall be drawn on or attached to the application form at an appropriate scale for the required information to be properly and clearly shown.

Section 1003 Site Plan for Single and Two-Family Dwellings and Residential Accessory Uses and Structures and for Recreational Structures

- A. The site plan shall include:
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 all lot lines.
  7. Building dimensions.
  8. Natural features affecting development (rock, water, etc.).
  9. Well and septic locations.
  10. A North arrow.

Section 1004 Site Plans for Commercial, Industrial, and Multiple Family Development (all other development)

- A. The site plan shall be provided on six identical copies on one or more sheets.
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, or licensed engineer, with 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 100 feet of the site's parcel lines.
  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 drives.
  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. A topographic map with enough detail to show the location of all existing and proposed surface water impoundments, and the surface water drainage pattern.
  13. The location and extent of all earth movement, which is planned. Indicate if a sedimentation erosion control permit has been applied for.

14. The location on the parcel that will be utilized for the on-site storage of snow and the resulting anticipated drainage pattern that will result from the melting snow.

#### Section 1005 Review Procedures

- A. Upon receipt of a Section 1003 Site Plan, the Zoning Administrator shall within 10 working days approve or deny the site plan. The site plan shall show compliance with this Ordinance and demonstrate the adequacy of utility service. Denial shall be in writing and detail the reasons which are limited to any defect in form or required information, or violation of any provision of this Ordinance or any ordinance enacted by the Township Board. The Zoning Administrator shall identify changes which would make the plan acceptable. The Zoning Administrator shall use the standards in Section 1006 in the review.
- B. Upon receipt of a Section 1004 Site Plan, the Zoning Administrator shall within 10 working days review it to determine whether it is in proper form and contains all of the required information. The administratively complete application will be forwarded to the Zoning Board for review at a regular or special meeting. The Zoning Board shall act on all site plans submitted within 60 days. The Zoning Board shall approve or deny the site plan. Denial shall be in writing detailing the reasons which are limited to any defect in form or required information, or violation of any provision of this Ordinance or any other Ordinance enacted by the Township Board. The Zoning Board may approve the site plan with necessary changes which would make the site plan acceptable. The Zoning Board shall use the standards in Section 1006 in the review. The applicant must submit the revised site plan with all of the changes as approved by the Zoning Board to the Zoning Administrator before obtaining a Zoning Compliance Permit.
- C. The proposer may appeal any denial to the Township Zoning Board of Appeals.

#### Section 1006 Site Plan Review Standards

- A. The Zoning Administrator and the Zoning Board shall use the following standards for site plan review approval:
  1. 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 the buildings. The site will be so developed as to not impede the normal and orderly development or improvement or surrounding property for uses permitted in this Ordinance.
  2. The landscaping shall be preserved in its natural state in so far as practical by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.

3. Special attention shall be given to proper site surface drainage so that removal of storm waters and melting accumulated snow will not adversely affect neighboring properties.
4. Attention shall be given that the placement of accumulated snow removal piles shall not obstruct the vision of drivers at any driveway, parking lot or other route providing ingress and egress to any premises or traffic control measures.
5. 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.
6. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
7. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
8. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, a residential zone, or public thoroughfares, shall be screened to at least six feet in height.
9. Exterior lighting shall be arranged so it does not adversely affect adjacent properties.

## ARTICLE XI ZONING BOARD OF APPEALS

### Section 1101 Establishment of Zoning Board of Appeals

- A. The Zoning Board of Appeals is established in accordance with Act 184 of 1943, as amended. The Zoning Board of Appeals will consist of three members; one shall be a member of the Township Zoning Board, and the remaining members shall be appointed by the Township Board from residents of the unincorporated area of the Township. One member may be a member of the Township Board. The term of the Zoning Board and Township Board members shall be limited to the time serving as a member of the respective board. An elected officer of the township shall not serve as chairperson of the Board of Appeals. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- B. The term of office of the first members appointed shall be 1, 2, and 3 years respectively, so as nearly as possible to provide for the appointment of an equal number of members each year. After the initial appointments, each member shall hold office for a 3-year term.

### 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 Chair. 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 of this Ordinance.
- B. Meetings of the Zoning Board of Appeals shall be held at the call of the Chair and at such times that 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 indication such fact, and all of its official actions. All meetings and records shall be open to the public. Notice and minutes of all meetings 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.

### Section 1103 Duties and Powers

- A. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, so that the objectives of this

Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done.

- B. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the Zoning Ordinance, including the zoning map, and variances.
- C. 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.

#### 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 in accordance with the guidelines of Section 303.
  - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 415 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 a specific district.

#### Section 1105 Variance

- A. The Zoning Board of Appeals shall have the power and duty to authorize a variance from the provisions of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.
- B. The Zoning Board of Appeals shall not grant a variance unless the following conditions are met:
  - 1. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;
  3. The special conditions and circumstances necessitating the variance did not result from the actions of the applicant; and
  4. The granting of the variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- C. Any non-conforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
  - D. The Zoning Board of Appeals shall make findings that the applicant has met the requirements of this Section.
  - E. 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.
  - F. 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.
  - G. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards with 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.
  - H. Under no circumstance 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.
  - I. In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.
  - J. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or building, or the construction authorized by such variance has commenced within one year after the granting of such variance.

- K. An extension of one year may be granted by the Zoning Board of Appeals if evidence of effort towards completion of the building, or occupancy of the land or building, has been shown and such request is made within 30 days and not more than 60 days before the expiration date.

Section 1106 Appeals

- A. Appeals concerning interpretation and administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of 30 days from the occurrence of the contested action. The Zoning Administrator shall furnish to the Zoning Board of Appeals copies of all papers constituting the record of the decision which is being appealed.
- B. A fee shall be paid to the Township at the time of filing the notice of appeal.
- 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 all matters within 10 working days. The decision of the Board shall be in the form of a resolution containing the full record of its findings and determinations in each case.
- E. All questions concerning the 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 by filing an appeal based on the decisions of the Zoning Administrator. Decisions of the Zoning Board of Appeals shall be considered final.
- F. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Menominee County, as provided by law.

## ARTICLE XII TEXT AND MAP AMENDMENTS

### Section 1201 Intent

- 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 Zoning Board, other government agencies, or by an individual, business or organization.

### Section 1202 Required Amendment Information

- A. If the amendment is to change the text of this Ordinance, the applicant shall transmit the proposed language for consideration by the Zoning Board.
- B. When an application involves a change in the Zoning Map, the applicant shall submit the following:
  - 1. Legal description of the property.
  - 2. A scaled map of the property correlated with the legal description clearly showing the property's location.
  - 3. The name and address of the applicant.
  - 4. The applicant's interest in the property.
  - 5. Signatures of applicant certifying the accuracy of the required information.
  - 6. The desired change and reasons for such change.
  - 7. Signature of property owner, if not applicant, agreeing to rezoning of property.

### Section 1203 Procedure

- A. Each application shall be submitted to the Zoning Administrator, accompanied by the proper fee, to be referred to the Zoning Board for review at a public hearing held in conformance with Section 604.
- B. Following the public hearing, the Zoning Board shall transmit their recommendation, and a summary of the comments received at the public hearing to the Menominee County Planning Commission who shall have 30 days to review and comment.
- C. The Zoning Board shall transmit their recommendation, a summary of the comments received at the public hearing, and the comments from the Menominee County Planning Commission 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. The notice shall be given not more than 15 days not less than five days before the hearing.

- E. After receiving the recommended amendment, the Township Board, at a regular meeting or at a special meeting called for that purpose, shall consider the recommendations and vote upon the adoption of the amendment. Any amendments shall be approved by a majority vote of the members of the Township Board. The Township Board either rejects or enacts the recommendations as an Ordinance.
- F. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Zoning Board unless the proposed change or departure is first submitted to the Zoning Board for its advice or suggestions. The Zoning Board shall have 30 days from receipt of the proposed change or departure to send its report to the Township Board.
- G. After receiving the report the Township Board may grant a hearing on the amendment prior to considering the proposed amendment. The Township Board may adopt by a majority vote the amendment to the zoning ordinance with or without amendments that have been previously considered by the Zoning Board.
- H. Notice of adoption shall be published as required by law.
- I. No application 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 re-submittal. Resubmittal shall follow the same procedure as outlined in this Section.

#### Section 1204 Standards for Review of Amendments

- A. In viewing any petition for a zoning amendment, the Zoning Board shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made a part of the public records of the meetings of the Zoning Board and the Township Board.
- B. The general standards to be considered by the Zoning Board 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 the Goals and Policies or other elements of the Menominee County Comprehensive Plan or Plan adopted by the Township.
  - 3. The precedents and the possible effects of such precedents which may 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 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.

