

Burt Township Zoning Ordinance



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Article I: Purpose of Zoning

An Ordinance to establish zoning districts and regulations governing the development and use of land within Burt Township, in accordance with the provisions of Act 184 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 regulations regarding conflicts with other ordinances or regulations.

The Township of Burt Hereby Ordains:

Section 101: Purpose

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. Implementing the various concepts, objectives, and directions of Burt Township Comprehensive Plan;
3. Protecting the character and stability of the Township's most valuable natural resources - its Lake Superior coastline and forests;
4. Promoting the orderly and beneficial development of residential and non-residential areas within Burt Township;
5. 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.
6. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
7. Providing for the needs of forest resource production, housing, and commerce for future growth;
8. 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;
9. 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;
10. Enhancing social and economic stability in the Township;
11. Conserving the taxable value of land, buildings and structures in the Township;
12. Enhancing the aesthetic desirability of the environment through the Township;
13. Preserving the aesthetic quality of the Lake Superior coastal area; and

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

Section 102: Short Title

This ordinance shall be known and may be cited as the Burt Township Zoning Ordinance of the Township of Burt, County of Alger, Michigan.

Article II: Definitions

Section 201: Construction of Language

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

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meanings.
- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- E. The word “use” includes the words, structures and buildings associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- G. The word “building” includes the word “structure,” and the word “dwelling” includes the word “residence.” A “building” or “dwelling” includes any part thereof.
- H. The word “used” or “occupied” include the words “intended,” “designed,” or “arranged” to be used or occupied.
- I. The word “person” includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- J. The word “lot” includes the words “plot” and “parcel.”
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or,” “either...or,” the conjunction shall be interpreted as follows:
 - (1) “And” indicates that all connected items, conditions, provisions, or events shall apply.
 - (2) “Or” indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) “Either...Or” indicates that the connected items, conditions, provisions, or events shall apply single but not in combination.
- L. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

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

Section 202: Definitions

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

- (1) **Accessory Building**: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building.
- (2) **Accessory Use**: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot at the principal use.
- (3) **Agriculture**: The art or science of cultivating the ground, including the harvesting of crops and by extension, the rearing, reproducing and managing of livestock and poultry or other animals upon the ground in fields or pastures or pens.
- (4) **Agricultural Produce Stand**: A structure used for the seasonal sale of items propagated on the premises.
- (5) **Alley**: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
- (6) **Apartment**: A dwelling unit in a “multiple family dwelling.”
- (7) **Area, Sign**: 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, only one side shall be considered in calculating the total area.
- (8) **Automotive Repair Garage**: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles.
- (9) **Basement**: That portion of a building which is partially or wholly below grade, but so located that the vertical distance from the average grade

- to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- (10) Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes; the intent of which is to provide a transition between uses of differing intensity.
 - (11) Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
 - (12) Bluff: The top of a steep bank rising sharply from the water's edge.
 - (13) Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard and area requirements, such buildings shall be considered as one integral unit.
 - (14) Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, or minimize or eliminate conflicts between them.
 - (15) Building: Any structure having a roof supported by columns for walls for the shelter, support, enclosure of persons, animals or property.
 - (16) Building Height: The vertical distance measured from the established grade to the highest point of the roof surface. ~~for flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs.~~ AMENDED 2/23/2005. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.
 - (17) Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.
 - (18) Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
 - (19) Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.
 - (20) Cemetery: A place for the interment of the dead.
 - (21) Child Care Facility: A group home, family home or center licensed by the State of Michigan to provide child care services. A family day-care home with six or less children is considered an accessory use.
 - (22) 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.
 - (23) Clinic: A place where medical or dental care is furnished to persons on an out-patient basis by two or more licensed health care professionals.
 - (24) 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.

- (25) Commercial Vehicle: A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.
- (26) Comprehensive Development Plan: The statement of policy by the Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written materials representing in summary form, the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.
- (27) Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit. These Conditional Uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.
- (28) 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.
- (29) County Board: Alger County Board of Commissioners.
- (30) Directional Sign: A sign which gives a name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
- (31) District: One zoning district.
- (32) Dwelling, Single-Family: A structure designed or used for residential occupancy by one family.
- (33) Dwelling, Two-Family: A structure containing two dwelling units each designed for residential occupancy by one family.
- (34) Dwelling, Multiple Family: A structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.
- (35) 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.
- (36) Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.
- (37) 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 or 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.

- (38) Excavation: Any breaking of ground, except common household gardening, general farming and ground care.
- (39) Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of ground care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.
- (40) Farm: A tract of land devoted to agriculture for the purpose of raising crops or animals as a source of income.
- (41) Feed Lot: The place of confined or concentrated feeding of farm animals which are being fattened for market.
- (42) Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials erected for the separation of yard areas.
- (43) Filling: The depositing or dumping of any matter into or onto the ground except common household gardening and general maintenance.
- (44) Fish Market: A commercial establishment engaged in retail and/or wholesale trade of fish.
- (45) Floodplain: That area of land adjoining the designated portions of rivers and tributaries which:
1. Will be inundated by a flood which has a one percent chance of occurring or being exceeded in any given year (intermediate regional flood), as determined by detailed hydraulic studies which are acceptable to the Michigan Water Resources Commission; or
 2. In the absence of such detailed floodplain studies, have a history of flooding or are delineated by approximate methods such as USGS flood prone area maps or HUD's special flood hazard boundary maps.
- (46) 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.
- (47) Floor Area Ratio: An intensity measured as a ratio, derived by dividing the total floor area of a building(s) by the lot area.
- (48) Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or

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

- (49) Fur Farm: The place of confined keeping, raising, or breeding of animals for the purpose of producing fur or pelts.
- (50) Garage, Residential: An 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.
- (51) Gasoline Service Stations: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor refinishing, or conveyor-type car wash operations.
- (52) 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 the structure.
- (53) Greenhouse: A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for subsequent sale or for personal enjoyment.
- (54) Home Occupation: Home occupation means a use or occupation conducted on the premises either within the main residential dwelling or an accessory building which is clearly incidental and secondary to residential occupancy.
- (55) Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but does not include hospitals and nursing homes.
- (56) Identification Sign: A sign which pertains to the use of a premise and contains any or all of the following information:
 - 1. The occupant of the use.
 - 2. The address of the use.
 - 3. The kind of business and/or the principle commodity sold on the premise.

- (57) Inland Buffer Zone: That portion of the lands and waters of Burt Township situated within the legislated boundary of the Pictured Rocks national Lakeshore so identified in 16 U.S.C. 460s, 80 Stat. 922 as the inland buffer zone.
- (58) Junkyard: Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.
- (59) Kennel: The permanent or temporary keeping, as a commercial or business enterprise, of more than three dogs that are more than six months of age. This specifically excludes dogs kept and raised for a person's personal enjoyment or hobby or recreational purposes.
- (60) 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.
- (61) Lodge: A building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families.
- (62) Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:
- A. A single lot of record;
 - B. A portion of a lot of record;
 - C. Any combination of complete and/or portions of lots of record; or
 - D. A parcel of land described by metes and bounds in a recorded deed or by number in a recorded plat, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, be less than that required by this Ordinance.
- (63) 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 highway on which it fronts, and the side lot lines intersecting the front lot line at its ends extended to the rear property (lot) lines.
- (64) Lot, Corner: A lot which has at least two contiguous sides abutting upon a street for their full length.
- (65) Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.
- (66) Lot, Interior: A lot other than a corner lot.
- (67) Lot Line(s): Any of the lines bounding a lot as defined herein.
- A. Front Lot Line: In the case of an interior lot, it is that line separating said lot from the street. In the case of a

through lot, it is each line separating said lot from each street. In the case of a corner lot, both sides abutting the street are considered front yards and consequently both have front lot lines.

- B. Rear Lot Line: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has a discontinuous lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
- C. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

- (68) Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
- (69) Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.
- (70) Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.
- (71) Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
- (72) Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semi-precious stones, and uranium.
- (73) Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.
- (74) Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.
- (75) 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 (2) mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents.
- (76) Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modulars or components, which are then transported by truck or other means to a

- site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.
- (77) Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.
- (78) Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.
- (79) Nursery: Land or greenhouses used to raise flowers, shrubs, and plants for sale.
- (80) Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity.
- (81) Off-Premise Sign: A sign which advertises goods, services, events, and facilities available at a location other than the premises on which the sign has been placed.
- (82) On-Premise Sign: A sign which advertises only goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises. All other signs are off-premise signs.
- (83) Open Space Ratio: The ratio between open space on the lot, whether required or not, and the total lot area.
- (84) 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.
- (85) Ordinary High Water Mark: The line between upland and bottomland which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is markedly distinct from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.
- (86) Ordinary High Water Mark (Lake Superior): For structures located within the immediate Lake Superior coastline, the ordinary high water mark for Lake Superior shall be deemed to be at 601.5 feet above sea level, international Great Lakes datum of 1955.
- (87) Parking Lot: A use containing one of more parking spaces located at or above or below grade accessible for the storage or parking of permitted vehicles, including drives and entrances giving access thereto.

- (88) Parking Space: An accessible area including drives, aisles or entrance giving access thereto, utilized for the parking or temporary storage of permitted vehicles.
- (89) Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.
- (90) Planning Commission: The Township Planning Commission of the Township of Burt.
- (91) Poultry Farm: The place of confined keeping, raising, or breeding fowl on a commercial scale for the production of eggs or meat.
- (92) Premises: A lot as otherwise used in this Ordinance.
- (93) Principal Structure: The main structure or building to which the premises are devoted.
- (94) Principal Use: The main use to which the premises are devoted.
- (95) Private Club: A building and related facilities owned or operated by a corporation, association, or group of individuals established for the fraternal, social, educational, recreational, or cultural enrichment of its members and not primarily for profit and whose members pay dues and meet certain prescribed qualifications for membership.
- (96) 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).
- (97) Reclamation Plan: A plan for reconditioning or rehabilitating of 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.
- (98) Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.
- (99) Recreation Facility, Commercial: A recreation facility operated as a business and open to the public for a fee.
- (100) Recreation Facility, Private: A recreation facility operated by a nonprofit organization and open only to bona fide members and guests of such nonprofit organization.
- (101) Recreation Facility, Public: A recreation facility open to general public use. The facility does not have to be owned or operated by a government agency; the facility may be owned by a private company or individual but is open to general public use.
- (102) Recreational and Residential Storage Facility: A structure or group of structures for the dead storage of customer's residential goods and wares, recreational vehicles and related equipment.
- (103) Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used intermittently for recreational or

- vacation purposes and which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs or assigns.
- (104) Recreational Vehicle: A vehicle or a unit that is mounted on or drawn by another vehicle primarily designed for temporary living. Recreational vehicles include travel trailers, camping trailers, truck campers, and motor homes.
- (105) Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, drive-ins, and any fast food establishments permitting consumption on the premises.
- (106) Right-of-Way: A street, alley, or other thoroughfare or easement permanently established for passage of persons, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.
- (107) Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety.
- (108) Sawmill: The machinery and appurtenant structures used for the manufacture of wood products. Included but not limited to are circular or band saws, planers, debarkers, chippers, and kilns.
- (109) Screen: A structure providing separation, such as a fence, and a visual barrier between the area enclosed and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.
- (110) Setback: The minimum unoccupied distance between the lot line and the principal and accessory buildings, as required herein.
- (111) Setback, Front: The minimum unoccupied distance, extending the full lot width, between any building or structure and the front lot line.
- (112) 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.
- (113) 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.
- (114) Shopping Center: Is a group of businesses providing a variety of merchandise and/or services located on the same lot.
- (115) Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and materials without lettering placed behind a store window are not signs or parts of signs.

- (116) Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
- (117) 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.
- (118) Stable, Riding or Boarding: A facility where horses are kept for hire, sale or boarding.
- (119) Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.
- (120) Street: A public dedicated right-of-way which afford traffic circulation and principal means of access to abutting property.
- (121) Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, utility poles and fences. Building areas separated by fire walls or bearing walls shall not be considered separate structures under this Ordinance.
- (122) Township Board: The elected governing body of the Township of Burt.
- (123) Transfer Station: A tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.
- (124) Traverse Line: Although a traverse line is used as a surveying tool, in some cases, the Burt Township Zoning Ordinance will refer to this line as a rear buildable lot line. **ADDED TO ORDINANCE 9/29/2005.**
- (125) Variance: A modification of the literal provisions of the Zoning Ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty or unnecessary hardship owing to circumstances unique to the individual property on which the variance is granted.
- (126) Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.
- (127) Yards:
- A. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of any building or structure. For lots on a river or lake, the front yard is the waterfront.
 - B. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of any building or structure.

C. Yard, Side: An open space between the side line of the lot and the nearest line of any building or structure and extending from the front yard to the rear yard.

- (128) Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.
- (129) Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Burt.
- (130) Zoning Compliance Permit: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any buildings or structures in the Township (also known as a Land Use Permit).

Article III: Zoning Districts and Maps

Section 301: Establishment of Districts

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

R-1	Residential One District
R-2	Residential Two District
BAY	Bay District
LS/R	Lakeshore and River
NR	Fox River Natural River District
C-1	Commercial One District
C-2	Commercial Two District
RF	Recreational Forest District
RP	Resource Production District
I	Industrial District
SD/TP-IBZ	Seasonal Dwelling/Timber Production - Inland Buffer Zone
RM-IBZ	Resource Management - Inland Buffer Zone
RR-IBZ	Rural Residential - Inland Buffer Zone
SC-IBZ	Seasonal Commercial - Inland Buffer Zone
PR	Pictured Rocks District

Section 302: Zoning District Maps

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

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

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

Section 303: Replacement of Official Zoning Maps

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

Section 304: Application of District Regulations

The regulations herein 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. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article X herein, 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: Scope of Provisions

- (A) Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
- (B) Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to an expressly permitted use.
- (C) Accessory uses are permitted as indicated for the various Zoning Districts and if such uses are clearly incidental to the permitted principal uses.
- (D) The uses permitted subject to special conditions are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

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

Section 306: Conflicting Regulations

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

Section 307: Exemptions

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

Section 308: District R-1 Residential One

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

(B) Permitted Principal Uses:

1. Single-family dwellings
2. Public recreational facilities

(C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures normally associated with single-family dwellings, such as a garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.

~~**AMENDED ON 5/25/2004 to include:**~~

~~Storage Sheds, whether permanent or moveable, require a land use permit.~~

Amended on 12/13/2011 to read: No Land use permit will be required for structures 200 square feet or smaller.

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

1. Churches
2. Bed and breakfast facility
3. Child care facility
4. Township hall, community centers, governmental buildings, fire halls or public buildings
5. Home occupations

(E) Special District Regulations: The following regulations shall be applied to all dwellings located in the R-1 District.

A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

Dwelling shall:

1. Have a minimum width across any front, side or rear elevation of 20 continuous feet of exterior wall and complies in all respects with the county building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards of regulations for construction and where such standards or regulations for construction are different than those imposed by the county building code, then and in that event such federal or state standard or regulation shall apply.
2. Be firmly attached to a permanent foundation constructed on the site in accordance with the county building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
3. Contain a storage capability area in a basement located under the dwelling, in an attic area, crawl space, in close areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
4. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
5. The dwelling complies with all pertinent building and fire codes. The dwelling shall meet or exceed all applicable roof snow load and strength requirements.

AMENDED ON 5/25/2004 to include:

6. All newly established driveways, in all districts, require a land use permit.

Section 309: District R-2 Residential Two

- (A) Intent: The R-2, Residential Two, District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings and two-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District. The R-2 District is designed to accommodate residential opportunities for those who are willing to assume the costs of providing their own services, requiring spacious lots, insuring a safe, potable water supply and treatment of wastewater on the same lot.
- (B) Permitted Principal Uses:
1. Single-family dwellings
 2. Two-family dwellings
 3. Mobile homes
 4. Timber harvest on sustained yield basis
- (C) Permitted Accessory Uses: The following are permitted accessory uses: Accessory structures normally associated with single-family dwellings, two-family dwellings, such as a garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.

~~**AMENDED ON 5/25/2004 to include:**~~

~~Storage Sheds, whether permanent or moveable, require a land use permit.~~

Amended on 12/13/2011 to read: No Land use permit will be required for structures 300 square feet or smaller.

- (D) Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional User Permit as provided for in Article VII.
1. Churches
 2. Public, private and commercial recreational facilities
 3. Multiple family dwellings
 4. Mobile home parks
 5. Tourist cabins
 6. Township hall, community center, governmental buildings and other similar public buildings
 7. Bed and breakfast facility
 8. Gravel pits
 9. Child care facility
 10. Stabling of two horses per five acres with the minimum distance to an adjacent residential structure of 175 feet
 11. Condominiums

12. Adult foster care
13. Commercial nursery and greenhouse facility
14. Home occupations
15. Offices

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 310: District BAY

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

(B) Permitted Principal Uses:

1. Single-family dwellings
2. Public recreational facilities

(C) Permitted Accessory Uses: The following are permitted accessory uses: Accessory structures normally associated with single-family dwellings, such as a garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.

~~AMENDED ON 5/25/2004 to include:~~

~~Storage Sheds, whether permanent or moveable, require a land use permit.~~

Amended on 12/13/2011 to read: No Land use permit will be required for structures 200 square feet or smaller.

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

1. Tourist cabins, resorts, lodges and associated facilities
2. Marinas, boat liveries, bathing facilities and fishing piers and docks
3. Fish markets
4. Township halls, community center, governmental buildings
5. Bed and breakfast facilities
6. Child care facilities
7. Home occupation

(E) Special District Regulations: The following regulations shall be applied to all dwellings located in the Bay District.

A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

Dwelling shall....

1. Have a minimum width across any front, side or rear elevation of 20 continuous feet of exterior wall and complies in all respects with the county building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards of regulations for construction and where such standards or regulations for construction are different than those imposed by the

county building code, then and in that event such federal or state standard or regulation shall apply.

2. Be firmly attached to a permanent foundation constructed on the site in accordance with the county building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.

3. Contain a storage capability area in a basement located under the dwelling, in an attic area, crawl space, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.

4. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.

5. The dwelling complies with all pertinent building and fire codes. The dwelling shall meet or exceed all applicable roof snow load and strength requirements.

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 311: District LS/R Lakeshore and River

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

(B) Permitted Principal Uses:

(A) Single-family dwellings

(A) Public recreational facilities other than those listed as conditional uses

(A) Harvesting and growing of timber on a sustained yield basis

(C) Permitted Accessory Uses: The following are permitted accessory uses: Accessory structure normally associated with single-family dwellings, such as a garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.

~~***AMENDED ON 5/25/2004 to include:***~~

~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.

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

1. Campgrounds
2. Marinas, boat liveries, bathing facilities, fishing piers, bathing facilities, and docks.
3. Bed and breakfast facility
4. Home occupation

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 312: District NR Fox River Natural River District

- (A) Intent: To preserve, protect and enhance the Fox River environment and to keep it in a natural state for the use and enjoyment of the populace, Burt Township hereby incorporates the adopted "Fox River Natural River Plan" into and as part of its Township Zoning Ordinance.

The width of the natural River District is 400 feet of the Ordinary High Water Mark on either side of the river.

The Fox River Natural Plan was adopted by the Michigan Natural Resources Commission on November 3, 1988, under authority of the Natural River Act, P.A. 231 of 1970.

A copy of the Fox River Plan is available for public review at the Burt Township offices during normal business hours.

- (B) Permitted Principal Uses:

1. Single-family dwelling
2. Mobile homes must be installed with the wheels removed and shall have no exposed towing mechanism under the carriage or chassis
3. Timber harvesting on sustained yield basis up to 100 feet of high water mark.

- (C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Accessory structures associated with single-family dwellings as private garages, shed for yard tools, playhouse, pens sauna and woodshed
2. Dock sizes are limited to 4 feet by 12 feet with no more than 4 feet into the River

3. Septic systems must be setback 150 feet from the Ordinary High Water Mark and not located within the floodplain.

~~**AMENDED ON 5/25/2004 to include:**~~

~~Storage Sheds, whether permanent or moveable, require a land use permit.~~

Amended on 12/13/2011 to read: No Land use permit will be required for structures 300 square feet or smaller.

- (D) Conditional Uses Authorized by Permit: The following uses for land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Boat or canoe liveries in commercial areas

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 313: District C-1 Commercial One

- (A) Intent: The C-1, Commercial One, District is established to preserve a district for residential, retail and service establishments, and certain governmental uses that are compatible with a small town setting servicing 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 Principal Uses:
1. Single-family dwellings
 2. Motels, resorts, lodges and hotels
 3. Laundromats
 4. Medical and dental offices
 5. Offices
 6. General retail sales to the consumer. Production may occur provided it is ancillary to retail sales.
 7. Gas stations
 8. Restaurants, taverns, bars
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with recreational structures, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, recreational docks, sauna, and woodshed.
 2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
~~**AMENDED ON 5/25/2004 to include:**~~
~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.
- (D) Conditional Uses Authorized by Permit: The following seasonal uses for land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
1. Private and public commercial parks and similar recreational facilities
 2. Bed and breakfast facilities
 3. Fish markets and docks
 4. Child care facilities
 5. Township halls, community centers, governmental buildings and other public buildings and structures
 6. Home occupation

- (E) Special District Regulations: The following regulations shall be applied to all dwellings located in the C-1 District.

A building containing not more than one dwelling unit designed for residential use, complying with the following standards:

Dwelling shall....

4. Have a minimum width across any front, side or rear elevation of 20 continuous feet of exterior wall and complies in all respects with the country building code, including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards of regulations for construction and where such standards or regulations for construction are different than those imposed by the county building code, then and in that event such federal or state standard or regulation shall apply.
5. Be firmly attached to a permanent foundation constructed on the site in accordance with the county building code and shall have a wall of the same perimeter dimensions of the dwelling and constructed of such materials and type as required in the applicable building code for single-family dwellings.
6. Contain a storage capability area in a basement located under the dwelling, in an attic area, crawl space, in closet areas, or in a separate structure of standard construction similar to or of better quality than the principal dwelling, which storage area shall be equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less.
7. The dwelling contains no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
8. The dwelling complies with all pertinent building and fire codes. The dwelling shall meet or exceed all applicable roof snow load and strength requirements.

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 314: District C-2 Commercial Two

- (A) Intent: The C-2, Commercial Two, District is established to preserve an area for light industrial and commercial establishments along with residential uses.
- (B) Permitted Principal Uses:
1. Single-family dwellings

2. Two-family dwellings
 3. Mobile homes
 4. General retail sales to the consumer, production may occur on the premises provided all goods produced on the premises must be sold on the premises.
 5. Offices
 6. Gas stations and motor vehicle repair garages
 7. Construction and farm equipment sales and service
 8. Motor vehicle sales and service
 9. Restaurants, taverns and bars
 10. Mobile home, camper, recreational vehicle and boat sales and service
 11. Road Commission, public works buildings and maintenance/storage facilities and contractor's yards
 12. Wholesale storage facilities
 13. Storage yards, private storage garages
 14. Boat liveries
 15. Gravel pits
 16. Home occupation
 17. Stabling of two horses per five acres with the minimum distance to an adjacent residential structure of 175 feet
 18. Laundromats
 19. Nursing homes
 20. Medical and dental offices
 21. Commercial nursery and greenhouse facilities
 22. Timber harvest on sustained yield basis
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed and sauna.
- ~~AMENDED ON 5/25/2004 to include:~~
~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.
- (D) Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Conditional User Permit as provided for in Article VII.
1. Public and commercial recreational facilities
 2. Multiple family dwellings
 3. Mobile home parks
 4. Light manufacturing facilities
 5. Sawmills and wood yards
 6. Tourist cabins and motels
 7. Township hall, community centers, governmental buildings, fire hall or other public hearings

8. Campgrounds
9. Kennels
10. Child care facilities
11. Adult foster care facilities
12. Private clubhouses and associated facilities

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 315: District RF Recreational Forest District

- (A) Intent: This district is designed to promote the proper use, enjoyment and conservation of the forest, water, land, topographic, geologic, historic, and other resources of the Township peculiarly adapted to recreational uses and/or forest industries. To facilitate such uses, certain commercial and other services may be authorized through the Conditional User permit process.
- (B) Permitted Principal Uses:
1. Single-family dwellings (governmental services may not be provided on a year-round basis or may not be provided at all to some locations within this district).
 2. Public, private and commercial recreational facilities
 3. Gravel Pits
 4. Stabling of horses
 5. Nursing homes
 6. Public and private airfields or airports
 7. Commercial nursery, greenhouse facilities, orchids
 8. Private clubhouses
 9. Growing and harvesting of timber
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with recreational structures, such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, recreational docks, woodshed, and sauna.
- ~~AMENDED ON 5/25/2004 to include:~~
~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.
- (D) Conditional Uses Authorized by Permit: The following seasonal uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as provided for in Article VII.
1. Resorts, lodges, tourist cabins and associated facilities
 2. Marinas, boat liveries, bathing facilities and fishing piers

3. Mobile home parks
4. Township halls, community centers, governmental buildings, fire hall and other public buildings
5. Campgrounds
6. Sawmills, wood yards
7. Bed and breakfast facilities
8. Kennel
9. Home occupation

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 316: District RP Resource Production

- (A) Intent: The RP, Resource Production, District is established to maintain low density rural areas which because of their rural character and location, accessibility, natural characteristics and the potentially high cost of providing public services for intensive uses are more suitable for a wide range of forestry, agriculture, natural resources and recreational uses.
- (B) Permitted Principal Uses:
1. Single-family dwellings
 2. Public and commercial recreational facilities
 3. Seasonal dwellings (governmental services may not be provided on a year-round basis or may not be provided at all to some locations within this district)
 4. Gravel pits
 5. Stabling of horses
 6. Commercial nursery and greenhouse facilities
 7. Agricultural production, including the growing or raising of forage and sod crops, grains and feed crops, dairy and dairy products, livestock, kennels, fruits, plants, trees, shrubs, and nursery stock, vegetables and similar activities
 8. Home occupation
 9. Growing and harvesting timber
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with residential dwellings such as a private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, woodshed, and sauna.
 2. Agricultural accessory uses and structures
 3. Agricultural produce stands
 4. Accessory uses and structures normally associated with the operation of a gravel pit.

~~***AMENDED ON 5/25/2004 to include:***~~

~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.

- (D) Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for the issuance of a Conditional Use Permit as provided for in Article VII.
1. Township halls, community center buildings, governmental buildings and other public buildings.
 2. Campgrounds
 3. Boat liveries
 4. Sawmills and wood yards
 5. Home occupation
 6. Fur farms

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 317: District I Industrial

- (A) Intent: The I, Industrial, District is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, mineral extraction, 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 Principal Uses:
1. Manufacturing
 2. Processing, assembling and fabrication operations
 3. Contractor yards and shops
 4. Warehousing
 5. Auto repair garage
 6. Lumber yards
 7. Sawmills and wood yards
 8. Concrete and asphalt plants
 9. Junkyards and salvage yards
 10. Research laboratories
 11. Solid waste transfer stations
 12. Gravel pits
 13. Laundromats
 14. Home occupation
 15. Timber harvest on sustained yield basis
- (C) Permitted Accessory Uses: The following are permitted accessory uses:

1. Any structural or mechanical building or use customarily incidental to the permitted principal use
2. Signs, as required and subject to the regulations established in Article V

~~**AMENDED ON 5/25/2004 to include:**~~

~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.

- (D) Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as required in Article VII.
1. Single-family dwellings
 2. Township halls, community centers, governmental buildings or other public buildings
 3. Sanitary landfills
 4. Other industrial or heavy commercial uses not specifically mentioned in Sec. 315(B).

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 318: District SD/TP-IBZ Seasonal Dwelling/Timber Production - Inland Buffer Zone

- (A) Intent: To establish and maintain for low intensity and seasonal use those areas within the Inland Buffer Zone of the Pictured Rocks National Lakeshore as established by Public Law 89-668, which because of their location, accessibility, soils, and other characteristics are best suited for timber production, seasonal dwelling and outdoor recreational uses.
- (B) Permitted Principal Uses:
1. Growing and harvesting of timber on a sustained yield basis
 2. Outdoor recreational uses such as hunting, fishing and trapping
 3. Single-family seasonal dwelling (government services may not be provided on a year-round basis or may not be provided at all to some locations within this district)
 4. Mobile homes
 5. Stabling two horses per 20 acres
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with single-family dwellings, such as private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, recreational docks, sauna, and woodshed.

~~**AMENDED ON 5/25/2004 to include:**~~

~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.

- (D) Conditional Uses Authorized by Permit: The following uses for land and structures may be permitted in this District by application for and the issuance of a Conditional User Permit as provided for in Article VII and Article VIII.
1. None

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 319: District RM-IBZ Resource Management - Inland Buffer Zone

- (A) Intent: To establish and maintain for low intensity use those areas of the Pictured Rocks National Lakeshore Inland Buffer Zone as established by Public Law 89-668, which because of their location, accessibility, soils, drainage, and other characteristics are suitable for the development of single-family seasonal and year-round residences, for timber management and agricultural purposes, and for outdoor recreational uses.
- (B) Permitted Principal Uses:
1. Single-family dwellings
 2. Mobile homes placed on a permanent foundation
 3. Growing and harvesting of timber on a sustained yield basis
 4. Agricultural production operations, including crop cultivation, pastures, orchards, farmstead, and similar uses (except feedlots, poultry farms and fur farms)
 5. Outdoor recreational uses such as hunting, fishing and trapping
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with single-family dwellings, such as private garage, shed for yard tools, playhouse, pens, boat house, swimming pools, recreational docks, sauna, and woodshed.
- ~~AMENDED ON 5/25/2004 to include:~~
~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.
- (D) Conditional Uses Authorized by Permit: The following uses for land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII and Article VIII.
1. None

AMENDED ON 5/25/2004 to include:

All newly established driveways, in all districts, require a land use permit.

Section 320: District RR-IBZ Rural Residential - Inland Buffer Zone

- (A) Intent: To establish and maintain a low intensity use rural residential environment for those areas of the Pictured Rocks National Lakeshore Inland Buffer Zone as established by Public Law 89-668, which because of their location, accessibility, soils, drainage, and other characteristics are suitable for the development of single-family, year-round dwellings.
- (B) Permitted Principal Uses:
1. Campground
 2. Tourist cabins
 3. Convenience stores providing gasoline, food and similar items needed by traveler
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures customarily associated with campgrounds, tourist cabins and convenience stores
- ~~AMENDED ON 5/25/2004 to include:~~
~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.
- (D) Conditional Uses Authorized by Permit: The following uses for land and structures may be permitted in District by application for the issuance of a Conditional Use Permit as provided for in Article VII and Article VIII.
1. None
- AMENDED ON 5/25/2004 to include:**
All newly established driveways, in all districts, require a land use permit.

Section 321: District SC-IBZ Seasonal Commercial - Inland Buffer Zone

- (A) Intent: To establish and maintain areas for seasonal commercial uses within the Pictured Rocks National Inland Buffer Zone as established by Public Law 89-668 to service the needs of lakeshore visitors and other tourists in rural areas. Uses should be conceived and planned so that they will not require year-round road access and other services commonly found in more accessible areas. Commercial uses should be limited to those needed to provide necessary services to lakeshore visitors and so located so as not to detract from the visitor's enjoyment of the lakeshore.

- (B) Permitted Principal Uses:
1. Campgrounds
 2. Tourist cabins
 3. Convenience stores providing gasoline, food and similar items needed by traveler
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures customarily associated with campgrounds, tourist cabins and convenience stores
- ~~**AMENDED ON 5/25/2004 to include:**~~
~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.
- (D) Conditional Uses Authorized by Permit: The following uses for land and structures may be permitted in District by application for the issuance of a Conditional Use Permit as provided for in Article VII and Article VIII.
1. None
- AMENDED ON 5/25/2004 to include:**
All newly established driveways, in all districts, require a land use permit.

Section 322: District PR Pictured Rocks District

- (A) Intent: This District includes the lands of the shoreline zone of the Pictured Rocks National Lakeshore. The shoreline zone was established by Public Law 89-668 to preserve the scenery and outstanding natural features and "... to provide the benefits of public recreation". It is the intent of the Congress that the National Park Service manage and develop the Pictured Rocks National Lakeshore to protect the area's scenery and natural features and provide for public recreation.
- (B) Permitted Principal Uses:
1. Recreational facilities and other appropriate facilities and services as provided for by Public Law 89-668 and the Pictured Rocks National Lakeshore General Management Plan.
- (C) Permitted Accessory Uses: The following are permitted accessory uses:
1. Accessory structures normally associated with recreational structures and uses as permitted by Public Law 89-668 and the Pictured Rocks National Lakeshore General Management Plan.
- ~~**AMENDED ON 5/25/2004 to include:**~~
~~Storage Sheds, whether permanent or moveable, require a land use permit.~~ **Amended on 12/13/2011 to read:** No Land use permit will be required for structures 300 square feet or smaller.

(D) Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this application for an issuance of a Conditional Use Permit as provided for in Article VII.

1. None



Article IV: General Regulations

Section 401: Height, Bulk and Placement Regulations

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

Schedule of Regulations						
ADOPTED: FEB. 25, 2003 AMENDED: MAY 25, 2004, Feb 23, 2005						
District	New Lot Minimum Size	New Lot Width (Feet) (a)	Setback (Feet)			Maximum Height to Highest Point of Roof (Feet)
			Front	Side	Rear	
R-1	20,000 sq ft	100	15	10	15	30 (d)
R-2	20,000 sq ft	100	15	10	15	30 (d)
BAY	20,000 sq ft	100	15	10	15	26 (d)
LS/R	30,625 sq ft	175	75 (LS)	15	15	30
NR (h)	5 acres	330	100 (g)	15	15	30
C-1	20,000 sq ft	100	15	10	15	30
C-2	20,000 sq ft	100	15	15	15	30
RF	10 acres	300	15	15	15	30
RP	10 acres	300	15	15	15	30
I	1 acre	150	40	(e)	30	(f)
SD/TP/IBZ	20 acres	660	150	50	50	30
RM-IBZ	10 acres	330	100	50	50	30
RR-IBZ	2 acres	200	50	30	30	30
SC-IBZ	10 acres	330	200	50	50	30
PR	--	--	--	--	--	--

- Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions.
- An accessory building or structure may be located 6 feet from a side lot line.
- An accessory building or structure in the R-1, R-2 and BAY districts may be located twenty (20) feet from the rear lot line.

- d. An accessory building or structure shall not exceed the maximum allowable height of the principal structure. **AMENDED 9/13/2005**
- e. All structures shall be provided with access to their rear yard, with a minimum of thirty (30) feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits; and 10 feet for parking areas.
- f. ~~Height at any point on a structure shall not exceed the horizontal distance to any lot line.~~ **REMOVED Feb 23, 2005**
- g. The front setback is measured from the Ordinary High Water Mark.
- h. All structures must be setback at least 50 feet from the top of a bluff and outside of the floodplain.
- i. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres, however, it will still conform to the 20 acre minimum lot size requirement.
- j. The minimum landscaped open space ratio shall be twenty-five (25) percent in the C-1 district.
- k. Customary accessory buildings or structures shall be at least located thirty (30) feet from the rear lot line and water front. Rear setback for parcels not abutting water courses shall be thirty (30) feet from all structures.

(B) Waterfront Development

1. Setbacks from Inland Waters and Rivers - All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of seventy-five (75) feet as measured from the high water mark or lot line. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of thirty (30) feet as measured from the high water mark or lot line.

AMENDED ON 9/29/2005 to include:

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

Setbacks from Lake Superior Water - All structures on lots located within Erosion Control Districts shall be subject to the setbacks from the buff line of Lake Superior as indicated in Section 402.

3. Shore and Bank Area Alterations - The part of the setback which lies within thirty (30) feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space fifty (50) feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto no change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or shrub having a height of at least fifteen (15) feet for each seventy-five (75) square feet of area thereof in wooded areas or sufficient natural ground cover in open areas. There shall be no commercial timber harvesting within seventy-five (75) feet of the water edge.
 4. Limitation of "Funnel Development" - Any development in any zoning district which shares a common lake front or stream area may not permit more than one single family home, cottage, condominium or apartment unit to the use of each one-hundred (100) feet of lake or stream frontage in such common lake front or stream areas as measured along the waters edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.
- (C) Where the right-of-way is established under the McKnitt Act (P.A.130 of 1931 as amended) and varies from the standard sixty-six (66) feet of width, the setback shall not be less than sixty-three (63) feet from the centerline of the roadway.

Section 402: Erosion Control District Regulations

Within the designated Erosion Control District of Lake Superior as determined by the Michigan Department of Environmental Quality (DEQ), no structure except an erosion control structure shall be erected within the required setbacks from the buff line of Lake Superior in accordance with the said regulations in force at the time of construction. Applicants for zoning permits must have a state permit issued by the Michigan Department of Environmental Quality prior to making application for said zoning permit.

Section 403: Minimum Building Floor Area

Every single/two family dwelling, excluding recreational structures, shall have a floor area of not less than six-hundred (600) square feet, exclusive of unfinished basements, garages, porches and breezeways. Every unit in a multi-family dwelling shall have a minimum floor area of at least four-hundred (400) square feet. Every recreational structure shall have a floor

area of not less than four-hundred (400) square feet, exclusive of unfinished basements, garages, porches and breezeways. The maximum groundcover ratio for all structures in a multiple family development shall be forty (40) percent.

Section 404: Accessory Buildings and Uses

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

- (A) An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but *shall not* be considered livable floor space.
- (B) All accessory buildings *shall not* be closer than ten (10) feet to any other structure on the lot.
- (C) The sum of the floor area of all accessory buildings located within Districts R-1 and BAY *shall not* exceed one-thousand (1000) square feet.
- (D) Lots located in R-1 and BAY which exceed one acre in area; the sum of the floor area of all accessory buildings *shall not* exceed two-thousand five-hundred (2500) square feet. ADDED Feb. 23, 2005

Section 405: Home Occupation

Home occupation shall have the following:

- (A) Home occupations shall employ only those members of the family residing on the premises and not more than three outside employees.
- (B) There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupation, other than an approved sign.
- (C) There shall be no storage, display, or sale of merchandise not directly related to the approved conditional use.
- (D) Home occupation may be conducted within the principal dwelling unit or in an accessory building, the building can have a maximum of four hundred (400) square feet devoted to the home occupation in the R-1 and C-1 Districts, a maximum of six hundred (600) square feet devoted to the home occupation in the R-2, LAS/R and C-2 Districts and one thousand (1000) square feet devoted to the home occupation in the RF, RP and I Districts.

- (E) The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation.
- (F) No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided for on the premises.
- (G) No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises.
- (H) One sign advertising a home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts. The sign shall not exceed a height of five (5) feet. The sign may be located within the front yard setback but located not to materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway.

Section 406: One Principal Structure or Use Per Lot

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

Section 407: Variance of Requirements for Lots of Record

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

Section 408: Allocation and Reduction of Lot Area

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

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

Section 409: Height Requirement Exceptions

The following are exempt from height limit requirements, provided that no portion of the accepted structure may be used for human occupancy.

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flag poles and monuments;
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys or smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers, ***Amended on 12/13/2011 to read:*** and wind towers. All towers mentioned shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
3. Public utility structures; and
4. Agriculture related structures such as barns, silos, elevators and the like.

Section 410: Use of Yard or Open Space

In a residential district, it is prohibited to use the open space surrounding a dwelling for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporarily 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 on the premises provided they are screened from adjacent residences and the road.

Section 411: Off-Street Parking Requirements

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

USE	SPACES REQUIRED
Single and two-family dwellings, recreational structures	Two (2) per dwelling unit
Rooming houses, fraternities, sororities, dormitories, convalescent	Pt. Four (.4) times maximum lawful

homes, and housing for the elderly	number of occupants
Hotels and Motels	One pt. Two (1.2) per room in addition to spaces required for restaurant facilities
Apartments and townhouses	Two (2) per dwelling unit
Churches, theaters, facilities for spectator sports, auditoriums, concert halls	Pt. Three-five (.35) times the seating capacity
Golf courses	Seven (7) per hole
Barber shops and beauty parlors	Two (2) plus One pt. Five (1.5) per chair
Bowling Alleys	Five (5) per lane in addition to spaces required for restaurant facilities.
Child-Care Facility	Two (2) per dwelling unit plus pt. Three (.3) per child
Fast food take-out establishments drive-in restaurants	Pt. Zero One (.01) times floor area and square feet
Restaurants (except drive-ins), bars, and taverns	One pt. Two (1.2) per one hundred (100) square feet of floor space One (1) parking space per 150 square foot of useable seating floor area.
AMENDED on 5/25/2004:	
Furniture and Appliance Stores	Pt. Three (.3) per one-hundred (100) square feet of floor space
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractors showrooms and others, museums and galleries	One pt. Two (1.2) per square feet of floor space
Funeral Parlors	One (1) per Fifty (50) square feet of floor space
Gas Stations	One (1) per pump plus two (2) per lift (in addition to stopping places adjacent to pumps)
Automotive Service Centers	One (1) per employee plus two (2) per service bay
Laundromats	Pt. Five (.5) per washing machine
Doctor's or Dentist's Office	One (1) per One-hundred (100) square feet of waiting room area and one (1) per doctor or dentist
Banks	One (1) per One-hundred fifty (150) square feet of floor space
Warehouses	One (1) per five-hundred (500) square feet of floor space
Retail and service establishments	One (1) per one-hundred fifty (150) square feet and outdoor sales space
Offices	One (1) per three-hundred (300) square feet of floor space

Other businesses and industrial uses	Pt. Seven Five (.75) times the maximum number of employees on premises at any one time
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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.

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

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

The following minimum design standards shall be observed in laying out off-street spaces and providing access lanes to each space.

~~**AMENDED on 5/25/2004 to remove:** Layouts requiring vehicles to back out onto roads or streets are prohibited.~~

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

Section 412: Required Planting Screen

- (A) In Districts Commercial One (C-1), Commercial Two (C-2), Seasonal Commercial-Inland Buffer Zone (SC-IBZ), and Industrial (I), wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within fifty (50) feet of any Residential One (R-1), Residential Two (R-2) or BAY District or adjoins a residential dwelling within the C-1, C-2 or I Districts a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a changing grade or other natural or man

made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.

- (B) Planting Screen Specifications: All planting screens required by this ordinance shall consist of plants, at least thirty (30) inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five (5) feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

Plant	Distance Apart (feet)
Lilac	3
Privet	1.5
Arbor Vitae	4
Pfitzer	4
Scotch Pine	5
Jack Pine	5
Spruce	5

Substitution of other plant materials shall be permitted only upon certification to the Zoning Administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

- (C) Parking Lot Planting: Where the provision of off-street parking for fifty (50) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) square feet for each parking space, which shall be so located that no parking space is more than one-hundred twenty (120) feet from a portion of the landscaped open space required by this Section. 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. Required trees shall be at least 12 feet high when planted or when this Ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least fifteen (15) feet or to reduce existing height below fifteen (15) feet. The following varieties of trees are prohibited in meeting the requirements of this Ordinance: poplars, willows, American Elm, seed-bearing locusts, and box elders. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and

eight feet except where located so as to create a hazard to drivers or pedestrians.

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

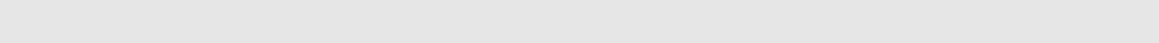
AMENDED ON 5/25/2004 to include:

- (D) Fences: Land use permits are required to construct a fence. The purpose of this article is to allow such fences that will not, by their reason, size, location, construction or manner of display, endanger the public safety of individuals, obstruct the vision necessary for traffic safety or otherwise endanger public health, safety and to permit and regulate fences in such a way as to support and complement land use objectives and aesthetic purposes while protecting the rights of adjacent properties to light, air and view. No fence or hedge shall materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public way open to vehicular traffic from an adjacent driveway. There is a 6-foot maximum height. Any person erecting a fence or hedge shall be fully responsible for the care and maintenance of said fence or hedge and shall assume full responsibility for any damage arising due to the erection of such fence or hedge. Normally required front, side and rear setbacks need not be met so long as the fence is not trespassing. Setbacks must comply with county right of way.

Section 413: Recreational Vehicle or Mobile Home Located Within Inland Buffer Zones

- (A) If a recreational vehicle or mobile home is occupied on a site for more than fourteen (14) days in any one year, it must meet all the requirements for a residential dwelling, including a permanent foundation and the same water and sewage disposal requirements of those residential dwellings constructed on site.
- (B) A recreational vehicle or mobile home may be occupied in the Inland Buffer Zone (IBZ) for a period of fourteen (14) days or less in any one year without meeting the requirements of a residential dwelling. These units must be self contained and not have external sources of electricity, natural gas, propane, telephone, sewage disposal, potable water, or other services. Sewage disposal must be done at approved sanitary dumping stations. Where such a vehicle is stored and not occupied in

the IBZ, it must be parked near the permanent dwelling and screened by vegetation where possible.



Article V: Signs

Section 501: Intent

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 and competition among business for attention, to prevent hazards of life and property, and to assure the continued attractiveness of the community and protect property values. It is further determined that signs which may lawfully be erected and maintained under the provisions of this ordinance are consistent with customer usage, and that signs which may not lawfully be erected or maintained under the provisions hereof are not consistent with customer usage, are an abuse thereof, and are unwarranted invasions of the rights of legitimate business interests and of the public.

Section 502: Residential District Regulations for Signs

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

- (A) One sign to announce the sale or rent of property whose are shall not exceed six (6) square feet.
- (B) Churches shall be permitted total sign area of twenty (20) square feet. The total sign area may be divided into two signs: one identification sign and one bulletin board.
- (C) One sign per vehicle entrance which identified a platted subdivision development or mobile home park not exceeding thirty-two (32) square feet and eight (8) feet in height.
- (D) Multiple dwellings and nursing homes shall be permitted one identification sign not to exceed twelve (12) square feet and eight (8) feet in height.
- (E) One sign shall be permitted to advertise a home occupation not to exceed six (6) square feet and shall not be illuminated or have working parts. The sign shall not exceed a height of five (5) feet. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. The sign shall not materially obstruct the vision of motorists on adjacent streets or vision of motorists entering any street or other public roadway or private driveway.

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

Section 503: Commercial Districts Sign Regulations

Signs are permitted in the Commercial (C-1 and C-2) Districts on parcels that are already developed. Free-standing (ground) signs are permitted having an area not exceeding six (6) square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of one hundred (100) square feet of sign area for each developed parcel. Where a premise has more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a name district from that of the occupants, as in a shopping center, an additional two (2) square feet of sign area for each ten (10) feet or fraction of street frontage, with a maximum of two hundred (200) square feet, is permitted only for signs identifying the developed premises.

With the exception of area provided for shopping center identification, sign area not utilized by occupants of the premises may be made available for off premise directional signs.

Signs shall be subject to the following setback requirements; minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right -of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Signs shall be subject to the height regulations for the C-1 and C-2 Districts.

Section 504: Industrial District Sign Regulations

In the Industrial District, on-premises signs are permitted having a sign area not exceeding one hundred (100) square feet. Off-premise signs are permitted and shall have a maximum sign area of one hundred (100) square feet per sign. Back-to-back signs shall have a maximum of one hundred (100) square feet for each side and shall not be further apart than four (4) feet. Individual signs shall be at least three hundred (300) feet apart and shall maintain a forty (40) foot setback. The maximum height for signs in the Industrial District shall be fifteen (15) feet.

Section 505: Natural Rivers District Sign Regulations

In the Natural River District, only those signs necessary for identification, direction, resource information, regulation of use and related to permitted

uses shall be placed along the designated river and tributaries. Signs for the sale of products or services shall be prohibited. Signs must be in conformance with the following standards:

- a. Signs shall not be larger than one square foot in area.
- b. No more than 1 per 100 feet or one sign posted at upstream and downstream corner lot. However, one temporary real estate "For Sale" sign per parcel of land not to exceed four square feet in area shall be allowed outside the natural vegetation strip.
- c. Signs shall not be attached to any tree or shrub.
- d. Signs shall not be illuminated.

Section 506: Resource Production District Sign Regulation

Where a farm or other agricultural operation is permitted within the Resource Production District, one sign is permitted, not to exceed twenty (20) square feet to advertise agricultural goods or other items for sale at that location.

Section 507: Inland Buffer Zone Districts Sign Regulations

All signs within the Inland Buffer Zones (RM-IBZ, RR-IBZ, SD/TP-IBZ) are subject to appropriate regulations as provided in Article V Signs with the following exceptions and provisions:

- (A) All signs must be subdued in appearance, harmonizing in design and color with the surroundings. Signs may not be illuminated by neon or flashing devices.
- (B) Sign restrictions are established in two categories, on-premises and off-premises. An off-premises sign is located off the property for which the sign information is provided, in a location visible from a road or highway. Three types of off-premises signs are permitted: safety signs or symbols, public site identification signs, and commercial directories.

Commercial directories for permitted commercial uses may be established at various lakeshore access road intersections along H-58 and Michigan 77.

On-premises signs that can be seen from Inland Buffer Zone roads must be limited to public site identification signs and business identification signs. One such sign is allowed per property, and it must be on the premises and relate to the use of those premises. Posting and trespassing signs are exempt. On-premises signs must be at least 15 feet from the street line or road. One name plate or sign, not illuminated, equal to or less than 3' x 2' (6 square feet) is permitted. One temporary sign, not illuminated, equal to or less than 3' x 2' (6 square feet) advertising the sale, lease, or rental of the property is permitted.

Section 508: Cluster Sign Regulations

A sign that lists and identifies a number of institutions, organizations, churches and/or businesses which contain the names, locations, hours, products sold, services offered, announcement of events or similar messages is permitted in zoning districts, except NR, R-1 and Bay. A cluster sign at one location shall have a maximum sign area of sixty (60) square feet. The cluster sign must be maintained by either the Township or recognized civic organization or church.

Section 509: Conditional Use and Residential Zone - Non-Residential Principal User Sign Regulation

On-premise signs are permitted to identify or advertise an approved conditional use or activity and shall not advertise a specific product not produced on the premises. Signs shall have a maximum sign area of sixteen (16) square feet and not exceed eight (8) feet in height. Signs shall be subject to the following setback requirements: minimum of five (5) feet setback when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade. Sign regulations in this Section shall not apply to any conditional use or non-residential principal use located in the C-1, C-2 or I Districts, or to churches, multiple family dwellings, nursing home occupations which are regulated elsewhere in this section.

Section 510: Temporary Signs

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

Section 511: Construction Signs

One construction sign is permitted per project not exceeding sixteen (16) feet in sign area for residential districts and thirty-two (32) square feet for C-1, C-2 or I Districts. Signs shall be erected no more than five (5) days prior to the beginning of construction for which a valid building permit has been issued, shall be confined to the site of construction, and shall be removed no later than 30 days following occupancy.

Section 512: Exempt Signs

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance:

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

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

Signs which announce "No Hunting" or "No Trespassing"

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

Residential Identification Signs - Those signs which have an occupants name and/or house number.

Section 513: Lighting of Signs


No lighted signs shall be permitted within the R-1, R-2, NR, BAY, or Inland Buffer Zone Districts. No strobe or other pulsating lights shall be permitted in any district. No sign shall be lighted as to create a traffic hazard or to adversely affect neighboring land uses. No sign may 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 514: Maintenance of Signs

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

Section 515: Nonconforming Signs

- (A) It is the intent and purpose of this section to eliminate non-conforming signs except as otherwise specifically set forth in this section as rapidly as the police power of the Township permits. No sign shall be designated as Class A Nonconforming.

- (B) No nonconforming sign:
 - 1. shall be structurally altered so as to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure to be altered;
 - 2. shall be continued after the activity, business, or usage to which it relates has been discontinued for thirty (30) days or longer; or
 - 3. shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds fifty (50) percent of the sign value.
 - (C) No conforming sign may be changed to another non-conforming use.
 - (D) Nonconforming signs may have their face or message updated but not structurally altered.
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Article VI: Site Plan Review

Section 601: Intent

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

Section 602: Site Plan Required

A site plan is required for and shall accompany the application for:

- (A) Zoning Compliance Permits for:
 - a. any proposed construction
 - b. any commencement of a new use
 - c. any proposed change in use
- (B) Conditional Use Permit
- (C) Variances
- (D) Class A Non-conforming Use Designations
- (E) Any other requests for zoning status where the Zoning Administrator determines that a site plan is necessary for accurate review or documentation of the existing development.

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

Section 603: Site Plans for Single and Two Family Dwellings, and Residential Accessory Uses and Structures and for Recreational Structures

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

- (A) A legal description of the site.
- (B) All lot lines and dimensions of the lot.

- (C) All roads and easements.
- (D) All existing and proposed buildings shall be shown and labeled.
- (E) Proposed use of each building.
- (F) Distances between buildings and ALL lot lines.
- (G) Building dimensions
- (H) Natural features affecting development (rock, water, etc)
- (I) Well and septic locations
- (J) A NORTH Arrow

Section 604: Site Plans for Commercial, Industrial and Multi Family Development (all other development)

Site plans meeting the following standards shall be required for the following: all commercial uses and developments in the C-1, C-2, SC-IBZ, RF, RP, and I Districts; all non-residential Conditional Use Permits; and uses utilizing more than one (1) acre of land (except for timber and agricultural uses). This information shall be provided on six (6) identical copies on one or more sheets.

- (A) A scale adequate to illustrate the proposed activity
- (B) A legal description of the lot; the name, address and telephone of the owner, developer and designer.
- (C) Date, North point, and Scale
- (D) The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
- (E) 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 one hundred (100) feet of the sites parcel lines.
- (F) The location of all existing and proposed drives and parking areas.
- (G) The location and right-of-way widths of all abutting streets, alleys, and private easements.
- (H) The location of proposed planting and screening, fencing, signs and advertising features.
- (I) The height and floor area of all proposed structures.
- (J) The size and location of all existing and proposed public and private utilities and required landscaping.
- (K) Any other information necessary to establish compliance with this ordinance or any other applicable ordinances.
- (L) Location of all existing and proposed surface water impoundments and surface water drainage pattern.
- (M) The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.

Section 605: Review Procedures

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this ordinance and all other ordinances of Burt Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten (10) working days approve or deny in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other ordinance and any changes which would make the plans acceptable. The proposer may appeal any denial to the Township Zoning Board of Appeals. The Zoning Administrator and Zoning Board of Appeals shall use the following standards in their review.

Section 606: Standards for Site Plan 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 buildings. The site will be so developed as not to impede the normal and orderly development or improvement or surrounding property for uses permitted in this ordinance.
2. The landscaping shall be preserved in it's natural state, in so far as practicable, by minimizing tree and soil removal, and the 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 will not adversely affect neighboring properties.
4. 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.
5. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
6. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
7. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a

vertical fence consisting of structural (fence) or plant materials no less than six (6) feet in height.

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

Article VII: Conditional Use Permits

Section 701: Intent

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

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

The following sections (702 through 705), together with previous references in other sections (308 through 316), designate what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all conditional uses indicated.

Section 702: Application Procedure

- (A) Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
- (B) Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the

duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.

- (C) Data Required in Application: Every application shall be accompanied by one copy of the following information and data:
- a. Conditional use form supplied by the Zoning Administrator filled out by the applicant.
 - b. Site plan drawn to a readable scale and containing that information specified in Article VI, Section 603 or 604.
 - c. A statement with supporting evidence regarding the required findings specified in Section 704.
- (D) ~~Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners~~ **AMENDED on April 12, 2005**: The Conditional Use Permit will be issued to the owner in residence at the specified location. Transfer of resident ownership voids the conditional use permit. A Conditional Use permit may also be voided by the Township Board at any time upon the written request of the owner. Transfer of the residence to a new owner immediately voids the conditional use.
- (E) In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character, the Planning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of this Ordinance, the Planning Commission may declare the permit null and void.
- (F) If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant.

Section 703: Review and Findings

The Planning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the hearing based upon materials received and testimony recorded at the public hearing. The Planning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 704 and 902(C). The petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to the issuance of a Zoning Compliance Permit by the Zoning Administrator pursuant to Section 905 and the commencement of the use, unless a specified time is set or implied in the motion granting the Conditional Use Permit.

Section 704: General Standards

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

- (A) Will be harmonious with and in accordance with the general policies of Burt Township or with any specific objectives of any adopted development plans;
- (B) Will be designated, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- (C) Will not be hazardous or disturbing to existing or future neighboring uses;
- (D) Will not diminish the value of land, buildings, or structures in the District;
- (E) Will be served adequately by essential public facilities and services, such as highways, streets, police or fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (F) Will not create excessive additional requirements at public costs for public facilities and services and will not be detrimental to the economic welfare of the community;
- (G) Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- (H) Will protect the public health, safety and general welfare of the community; and
- (I) Will be consistent with the intent and purpose of the specific zoning district in which it is located.

The following standards shall be used by the Planning Commission when considering child care facilities:

1. Is located not closer than one-thousand five-hundred (1500) 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 (MCL).
 - c. The facility offering substance abuse treatment and rehabilitation service to seven (7) 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 (MCL).
 - 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 and a group daycare home as determined by the Burt Township Planning Commission.
 3. Maintains the property consistent with the visible characteristics of the neighborhood.
 4. Does not exceed sixteen (16) hours of operation during a 24-hour period. The Township Planning Commission may limit but not prohibit the operation of a group daycare home between the hours of 10:00 p.m. and 6:00 a.m.
 5. Meets regulations, if any, governing signs used by a group daycare home to identify itself.
 6. Meets regulations, if any, requiring a group daycare home operator to provide off-street parking accommodations for his or her employees.

Section 705: Conditions and Safeguards

- (A) Prior to granting any Conditional use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 704 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.
- (B) Conditions and requirements stated as part of Conditional Use Permit authorization shall be a continuing obligation of landholders. The Zoning Administrator shall make periodic investigations of developments

authorized by Conditional Use Permit to determine compliance with all requirements.

- (C) Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
- (D) In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the 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 Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- (E) Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
 - 1. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Planning Commission are violations of this Zoning Ordinance.
- (F) All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Conditional Use Permit issued thereto.
- (G) The standards in Section 704 are basic to all conditional uses as identified in Sections 308 through 316.

Article VIII: Planned Unit Development

Section 801: Intent

The intent of this section is to permit great flexibility in the use and design of structures and land in situations where modifications of specific provisions of this Ordinance will not be contrary to its intent and purpose or significantly inconsistent with the planning on which it is based and will not be harmful to the neighborhood in which they occur. Planned Unit Development (PUD) shall not be allowed in the Inland Buffer Zone districts.

Section 802: Application and Modification Powers

The provisions of this Section may be applied, upon application of the owner, to any lot exceeding two acres in size. The owner shall file with the Township Planning Commission a proposed site plan and detailed description of the structures to be erected, the other facilities of the project and the land uses involved. In addition, he shall furnish such other information as the Township Planning Commission may reasonably require.

In acting upon the application, the Township Planning Commission may alter setback requirements, building size limits, off-street parking regulations, landscaping rules, and density and intensity limits. It may also authorize uses not permitted in the district where the lot is located, providing such uses are desirable or convenient for the users of the lot as developed or the immediate neighborhood and provided that such uses are planned so as to assure that they will not materially alter the existing character of the neighborhood. However, uses not permitted in the district where the lot is located shall not be permitted to occupy more than ten (10) percent of the lot area nor more than ten (10) percent of the building floor area. Where the Commission determines that the application is consistent with Sub-Section (A) of this Section and with the other requirements hereof, it shall enter an order authorizing development and use in accordance with the site plan and description contained in the application, modified as the Commission may require to carry out the intent and purpose of this Section and containing any conditions or restrictions which the Commission may consider necessary to carry out the purposes of this Ordinance and to protect the public health, safety, and welfare. The order shall recite the reasons and findings of the fact upon which it is based.

Section 803: Application Procedures

The provisions of this Article shall be applied to the existing zoning district, as defined on the zoning map where the PUD is to be located. The application procedure for a PUD is as follows:

1. Preliminary Conference - Prior to preparing a formal application, the applicant shall meet with the Planning Commission to discuss the proposed development.
2. Preliminary Application - Following a preliminary conference the Planning Commission shall hold a public hearing, held according to requirements of Section 1002 to review the preliminary application. In making its review of any portion of the PUD preliminary development plan, the Planning Commission shall find that the PUD is consistent with the standards outlined in Section 704 and Section 804 and other relevant provisions of this Ordinance. Following the review, the Planning Commission shall approve, approve with conditions, or subject to modifications, or deny in writing the preliminary application, specifying the reasons for denial.

The approval of the preliminary application does not constitute recording of the plan or plat nor authorize the issuance of building permits.

The applicant shall prepare and submit ten (10) copies of the preliminary development plan which consists of the following written and graphic documents:

- a. A written description of the PUD including:
 1. How the PUD meets the intent provisions of the PUD
 2. A statement identifying the intended uses including future sales or leasing arrangements or all or a portion of the PUD.
 3. A legal description of the PUD parcel.
 4. A listing of all owners, holders or easements, and other interested parties.
 5. A projected assessment of the PUD demands on public services and utilities.
- b. A preliminary development plan which is in accordance with the Site Plan requirements of Article VI.
- c. A development schedule; a list of covenants or deed restrictions; any maintenance agreements on open space or common ownership areas; and a description of the type of financial guarantees to be utilized to insure PUD development.
- d. Any other information as the Planning Commission may reasonably require to show the applicant's intent for the development and viability of the proposal.

Within a maximum of twelve (12) months following preliminary approval, the applicant shall file for final application as outlined below. For good cause, the Planning Commission may extend this time period for six (6) months. If the applicant fails to apply for final

application for any reason, approval or conditional approval shall be revoked.

3. Final Application - The applicant shall prepare and submit ten (10) copies of a final development plan which shall include:
 - a. All information as required by the Planning Commission for preliminary approval or conditional approval of the preliminary development plan.
 - b. Signed copies of any preliminary plats, in accordance with Act 288 of 1967, as amended.
 - c. A detailed development timed schedule.
 - d. Deed restrictions or covenants of the parcel.
 - e. Any other plans, documentation or specifications, as the Planning Commission may require to assure final engineering review and approval, which may include building plans, elevation and perspective drawings, drainage, road or other facility designs, and letters of commitment or intent insuring adequate financing for public utilities and/or services.

Upon receipt of the final development plan, the Planning Commission shall hold a second public hearing, in accordance with Section 902 and shall determine whether or not the final plans substantially conform to the approved preliminary development plan and is in proper form for formal recording. Where the Planning Commission determines that this application is consistent with this Section and other requirements thereof, and is in proper form for recording, it shall authorize a PUD Conditional Use Permit for development and use in accordance with the final accepted development plan.

Authorizing the PUD Conditional Use Permit shall not obligate the Township Planning Commission or the Township Board to enforce any deed restrictions or covenants of a development parcel.

The PUD Conditional Use Permit shall be issued, following evidence of recording of the PUD Final Development Plan with the Alger County Register of Deeds. A denial of the PUD shall be in writing, setting forth the reasons for the denial, and any changes which would make the PUD acceptable.

Section 804: PUD Design Standards and Objectives

1. Yard, setback, lot size, type of dwelling unit, height, and frontage requirements and restrictions may be waived for the PUD, provided, however, that the spirit and intent of this Section as defined in the Intent statement are incorporated within the total development plan. The Planning Commission may determine that certain setbacks be established within all or a portion of the perimeter of the site, and shall determine

the suitability of the total development plan in accordance with the intent of this Section.

2. Access: Every structure or dwelling unit shall have access to a public street, walkway or other areas dedicated to common use.
3. Land Usage: The approximate location of structures shown on the conceptual development plan, shall be so arranged as not to be detrimental to existing or proposed structures within the development or surrounding neighborhood.
4. Privacy: Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, walls, barriers, and landscaping shall be used as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses and reduction of noise.
5. Off-street Parking: Parking convenient to all dwelling units and other uses, shall be provided pursuant to the minimum requirements of Section 411 of this Ordinance. Common driveways, parking areas, walks, or steps may be required together with the appropriate lighting in order to ensure the safety of the occupants and the general public. Screening of parking and service areas may be required through the use of trees, shrubs, hedges or screening walls.
6. Development Concept: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be done in such a way to utilize natural topography, existing vegetation and views within and beyond the site.
7. Utilities: PUD's shall, where feasible, provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. In no instance shall the PUD place demands in excess of the capabilities of the affected public facilities and services.
8. Planting: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; additional new landscaping shall be added for privacy, shade, beauty of buildings and grounds, and to screen out objectionable features.
9. The PUD shall be consistent with the standards outlined in Section 704 and other relative provisions of this Ordinance.

Section 805: Changes in Approved PUD

Minor changes in the location site or character of the building and structures may be authorized by the Planning Commission, if required by engineering or other required circumstances not foreseen at the time the final development plan was approved. No changes so authorized may cause a change in the use, character or intent of the development, in increase in the intensity of use, changes in the overall coverage of the structures, or problems of traffic circulation, utility services, or similar services, or a reduction in the approved open space, off-street parking and loading space, or pavement width requirements. Any changes which are approved must be made and recorded in accordance with the procedures established for the recording of the initial final development plan.

Article IX: Nonconforming Uses and Structures

Section 901: Intent

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

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

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

Land uses within the Buffer Zone, which are in violation of Public Law 89-668, but which are otherwise legal land uses, are regarded as nonconforming uses. As such, they are subject to all the nonconforming use provisions of this Ordinance.

Any use or structure created in violation of any preceding Burt Township Zoning Ordinance remains a violation.

Section 902: Class A Nonconforming Uses and Structures

Class A nonconforming uses and structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator. The Planning Commission shall find that the continuance thereof would not be contrary to the public health, safety,

and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 704 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

Section 903: Procedure For Obtaining Class A Designation

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

- (A) Name and address of property owner and applicant if not same;
- (B) A legal description of the property or lot;
- (C) A site plan pursuant to Section 603 or 604.
- (D) An explanation describing the present nonconforming use or structure.
- (E) An explanation of any proposed addition to alteration to the uses or structures.

Any requests for Class A designation affecting property within the Pictured Rocks National Lakeshore inland buffer zone shall be provided to the superintendent of the Pictured Rocks National Lakeshore. The superintendent shall be provided thirty (30) days from receipt of the request to provide the appropriate zoning body with comments regarding the request. The superintendent must determine if the proposal would adversely affect the lakeshore and if its approval would be contrary to lakeshore purposes. The superintendent must advise the zoning body whether or not the intended use is proper, requires modification and mitigation measures, or would subject the property to civil or criminal sanctions or acquisition by condemnation. No final action shall be taken on the request until such comments are received or until the thirty (30) days have elapsed.

The Planning Commission shall, upon receipt of said application, schedule a public hearing in accordance with the procedures set out in Section 1002 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identified in Section 704. Conditions may be attached, including any time limit, where necessary to assure that the use and structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance.

Section 904: Provisions for Class A Nonconforming Uses and Structures

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this

Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such Class A Nonconforming Use or Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
- (B) No such Class A Nonconforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
- (C) No Class A Nonconforming Use or Structure shall be extended to displace a permitted (conforming) use.
- (D) Class A Nonconforming Use or Structure shall not be changed to another nonconforming use, except with specific approval of the Planning Commission. Before granting such approval, the Planning Commission shall determine that such change in the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
- (E) No Class A Nonconforming Use shall be expanded to add another nonconforming use, except with specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 704.
- (F) Structural alterations to the interior of the building may be permitted without the prior approval of the Planning Commission.

Section 905: Regulations Pertaining to Class A Nonconforming Uses and Structures

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

Section 906: Class B Nonconforming Uses and Structures

All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair exceeds fifty (50) percent of the reproduction cost of such structure.

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

Section 907: General Standards

The Planning Commission shall review the particular facts and circumstances of each Class A proposal in terms of the intent of this Article and the general standards as set out in Section 704 of this Ordinance. Each individual proposal shall follow the procedure identified in Section 1002 of this Ordinance.

Section 908: Revocation of Class A Nonconforming Uses and Structures

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

All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with the procedure set out in Section 1002 of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the Class A designation in writing and set forth the findings and reasons on which it is based.

Article X: Administration and Enforcement

Section 1001: Administration

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

Section 1002: Administrative Standards and Procedures

- (A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
- (B) Where a public hearing is required in the administration of this ordinance, the Zoning Board of Appeals and the Planning Commission:
1. Any request from the zoning amendments, variances, or Class A designations affecting property within the Pictured Rocks National Lakeshore - Inland Buffer Zone shall be provided to the Superintendent of the Pictured Rocks National Lakeshore. The Superintendent shall be provided thirty (30) days from receipt of the request to provide the appropriate zoning body with comments regarding the request. The superintendent must determine if the proposal would adversely affect the lakeshore and its approval would be contrary to lakeshore purposes. The superintendent must advise the zoning body whether or not the intended use is proper, requires modification and mitigation measures, or would subject the property to civil or criminal sanctions or acquisitions by condemnation. No final action shall be taken on the request until such comments are received or until the thirty (30) days have elapsed;
 2. Shall base their decision upon facts presented at a public hearing. Applications that require hearings before the Burt Township Planning Commission or the Zoning Board of Appeals shall be submitted thirty (30) days prior to the regular meeting date of that body. Late applications may be scheduled for hearings upon authorization by the chair person after review of the upcoming agenda, and the workload and ability of the staff to meet legal notice deadlines and to prepare reports and recommendations. Under no circumstances may a late application be accepted less than five (5) days prior to a legal notice deadline;

3. For Class A Nonconforming Uses or Structures and Zoning Board of Appeals hearings, shall publish notice of the public hearing in a newspaper of general distribution, such notice to be given not less than five (5) nor more than fifteen (15) days prior to the public hearing. For conditional uses notice shall be given no less than five (5) nor more than fifteen (15) days. Notice shall also be given by mail or personal service to all property owners to whom real property is assessed within three-hundred (300) feet of the boundary of the property in question at least twenty-one (21) days prior to the hearing, and to all occupants of structures within three-hundred (300) feet. (The forgoing sentence was amended on 8/12/2008.) The current year's assessment roll shall be used as prima facie evidence of record of ownership. If a structure contains more than one dwelling unit or special area, owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or special area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct special areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;
4. For amendments, shall publish notice of public hearing/meeting in a newspaper of general circulation in the Township at least fifteen (15) days before the hearing. (The forgoing sentence was amended on 2/29/08.) Said notice shall also go to each electric, gas, pipeline and telephone public utility company, registered to receive the notice and to railroads operating within the district affected. If the amendment is a rezoning, also notify by mail or personal service all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of all single and two family dwellings within three hundred (300) feet. The current year's assessment roll shall be used as prima facie evidence of record ownership. This rezoning notice shall be given at least twenty-one (21) days before the hearing; (The forgoing sentence was amended on 8/12/08.)
5. 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 or applications may be examined;
6. Shall permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration;
7. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;

8. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
 9. 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;
 10. Shall comply with all other requirements under the law; and
 11. Shall have all administrative action recorded in the Official Zoning Orders Book and Map.
- (C) Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of conditional use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
 4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
- (D) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Township Clerk and be open to public inspection.

Section 1003: Zoning Administrator

The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine.

AMENDED by 5/25/2004 to remove/AMENDED 2/23/2005 to add: The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator, or their designated employee, shall administer the provisions of this Ordinance and

shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

Section 1004: Duties of the Zoning Administrator

- (A) The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to review Site Plans to determine whether they are in proper form, contain all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.
- (B) If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.
- (C) The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.
- (D) It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit (Land Use Permit) or other such permits, for any construction or use until he has inspected such plans and found them to conform with this Ordinance.

Section 1005: Zoning Compliance Permit

- (A) It shall be unlawful to use or occupy or permit the use or occupancy of any building or premise, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partially altered, or enlarged in its use or structure until a Zoning Compliance Permit (Land Use Permit) shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.
- (B) The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.
- (C) Applicants for zoning permits within the Buffer Zone shall be informed in writing by the Zoning Administrator of any development limitations indicated by the Critical Resources and Development Limitations Map of the Inland Buffer Zone as adopted by the National Park Service in the Land Protection Plan for the Pictured Rocks National Lakeshore. The Zoning

Administrator shall also inform other appropriate authorities, such as the county health department and the Michigan DNR of the permit request. Reference to the Critical Resources and Development Limitations Map by the Zoning Administrator shall be for informational purposes only in order to inform the applicant and other agencies of possible development problems. The Critical Resources and Development Limitations Map shall not be used in determining if a zoning permit is to be issued.

AMENDED 3/14/2006 TO ADD: If no building construction has been done within twelve (12) months, this application and any granted permissions become void.

Section 1006: Enforcement, Violations, & Penalties (amended 2/29/08)

1) Enforcement

The Zoning Administrator(s) shall administer and enforce the provisions of this Zoning Ordinance.

2) Violations & Penalties

Any person who violates any provision of this Zoning Ordinance is responsible for a civil infraction, subject to payment of a fine of \$150.00 per day, plus costs and other sanctions, for each infraction, up to a maximum of \$10,000 until the infraction has been remedied.

A) **Repeat Offenses.** Repeat offenses under this Ordinance shall be subject to increased fines as provided below. As used herein, "repeat offense" means a second (or any subsequent) civil infraction violation of any provision of this Zoning Ordinance committed by a person within any one (1) year period and for which the person admits responsibility or is determined to be responsible. The increased fine for repeat offenses shall be as follows:

- 1) The fine for any offense which is a first repeat offense shall be not less than \$500.00, plus costs, up to a maximum of \$10,000 per infraction.
- 2) The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be not less than \$750.00, plus costs, up to a maximum of \$10,000 per infraction

B) **Persons Chargeable With a Violation.** Persons chargeable with a violation of the Zoning Ordinance and subject to being responsible for a municipal civil infraction may include the following:

- 1) The owner, agent, lessee, tenant, contractor or any other person using or having control of the land, building or premises where such violation has been committed or shall exist;
- 2) Any person who knowingly commits, aids and abets, takes part or assists in any such violation; or
- 3) Any person who owns or maintains any land, building, or premise on which such violation shall exist.

C) **Contractors.** Contractors responsible for performing work in violation of any provision of this Zoning Ordinance, without proper permits, shall be

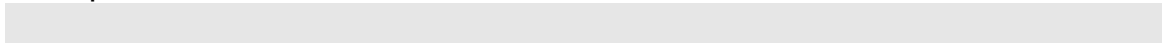
charged a civil fine of \$1,000 per occurrence with notification to the State Licensing Board.

Section 1007: Special Zoning Orders Book and Map

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

Section 1008: Fees

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



Article XI: Zoning Board of Appeals

Section 1101: Creation and Membership

The Zoning Board of Appeals is hereby established in accordance with Act 184 of 1943, as amended. The Board shall consist of five (5) members: a member of the Planning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. One member may be a member of the Township Board. The term of office for the member of the Planning Commission shall not exceed the term of office on the Commission.

Section 1102: Procedures

- (A) The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this ordinance or to effect any variation in this Ordinance.
- (B) Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times as its rules of procedures may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.
- (C) Any requests for variances affecting property within the Pictured Rocks National Lakeshore Inland Buffer Zone shall be provided to the superintendent of the Pictured Rocks National Lakeshore. The superintendent shall be provided thirty (30) days from receipt of the request to provide the appropriate zoning body with comments regarding the request. The superintendent must determine if the proposal would adversely affect the lakeshore and if its approval would be contrary to the lakeshore purposes. The superintendent must advise the zoning body whether or not the intended use is proper, requires modification and mitigation measures, or would subject the property to civil or criminal sanctions or acquisition by condemnation. No final action shall be taken on the request until such comments are received or until thirty (30) days have elapsed.
- (D) The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to

the parties of interest and to owners of adjacent property in accordance with the provisions of Section 1002.

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 1943, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, interpretation of the zoning ordinance, including the zoning map and variances.
- (B) The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.

Section 1104: Administrative Review

- (A) The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator, with the exception of site plan appeals.
- (B) The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 - 2. Determine the precise location of the boundary lines between zoning districts when there is dis-satisfaction with a decision made by the Zoning Administrator;
 - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 417 or by an analysis of the specific needs.

Section 1105: Variances

- (A) The Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as 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) Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
- (C) The Zoning Board of Appeals shall make findings that the requirements of this section have been met by the applicant.

- (D) The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- (E) The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
- (F) In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 1002(C) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
- (G) Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- (H) 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.

Section 1106: Appeals

- (A) Appeals concerning interpretation of the 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 thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit copies of all papers to the Zoning Board of Appeals constituting the record upon which the action appealed was taken from.
- (B) A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.
- (C) Any party or parties may appear at the hearing in person or by agent or attorney.
- (D) The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a

resolution containing a full record of its findings and determinations in each case.

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

Section 1107: Duties on Matters of Appeal

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

Article XII: Township Planning Commission - Planning and Zoning Authority

Section 1201: Designation

The Burt Township Planning Commission is hereby designated the Commission as specified in Section 1, of Act 168 of the Public Acts of 1959, as amended. Under said Act, it shall be the duty of the Commission to advise the Township Board on matters of planning. Further, the Commission shall assume the duties of the Zoning Commission prescribed in Section 4, of Act 184 of the Public Acts of 1943, as amended.

Section 1202: Changes and Amendments

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

- (A) Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Planning Commission for their review at a public hearing, which is held in conformance with Section 902 of this Ordinance.
- (B) Following the public hearing, the Planning Commission shall submit the proposed zoning ordinance and any applicable maps along with their recommendations to the Township Board.
- (C) 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 fifteen (15) days or less than five (5) days before the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon their adoption as part of the zoning ordinance for the Township. Any changes or amendments shall be approved by majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advise or suggestions. The Planning Commission shall have thirty (30) days from after receipt of the proposed change or departure to send its report to the Township Board.
- (D) No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one (1) year from the date of

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

- (E) If the amendment is to change the text of the Ordinance, the petitioner shall transmit proposed language for consideration by the Planning Commission. When the petition involves a change in the zoning map, the petitioner shall submit the following information:
 - 1. A legal description of the property;
 - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
 - 3. The name and address of the petitioner;
 - 4. The petitioner's interest in the property;
 - 5. Date of filing with the Zoning Administrator;
 - 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
 - 7. The desired change and reasons for such change.

- (F) In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within thirty (30) days. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.

- (G) The general standards to be considered by the Planning Commission shall include, but not 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. Is the requested zoning change consistent with the Goals and Policies, and other elements of the Burt Township Comprehensive Plan;
 - 3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
 - 4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
 - 5. Are there 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.

Article XIII: Interpretation, Severability, Vested Right, Penalties, and Effective Date

Section 1301: Interpretation and Conflict

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

Section 1302: Severability

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 the 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 structure, it is hereby provided that the application of such portion of the Ordinance to other property, buildings, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning appliance 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 such provision thereof, and to protect the public health, safety, and welfare, and that the officer or board would not have granted the authorization to which the condition or limitation pertains except in the belief that the condition or limitation was lawful.

Section 1303: Vested Right

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

Section 1304: Civil & Administrative Remedies: (amended 2/29/08)

1) Civil Remedies

In addition to the municipal civil infraction remedies provided above, the violation of any provision of this Zoning Ordinance may be legally enjoined and otherwise abated in any manner provided by law, including Township removal of the offending structure at the property owner's expense.

2) Administrative Remedies

- A) **Cease and Desist Orders** - The Zoning Administrator(s) shall have the authority to issue a cease and desist order in the form of a written notice for the violation of any provision of this Zoning Ordinance. A cease and desist order may be issued to any person referred to in Section 2 (b) hereof. Such cease and desist order shall become effective once it has been posted on the property where the violation has occurred and a copy of the notice has been sent to the person involved by first class mail at the person's last known address. Once a cease and desist order is effective, any use or work done in violation of the Zoning Ordinance shall stop immediately and shall not be restarted until the Zoning Administrator(s) issues a written notice dissolving the cease and desist order. Any person who violates a cease and desist order shall be responsible for a municipal civil infraction as authorized above. Any decision of the Zoning Administrator(s) regarding a cease and desist order may be appealed to the Zoning Board of Appeals. A cease and desist order shall be in addition to the other violation penalties and remedies provided in this Chapter.
- B) **Correction of violation** - the persons chargeable with a violation as referred to in Section 2 (b) shall submit a corrective action plan to the zoning administrator(s) for review. The Zoning Administrator(s) shall be responsible for ensuring that the plan meets the ordinance in all respects. Once any fines have been paid to the Township Treasurer and approval of the corrective action plan has been granted by the Zoning Administrator(s), the cease and desist order may be lifted.
- C) **Building Permits and Certificates of Occupancy**
- 1) **Site Plan or Zoning Review** - Development requiring site plan review or any other type of zoning review approval under the authority of this Ordinance shall not receive a building permit until it has received the necessary Township approvals and a Certificate of Zoning Compliance from the Planning Department.
 - 2) **Issuance** - No building permit or Certificate of Occupancy shall be issued by the Building Inspector unless there is compliance with this Ordinance and other applicable ordinances and laws, decisions of the Planning Commission, Zoning Board of Appeals, Township Board or court decisions.
 - 3) **Revocation** - The Building Inspector may revoke a Building Permit or Certificate of Occupancy in those cases where an administrative determination has been duly made that false statements or misrepresentations existed as to material fact(s) in the application or plans upon which the permit of approval was based.

- 4) **Suspension** - The Building Inspector may suspend a Building Permit or Certificate of Occupancy where an administrative determination has been duly made that an error or omission on either the part of the permit applicant or government agency existed in the issuance of the permit or certificate. A new permit or certificate shall be issued in place of the incorrect permit or certificate after correction of the error or omission.
- 3) **Notice and Appeal**
All Building Inspector decisions concerning the issuance, revocation, or suspension of Building Permits and Certificates of Occupancy pursuant to this Ordinance shall be stated in a written notice to the permit applicant. Any decision of the Building Inspector with regards to this Ordinance may be appealed to the Zoning Board of Appeals.

Section 1305: Repealing Clause

The Burt Township Zoning Ordinance, as adopted by the Burt Township Board in December, 1982, and subsequent amendments, is hereby repealed upon the effective date of this Ordinance.

Section 1306: Effective Date

This Ordinance shall become effective the day following publication of the adoption of the Ordinance in accordance with Section 11a of the Township Rural Zoning Act.

Article XIV: Condominium and Site Condominium

Section 1401 Purpose

1. The purpose of this section is to provide for the review and approval process for all condominium and site condominium projects within Burt Township.

Section 1402 General Requirements

2. Each applicant shall comply with the following general requirements:
 1. The applicant shall pay a reasonable fee determined by the township board prior to submitting a condominium subdivision plan for review.
 2. No instruction, grading, work or other development shall be done upon the land intended to be used for a site condominium until a final condominium subdivision plan has been approved, except with the express permission of the planning commission. This requirement shall include contractible, conversion, and expandable site condominiums.
 3. A required site plan for a building, a structure, or use to be placed on a condominium unit requires site plan approval under Article VI Site Plan Review before a zoning compliance permit may be issued.
 4. The Planning commission shall have the authority to review and approve or deny a preliminary and final condominium subdivision plan based on whether or not the plan complies with the provisions of this Ordinance.
 5. Each condominium unit shall be located in a zoning district that permits the proposed use.
 6. For the purpose of this Article, each site condominium unit shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located. In the case of a site condominium containing single-family detached condominium units, no more than one single structure shall be located on a condominium unit, nor shall a dwelling unit be located on a condominium unit with any other principal structure or use. Required setbacks shall be measured from the boundaries of a condominium unit. Ground floor coverage and floor area ratios shall be calculated using the area of the condominium unit.
 7. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and as provided in Section 48 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located shall be approved by the zoning administrator. These requirements shall be made part of the condominium bylaws and recorded as part of the master deed.
 8. Each condominium unit that results from a subdivision of another condominium unit if such subdivision is permitted by the condominium documents and as provided in Section 49 of the Condominium Act, shall comply with all regulations of the zoning district in which it is located and shall be approved by the Zoning

Administrator. These requirements shall be made part of the condominium bylaws as part of the master deed.

9. Revisions to the final, approved condominium subdivision plan shall be submitted for review and approval or denial by the Planning commission.
10. Any amendment to a master deed or condominium bylaws that affects the approved preliminary or final condominium subdivision plan shall be reviewed and approved by the Planning commission. The Planning commission may require review of any amended condominium subdivision plan if in its opinion such changes in the master deed or condominium bylaws require corresponding changes in the approved condominium subdivision plan.
11. The Planning commission may require as a condition of approval that the applicant enter into a development agreement incorporating the terms and conditions of final condominium subdivision plan approval and record the same with Alger County Register of Deeds.
12. All streets and roads proposed for any site condominium shall at a minimum conform to the standards and specifications promulgated by the Alger County Road Commission for construction of roads in single-family residential subdivisions.
13. Monuments shall be set in accordance with the Condominium Act and all other state rules and regulations. The Planning commission may grant a delay in the setting of required monuments for a reasonable time, but not to exceed one year, on condition that the developer deposit with the township clerk cash, a certified check, or any irrevocable bank letter of credit in an amount determined by resolution of the township board. Such deposit shall be returned to the developer upon receipt of a certificate by a registered surveyor that monuments and irons have been set as shown on the condominium subdivision plan. If the developer defaults, the township board shall promptly require a registered surveyor to set the monuments and irons in the ground as shown on the condominium subdivision plan, at a cost not to exceed the amount of the security deposit.
14. All right-of-way and utility easements shall be described separately from individual condominium lots. The rights-of-way and utility easements shall be separately described for their individual purpose, such as, access, roadway, or location, installation, maintenance and replacement of public utilities. Utilities placed within the road rights-of-ways are subject to the requirements imposed by the Burt Township Board, Alger County Road Commission and/or the State of Michigan.
15. All condominium projects shall comply with applicable federal and state statutes and local ordinances.

Section 1403 Application and Approval Process

- (A) The application shall consist of a pre-application conference, review and approval of a preliminary condominium subdivision plan and approval of the final subdivision plan.
- (B) Before submitting any formal documents for approval of a condominium subdivision plan, the applicant shall meet with the Zoning Administrator for a pre-application conference. It shall be the responsibility of the Zoning Administrator to contact and invite appropriate officials to such a meeting, including a representative of the Planning commission and the Township Board. The general outline of the proposed site condominium, evidenced by sketch plans, will be reviewed at the meeting. The applicant will present the proposal to the Planning commission.
- (C) The requirements for a Preliminary Condominium Subdivision Plan are:
 - 1. A preliminary condominium subdivision plan shall be filed for approval with the Planning commission.
 - 2. The preliminary condominium subdivision plan shall include all land that the developer intends to include in the site condominium project
 - 3. The preliminary condominium subdivision plan shall include information required in Section 66 of the Condominium Act. The preliminary site plan shall also include all information required in Article VI herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of submittal. In such case, the location and dimensions of condominium units rather than individual buildings and required yards shall be shown on the preliminary condominium subdivision plan.
 - 4. A final condominium subdivision plan for any phase of development shall not be filed nor reviewed by the Planning commission unless a preliminary condominium subdivision plan has been approved by the Planning commission and is in effect.
- (D) The requirements for a Final Condominium Subdivision Plan are:
 - 1. A final condominium subdivision plan shall be filed for review for each phase of development shown on the approved preliminary condominium subdivision plan.
 - 2. A final condominium plan shall include all information required in Section 66 of the Condominium Act, and the master deed and condominium bylaws. The final condominium subdivision plan shall also include all information required in Article XIV herein, except in the case of a development that consists only of condominium units and not buildings or other structures at the time of site plan application. In such case, the location and dimensions of condominium units rather than individual buildings and required yards shall be shown on the final condominium subdivision plan.
 - 3. The applicant shall provide proof of approvals by all local county and state agencies having jurisdiction over the improvements in the site condominium development, including but not limited to the county

drain commissioner, county road commission, and the district health department. The Planning commission shall not approve a final site plan until each agency having such jurisdiction has approved that portion of the final site plan that is subject to its jurisdiction.

Excerpt from the minutes of December 13, 2011, approved January 10, 2012:

Planning Commission – Revisions to Zoning Ordinance:

Motion offered by Wampler, second by Stevens to approve the planning Commission amendments’ regarding sheds and towers as requested.

Motion revised by Wampler, second by Stevens to approve the Planning Commission amendments to sections 308 and 310 to eliminate land use permits for structures less than 100 square feet and to amend sections 309 and 311 to 322 to eliminate land use permits for structures less than 200 square feet, and to have it published in the next Gazette, effective 7 days after publication date.

Roll Call Vote: Leavenworth – aye, Wieting – aye, Stevens – aye, Wampler – aye, Hubbard – nay. Supervisor Hubbard did not declare the motion passed.

Instead, **Motion offered** by Hubbard, second by Stevens to amend the previous motion making them 200 and 300 sq ft respectively. Roll Call Vote: Leavenworth – aye, Wieting – aye, Stevens – aye, Hubbard – aye, Wampler – aye.

Motion offered by Wampler, second by Leavenworth to approve the Planning Commission changes to section 409 as noted – Roll Call Vote yielded 5 ayes. Supervisor Hubbard declared the motion approved.

STATE OF MICHIGAN)
COUNTY OF ALGER)

I, Kay L. Wampler, Clerk of the Township of Burt, Alger County, Michigan, certify that the above is a true and correct copy of the motions adopted to amend the Zoning Ordinance by the Township Board at a meeting held on December 13, 2011.

Signed:

Dated:

Kay L. Wampler, Clerk
