



**To: Burt Township Planning Commission**

**From: Patrick Coleman, AICP**

**Re: Zoning Ordinance Update**

**Date: July 21, 2023**

Since our initial meeting, I have further reviewed the current Burt Township Zoning Ordinance, and determined that a better update approach will be to start fresh with a new Zoning Ordinance format and model, rather than try to update your existing document. The model is one I have worked with over the years and is being used in several local governments similar to Burt Township. I have started modifying this document, Articles 1-4, incorporating the existing regulations that will be woven into/throughout the new ordinance.

Before we get too far down the road on this, it is critical we review the proposed Future Land Use and Zoning Districts in the Master Plan. In Article 4, I have changed the Zoning District designations as set forth in the Master Plan.

I suggest the following outline for our work session on July 27:

1pm: Meet for informal tour of the community and township.

2-4pm: Meet at the Township Hall for a work session. Topics will include:

1. Review/discuss the current permitted and conditional uses in the existing ZO.
2. Review/discuss the proposed new ZO format.
3. Review/discuss the Future Land Use/Zoning Plan in the Master Plan

I am looking forward to meeting everyone this coming Thursday!

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# **ZONING ORDINANCE UPDATE**

## **BURT TOWNSHIP, MICHIGAN**

**DRAFT**

**7-21-23**

We are in early stages of discussion -  
be aware lots of this document may change!

**ZONING ORDINANCE  
BURT TOWNSHIP, MICHIGAN**

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## **PREAMBLE**

An ordinance to establish Zoning Districts for Burt Township, Michigan; to establish regulations for those Districts; to encourage and regulate the proper use of land; to provide for the administration, enforcement, and penalties for violation; to establish a Board of Appeals and to provide duties for the Board of Appeals and Planning Commission pursuant to the Planning Enabling Act, Public Act 33 of 2008, as amended, which incorporate the powers and duties of a zoning commission pursuant to the Michigan Zoning Enabling Act, Public Act 110 of 2006, and to repeal all inconsistent ordinances.

After careful study of this Ordinance, the Burt Township Planning Commission recommends its adoption to the Burt Township Board and, the Township Board does ordain:

## **Article 1 TITLE, LEGAL BASIS, PURPOSES, INTERPRETATION AND APPLICATION**

### **Section 1.1 TITLE, LEGAL BASIS, HISTORY & JURISDICTION**

**1.1.1 Title:** This Ordinance shall be known as the Zoning Ordinance of Burt Township or the Burt Township Zoning Ordinance. All Article, Section and other topical headings are for reference only.

**1.1.2 Legal Basis:** This Ordinance is adopted pursuant to the authority and requirements of the Michigan Zoning Enabling Act, Public Act 110 of 2006.

**1.1.3 History:** The original Zoning Ordinance of Burt Township was adopted October 10, 1995. It was subsequently revised and updated by amendments between 1995 and July 13, 2015.

**1.1.4 Jurisdiction:** This Ordinance shall apply to all land and water within the unincorporated areas of Burt Township.

### **Section 1.2 PURPOSES**

**1.2.1 General Purposes:** The Districts and other provisions of this Ordinance are based upon the Master Plan, particularly as it applies to Burt Township. That master plan and this Zoning Ordinance are designed to: 1) promote the public health, safety, and general welfare; 2) provide adequate light and air, and protect air and water quality; 3) encourage the use of lands in accordance with their character and adaptability; 4) limit the improper use of land; 5) conserve natural resources and energy; 6) meet the needs of the state's residents for food, fiber and other natural resources, places of residence, recreation, industry, trade, service and other uses of land; 7) ensure that uses of land are situated in appropriate locations and relationships; 8) avoid population overcrowding; 9) lessen congestion on public streets and highways; 10) reduce hazards to life and property due to fire, flooding, erosion, pollution, or excessive dust, fumes, smoke, noise, vibration, noxious odors or other hazards; 11) prevent the overburdening of public services and utilities; 12) facilitate the provision of adequate systems of transportation, sewage disposal, solid waste disposal, drainage, public water supply, education, recreation and other public requirements; 13) conserve the expenditure of funds for public improvements and services; 14) provide advantageous uses of land, resources and properties; 15) conserve land, community character and property values; and 16) prevent nuisances.

**1.2.2 Other Purposes:** It is not the intent of this Ordinance to legitimize activities which are prohibited by local ordinance, state or federal law. If any portion of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends that portion to be disregarded, reduced and/or revised so as to be consistent with the purposes of this Ordinance to the fullest extent allowed by law.

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### **Section 1.3 INTERPRETATION & APPLICATION**

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**1.3.1 Introduction:** In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

- A. Authority for Interpretation: The Zoning Administrator is responsible for interpreting the text of this Ordinance in accordance with the standards set forth in this Section and applicable Ordinance standards and requirements, and applicable state law. Interpretations made by the Zoning Administrator may be appealed to the Zoning Board of Appeals pursuant to the requirements of Article 19.
- B. Meaning and Intent: All provisions, terms, phrases, and expressions contained in this Ordinance shall be construed according to this Ordinance's stated purpose and intent, and applicable state law.
- C. Text Controls: In case of any difference of meaning or implication between the text of this Ordinance and any heading, drawing, table, or figure, the text shall control.
- D. Statutory References: All references to state law in this Ordinance refer to the Michigan Compiled Laws (MCL), as amended.
- E. Computation of Time: In computing a period of time prescribed or allowed by this Ordinance, the following rules apply:
  - 1. The day of the act or event after which the designated period of time begins to run is not included. The last day of the period is included, unless it is a Saturday, Sunday, or holiday on which the Burt Township Hall is closed for business; in that event, the period runs until the end of the next day that is not a Saturday, Sunday, or holiday on which Burt Township Hall is closed for business.
  - 2. If a period is measured by a period of weeks, the last day of the period is the same day of the week as the day on which the period begins.
  - 3. If a period is measured by months or years, the last day of the period is the same day of the month as the day on which the period began. If what would otherwise be the final month does not include that day, the last day of the period is the last day of that month. For example, "2 months" after January 31 is March 31, and "3 months" after January 31 is April 30.
- F. Delegation of Authority: Whenever a provision requires the head of a department or another officer or employee of the Township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

#### **1.3.2 Relationship to Other Regulations and Restrictions:**

- A. This Ordinance is not intended to interfere with or abrogate or annul any ordinance, rule, regulation, or permit previously adopted or issued and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of land, buildings, structures or premises, and not in conflict with this Ordinance.
- B. This Ordinance is not intended to interfere with or abrogate or annul any easements, covenants, deeds or other agreements between parties, provided however, that where this Ordinance imposes a more stringent restriction upon the use of land, buildings, structures or

other premises, or upon height of buildings, or requires larger open spaces, or larger lots, or requires mitigating measures or other limitations on a property different from those imposed or required by an easement, covenant, deed or other agreement, then the provisions of this Ordinance shall control in addition to all non-conflicting requirements of an easement, covenant, deed or other agreement.

- C. In the interpretation, application and enforcement of this Ordinance, whenever any of the provisions or limitations imposed are more stringent than any other law, rule, regulation or ordinance, then the provisions of this Ordinance shall govern. However, if the requirements of any other law, rule, regulation or ordinance impose more stringent requirements than are imposed by this Ordinance, then the provisions of such other law or ordinance shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal law or regulation. Provisions of this Ordinance are not intended to take precedence over Federal laws or over State of Michigan laws if applicable which pre-empt local government ordinances including applicable provisions of the USA RLUIPA, the Michigan Right to Farm Act 93 of 1981 as amended and the Michigan Right to Forest Act 676 of 2002.
- D. In the event that the combined effect of the requirements of this Ordinance and any other law, rule, regulation or ordinance so severely limit the use of property subject to this Ordinance that no economically viable use of the property remains and a claim of taking under the Fifth Amendment to the U.S. Constitution could be made, then prior to seeking any redress in a court of law, the property owner shall file a petition with the Township Board for a Practical Difficulty Planned Unit Development under Article 12 of this Ordinance.
- E. Meetings of the Burt Township Board, Planning Commission and Zoning Board of Appeals under this Ordinance are subject to the Open Meetings Act, P.A. 267 of 1976, and documents prepared for or retained associated with the administration of this Ordinance are subject to the Freedom of Information Act, P.A. 442 of 1976.

**1.3.3 Definitions:** Many words, terms and phrases within this Ordinance have a meaning that may be different from their everyday use. Article 2 presents definitions of words, terms, and phrases used within this Ordinance. Section 2.2 presents rules for the interpretation of words and phrases in the Ordinance. Section 4.4 presents definitions of use classes and lists examples of permitted uses. Some Articles have their own set of definitions which apply only in that Article.

## Article 2 DEFINITIONS

### Section 2.1 PURPOSE

The purpose of this Article is to clarify the meaning of any term used within this Ordinance for which the common definition may not serve the purpose of this Ordinance, or which is not a commonly used term outside of the context of this Ordinance.

### Section 2.2 RULES OF CONSTRUCTION

The following rules of construction apply to the text, tables and illustrations of this Ordinance:

- A. The particular shall control the general.
- B. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- C. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- D. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- E. A "building" or "structure" includes any part thereof.
- F. The phrase "used for" or "occupied" includes "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
- G. The word "person" includes an individual, a corporation, a limited liability corporation, a partnership, a trust, a firm, an incorporated association, or any other similar entity.
- H. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," or "either...or," the conjunction shall be interpreted as follows:
  - 1. "And" indicates that all the 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 singly but not in combination.
- I. Words and phrases not otherwise defined in this Ordinance shall be construed according to the common and approved usage of the language as found in dictionaries, but technical words and phrases not otherwise defined in this Ordinance that may have acquired a particular meaning in law shall be construed and understood according to such meaning.
- J. The word "lot" includes the word "plot", "tract", or "parcel".
- K. The words "this Ordinance" means the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached and as enacted or subsequently amended. The "Township" is Burt Township, State of Michigan; the "Township Board" is the Burt Township Board of Burt Township; the "Planning Commission" is the Planning Commission of Burt Township; the "Board of Appeals" is the Zoning Board of Appeals, or Board of Zoning Appeals of Burt Township.
- L. In computing a period of days, see Section 1.3.1(E).
- M. All statutory citations are to statutes as amended, including codifications and repeals if a new statute is adopted with a similar scope and purpose.

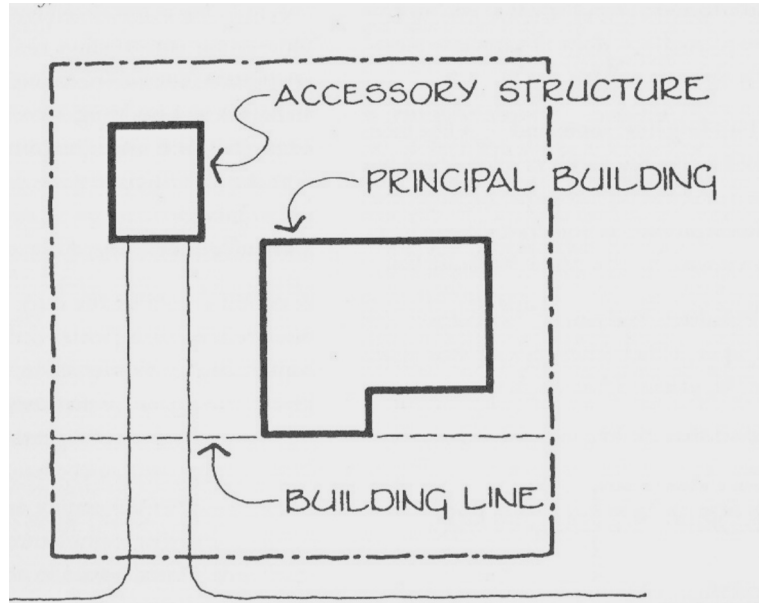
### Section 2.3 DEFINITIONS

**Accessory Building, Structure, Semi -tractor/trailer or portable Storage Container:** A temporary or permanent building, structure, semi-truck, semi-trailer or portable storage

**Article 2**  
**DEFINITIONS**

container customarily incidental and subordinate to the principal building and located on the same lot as the principal building. See Figure 2-1.

**Figure 2-1**  
**ACCESSORY STRUCTURE & PRINCIPAL BUILDING RELATIVE TO BUILDING LINE**



**Accessory Use:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of some accessory off-street parking spaces or loading) located on the same lot as, the principal use to which it is related. For example, a retail business is not considered customarily incidental to a residential use.

**Adult Care:** see Community Residential Care Facilities.

**Agriculture:** Means the production of plants and animals useful to humans, including forages and sod crops; grains, feed crops, and field crops; dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, captive cervidae, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities. Agricultural use includes use in a federal acreage set-aside program or a federal conservation reserve program.

**Alley:** A dedicated public way, which is not a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

**Antenna:** A device used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based structures for the purpose of communication.

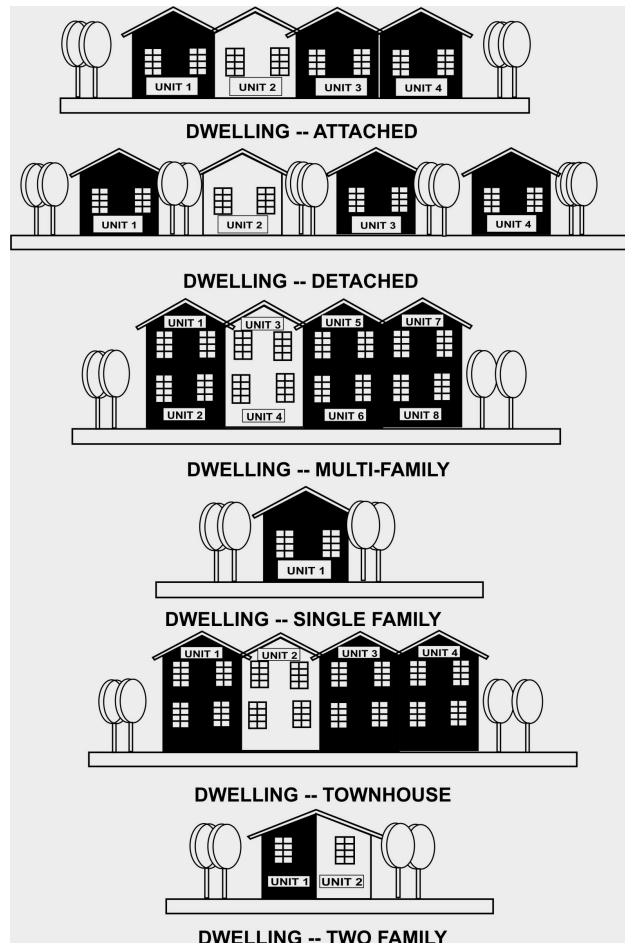
**Apartment:** A suite of rooms or a room in a multiple-family building, including bath and kitchen facilities, arranged and intended as a place of residence for a single-family.

**Applicant:** A person who submits an application under one of the procedures set forth in this Ordinance.

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**Attached Dwelling:** A one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls. A townhouse is an attached dwelling. See Figure 2-2.

**Figure 2-2**  
**DWELLING TYPES**



**Attic:** That part of a building that is immediately below and wholly or partly within the roof framing.

**Auto Court:** (see Motel).

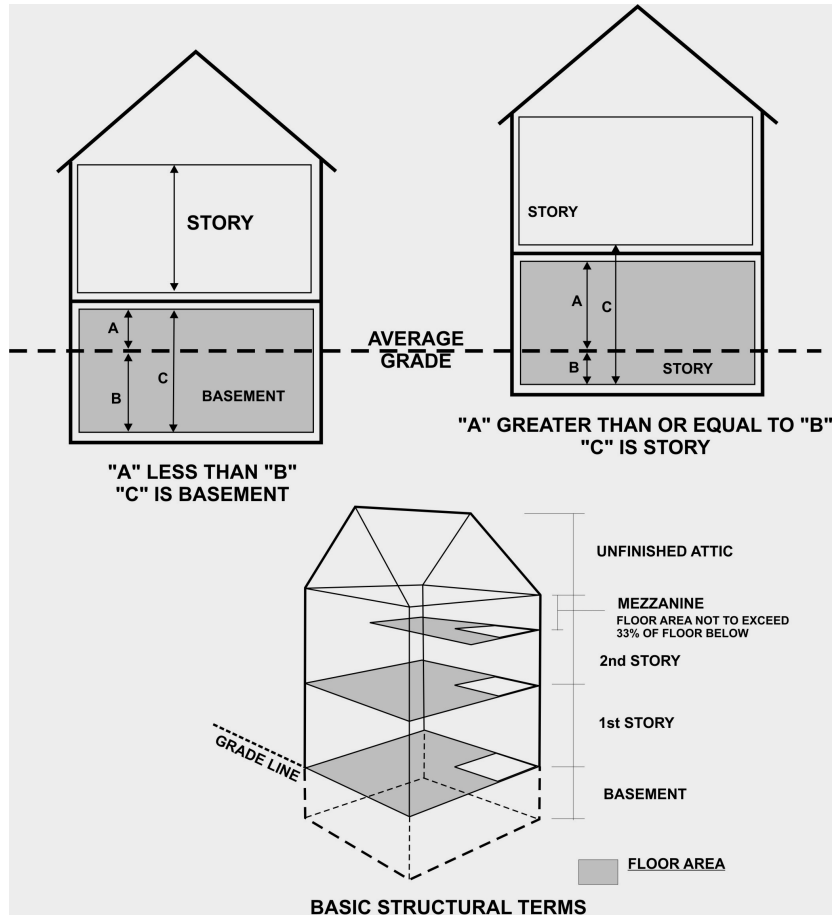
**Back Country Shelter (BCS):** A single building available for public use, which is associated with trails as provided for in 10.12.35, for providing transient temporary shelter and service for people using the trails. It is a building which is designed only for temporary human occupancy associated with trails and trail easements for outdoor recreation and/or sport, and is not considered a single-family dwelling unit, which if constructed after the effective date of this Ordinance shall be subject to the conditions and requirements provided for in Article 7, under 7.15.1-A.

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

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distance from the average grade to the ceiling. A basement shall not be counted as a story (see Figure 2-3). A cellar is a basement. See also definition of “story”. However, any walk-out basement, regardless of average grade, shall be considered a story.

**Figure 2-3**  
**BASEMENT AND STORY**



**Bed and Breakfast:** A commercial use which is subordinate to the principal use of a building as a single-family dwelling unit, and in which transient guests are provided a sleeping room in return for remuneration. Meals also may be provided.

**Berm:** A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes to provide a transition between uses of differing intensity.

**Boarding House:** A commercial use which is subordinate to the principal use of a building as a single-family dwelling unit in which furnished rooms and meals are provided to lodgers on a temporary basis.

**Buffer Strip:** A strip of land reserved for plant material, berms, walls, or fencing to serve as a visual and/or sound barrier between properties, often between abutting properties and properties in different zoning districts.

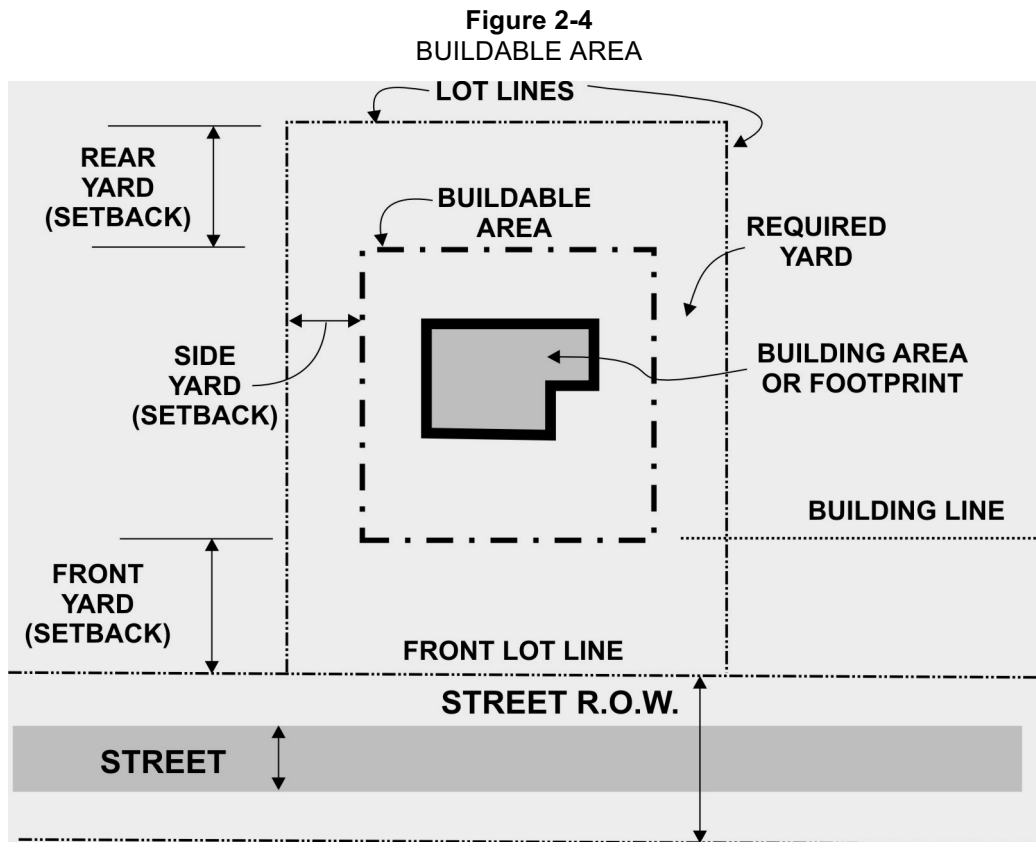
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**Building Addition to an Existing Building:** An enclosed permanent add-on building attachment to an existing permanent building. See Article 7, Section 7.33.

**Buildable Area:** The portion of a lot remaining after the minimum yard and setback requirements of this Ordinance have been met. See Figure 2-4. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements.

**Building:** Any structure, either temporary or permanent, having a fixed location and a roof supported by columns, walls or other supports, and used or built for the shelter or enclosure of persons, animals, or property of any kind or for the conduct of business. This shall include but is not limited to awnings, mobile homes, inflatable structures, fabric or membrane structures, sheds, garages, greenhouses and other similar structures.

**Building Area or Building Footprint:** The total horizontal area of the largest story of the principal building and all accessory buildings, exclusive of uncovered porches, terraces, patios and steps. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements.



**Building Height:** The vertical distance measured from the floor of the first story to the highest point of the roof surface for flat roofs and A-frames, to the deck line of mansard roofs, and to the average height between the highest eave and the highest ridge for gable, hip and gambrel roofs (see Figure 2-5). A cupola, widow's watch, tower or parapet wall that extends above the roof line shall be considered the highest point of the roof surface on roofs with such features. See



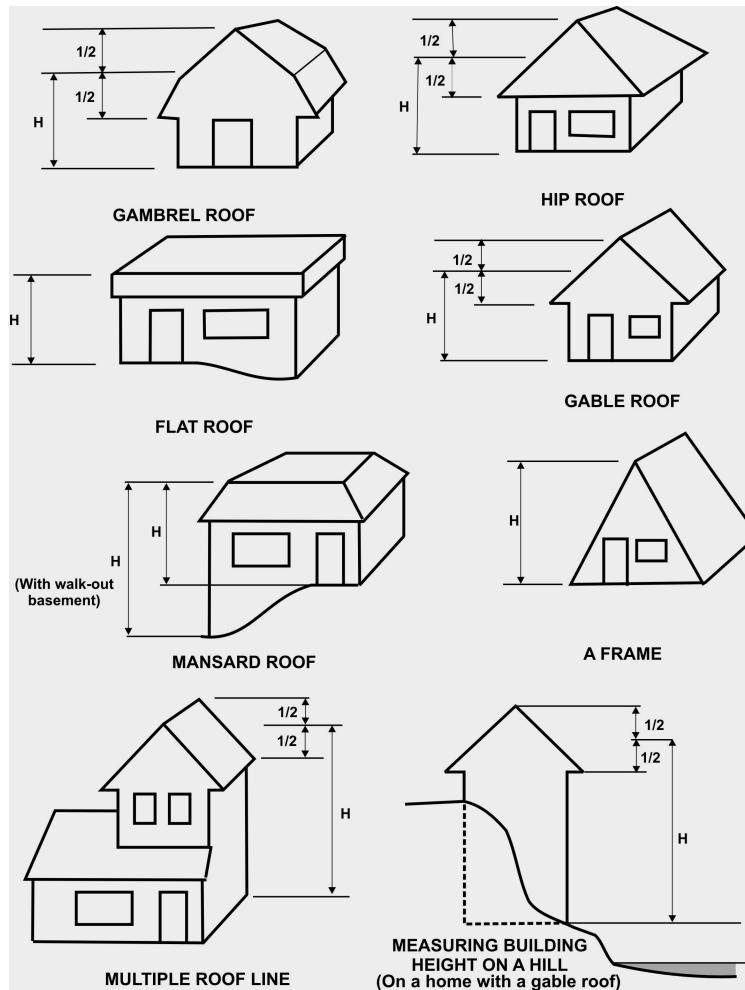
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also Section 7.11 and 7.12 concerning building height exceptions and building grades. The PPBF Option may allow an extension.

**Building Line or Setback Line:** A line parallel to a front, side or rear lot line, established for the purpose of prohibiting the erection of a structure between such line and the corresponding lot line. See Figures 2-1 and 2-4. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements. Also see Setback.

**Building, Principal:** A building in which the principal use of a lot is conducted. See Figure 2-1.

**Figure 2-5**  
**BUILDING HEIGHT**



**Bus Shelter:** A temporary structure not to exceed 40 square feet on a bus route used only to shelter school children waiting for a school bus.

**By Right:** A use permitted in a district by action of the Zoning Administrator, without any special review and approval process, or special standards, provided the application demonstrates conformance with all the applicable nondiscretionary standards for that use in that district.

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**Cabin (Cottage):** See Dwelling, Single Family.

**Camp or Hunting Camp:** A single building designed only for temporary human occupancy that is not considered a single-family dwelling which if constructed after the effective date of this Ordinance shall not be larger than four hundred (400) sq. ft., have an approved waste disposal system and no pressurized water.

**Camp, Organized:** A parcel or tract of land with one or more buildings under the control of an organization or business which has buildings that provide meeting spaces, dining facilities, sleeping quarters, and recreational and educational facilities. Organized camps include hunting lodges, ski hill lodges, retreat centers, religious retreats and therapeutic camps and have waste disposal and pressurized water systems approved by the Health Department.

**Campground:** (includes RV Park): A parcel or tract of land under the control of a person, which has established campsites for two (2) or more recreational units such as tents, camper trailers, travel trailers, recreational vehicles, motor homes, or temporary sleeping quarters of any kind. Campsites may be advertised to the public as available either free of charge or for a fee. A campground does not include a seasonal mobile home park, mobile home park, or manufactured housing community licensed under the Mobile Home Commission Act, P.A. 96 of 1987.

**Carpport:** A partially open structure intended to shelter one or more vehicles. Such structures shall comply with all setback requirements applicable to garages.

**Change of Use:** A use of a building, structure or parcel of land, or portion thereof which differs from the previous use in the way it is classified in this Ordinance.

**Child Care:** see Community Residential Care Facilities.

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

**Clear Vision Area:** Corner areas at intersecting streets, alleys and driveways in which unobstructed vision of motor vehicle operators is maintained.

**Commercial:** A use or facility providing building area, parking area, service area, screen plantings and traffic areas designed for the conduct of commerce.

**Common Land:** A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development or condominium project.

**Common Open Space:** - Land within or related to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents and their guests of the development or the public at large if dedicated to and accepted by the public, and may include such complementary structures and improvements as are necessary, appropriate and approved as part of the development according to the requirements of this Ordinance.

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**Community Residential Care Facilities:** Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings or in larger facilities. These are all state-regulated facilities.

**A. Adult Foster Care Facilities defined in PA 218 of 1979, MCL 400.703, Section 3:**

1. Adult foster care facility: a governmental or nongovernmental establishment that provides foster care to adults. Subject to section 26a(1), adult foster care facility includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically disabled who require supervision on an ongoing basis but who do not require continuous nursing care.
2. Adult foster care camp (adult camp): an adult foster care facility with the capacity to receive more than 4 adults to be provided foster care and is located in a natural or rural environment.
3. Adult foster care congregate facility: an adult foster care facility with the capacity to receive more than 20 adults to be provided with foster care.
4. Adult foster care family home: a private residence with the approved capacity to receive 6 or fewer adults to be provided with foster care for 5 or more days a week and 2 or more consecutive weeks. The licensee shall be a member of the household and an occupant of the residence.
5. Adult foster care large group home: an adult foster care facility with the approved capacity to receive at least 13 but not more than 20 adults to be provided with foster care.
6. Adult foster care small group home: an adult foster care facility with the approved capacity to receive at least 12 or fewer adults to be provided with foster care.

**B. Child Care Organizations defined in PA 116 of 1973, MCL 722.111, Section 1:**

1. Child Care Organization: a governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision, notwithstanding that educational instruction may be given. Includes child caring institutions, child placing agencies, children's camps, child care centers, day care centers, nursery schools, parent cooperative preschools, foster homes, group homes, or day care homes, but not to organizations exclusively for emancipated minors or 18 years of age or older.
2. Child caring institution: a child care facility that is organized for the purpose of receiving minor children for care, maintenance, and supervision, usually on a 24-hour basis, in buildings maintained by the child caring institution for that purpose, and operates throughout the entire year. It may include an educational program. It includes a maternity home for minor unmarried mothers, an agency group home which is a small child caring institution for more than 4 but less than 13 minor children, and institutions for mentally retarded or emotionally disturbed minor children. Does not include a licensed hospital, nursing home or home for the aged, a facility under the mental health code, an adult foster care family home or an adult foster care small group home.
3. Child placing agency: a governmental organization or nonprofit agency for receiving children for placement in private family homes for foster care or for adoption.
4. Children's camp: a residential, day, troop, or travel camp that provides care and supervision and is conducted in a natural environment for more than 4 children, apart from the children's parents, relatives, or guardians, for 5 or more days in a 14-day period.
5. Child care center(day care center): a facility , other than a private residence, receiving 1 or more preschool or school-age children for care for periods of less than 24 hours a day, and where parents or guardians are nor immediately available to the child. It includes a facility that provides care for not less than 2 consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play

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group, before – or after-school program, or drop-in center but not a Sunday school, religious facility, school aged child focused training program or a program that is primarily an incident of sponsored group athletic or social activities.

6. Private home: a private residence in which the licensee or registrant permanently resides as a member of the household, which residency is not contingent upon caring for children or employment by a licensed or approved child placing agency. Includes a full-time foster family home, a full-time foster family group home, a group day care home, or a family day care home as follows.
- a. Foster family home: a private home in which 1 but not more than 4 minor children, who are not related to an adult member of the household by blood or marriage or are not placed there under the Michigan adoption code PA 288 of 1939, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or guardian.
  - b. Foster family group home: a private home in which more than 4 but fewer than 7 minor children, who are not related to an adult member of the household by blood or marriage or are not placed there under the Michigan adoption code PA 288 of 1939, MCL 710.21 to 710.70, are given care and supervision for 24 hours a day, for 4 or more days a week, for 2 or more consecutive weeks, unattended by a parent or guardian.
  - c. Family day care home: a private home in which 1 but fewer than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Includes a home where care is given to an unrelated minor child for more than 4 weeks during a calendar year.
  - d. Group day care home: a private home in which more than 6 but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Includes a home where care is given to an unrelated minor child for more than 4 weeks during a calendar year.

**Communication Tower**: A structure including but not limited to monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

**Conditional Use**: A use not essentially incompatible with uses permitted in a zoning district, but which possesses characteristics which require individual review in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. A conditional use is permitted by right in a particular district, provided that the use complies with the nondiscretionary standards of Article 10 of this Ordinance.

**Condominium Master Deed**: The document recorded as part of a condominium subdivision to which are attached as exhibits and incorporated by reference the approved bylaws for the condominium subdivision and the condominium subdivision plan.

**Condominium Project**: A plan or project including not less than two (2) condominium units established and approved in conformance with the Condominium Act (Act 59 of the Public Acts of 1978).

**Condominium Subdivision**: A division of land on the basis of condominium ownership, pursuant to the Condominium Act and which is subject to the provisions of the Land Division Act

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of 1967, Public Act 288 of 1967, as amended. Also known as a site condominium or site condo. As used in reference to a "Condominium Subdivision" in this Ordinance, the terms below are defined as follows:

- A. **Condominium Unit**: That portion of a condominium project that is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. The owner of a condominium unit also owns a share of the common elements. The term "condominium unit" shall be equivalent to the term "lot" or "building site", for purposes of determining compliance of the site condominium subdivision with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, and maximum lot coverage, and within which a building or other improvements may be constructed by the condominium unit owner. The condominium unit shall not include any limited common elements.
- B. **General Common Area**: That portion of a site condominium project designed and intended for joint ownership and maintenance by the condominium association as described in the Master Deed.
- C. **Limited Common Area**: That portion of a site condominium project designed and intended for separate ownership, but outside the building setbacks for the zoning district the property is located in, as described in the Master Deed.
- D. **Building Envelope**: The area of a condominium unit within which the principal building or structure may be constructed, together with any accessory structures, as described in the Master Deed.
- E. **Building Site**: That portion of a condominium project that shall include the condominium unit and that may also include limited common elements as described in the Master Deed. For purposes of determining compliance with the applicable requirements of the Zoning Ordinance (including, without limitation, area, width, and setback requirements) or with other applicable laws, ordinances, or regulations, "building site" shall be considered to be the equivalent of a "lot."
- F. **Limited Common Element**: That portion of a condominium project other than the condominium unit that is reserved in the master deed for the exclusive use of the owner of the condominium unit.

**Condominium Subdivision Plan**: The drawings attached to the master deed for a condominium subdivision which describe the size, location, area, horizontal and vertical boundaries and volume of each condominium unit contained in the condominium subdivision, as well as the nature, location and size of common elements.

**Conservation Easement**: The grant of a property right requiring that the described land will remain in its existing natural state in perpetuity. Also means that term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, P.A. 451 of 1994 when applied to a cluster development or open space development as provided in Section 10.12.31.

**Convalescent Home (Nursing Home)**: A building having a principal purpose of providing sleeping, eating and gathering rooms where infirm persons are housed, often for extended periods of time, and furnished with meals and nursing care.

**Day Care**: see Community Residential Care Facilities.

**Deck**: An unroofed structure used for outdoor living purposes which may or may not be attached to a building and which is more than six (6) inches above the finished grade.

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**Deed Restriction:** A restriction on the use of a lot or parcel of land that is set forth in the deed and recorded with the County Register of Deeds. It is binding on subsequent owners and is sometimes also known as a restrictive covenant. Unless the Township has an ownership interest in the property, a deed restriction is enforced by the parties to the agreement, not by the Township.

**Detached Dwelling:** A dwelling that is not attached to any other dwelling by any means. See Figure 2-2.

**District (or Zone):** A portion of the Township within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this Ordinance.

**Drive-In Establishment:** An establishment providing parking while the service is being provided to a person(s) in a vehicle as opposed to drive-through service where parking is not provided for the service.

**Drive-Through Establishment:** An establishment which does not provide parking while the service is being provided to a person(s) in a vehicle as opposed to drive-In service where parking is provided for the service in the vehicle.

**Driveway:** A means of access for vehicles from a street or alley to a parking or loading area, garage, dwelling or other structure or area.

**Dwelling:** Any building intended for human habitation; for living, sleeping, cooking and eating purposes.

**Dwelling, Single-Family:** A detached residential building containing only one (1) dwelling unit.

**Dwelling, Two-Family:** A detached residential building containing two (2) dwelling units.

**Dwelling, Multiple-Family:** A residential building containing three (3) or more dwelling units.

**Dwelling Unit:** A room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family occupancy, physically separated from any other dwelling units in the same structure, and containing independent cooking, bathroom, and sleeping facilities.

**ECHO Housing or ECHO Unit:** An Elder Cottage Housing Opportunity which is a temporary accessory use that permits residents and caregivers to occupy two dwelling units on a single-family residential zoned lot. See Article 10.

**Family:** An individual or two or more persons related by blood (1<sup>st</sup> degree: children, siblings ) or adoption, by marriage, or two adults living together and cooperating in the care and rearing of their children, or a group not to exceed six (6) persons, whether or not related by blood (1<sup>st</sup> degree: children, siblings ) or marriage or adoption, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use. Domestic servants residing on the premises shall be considered as part of the family.

**Family Care:** see Community Residential Care Facilities.

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**Farm Animal**: See Livestock

**Fence**: An unroofed structure erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, or mark a boundary for all or any part of a lot.

**Footprint, Building**: See building area.

**Foster Care**: see Community Residential Care Facilities.

**Frontage**: The total continuous length of the front lot line. (See Figures 2-7 and 2-9).

**Garage**: An accessory building or portion of the principal building used for storage by the occupant of the principal building.

**Garage Sale or Yard Sale**: The sale or offering for sale to the general public of items of personal property by the owner or tenant of a lot on which a dwelling unit is located, whether within or outside the dwelling unit, a garage or other accessory building.

**General Regulations**: Standards and/or requirements found in Article 7 for lots, uses and activities that relate to accessory uses, various exceptions, and aspects of land use and design that are not addressed in other Articles of the Zoning Ordinance.

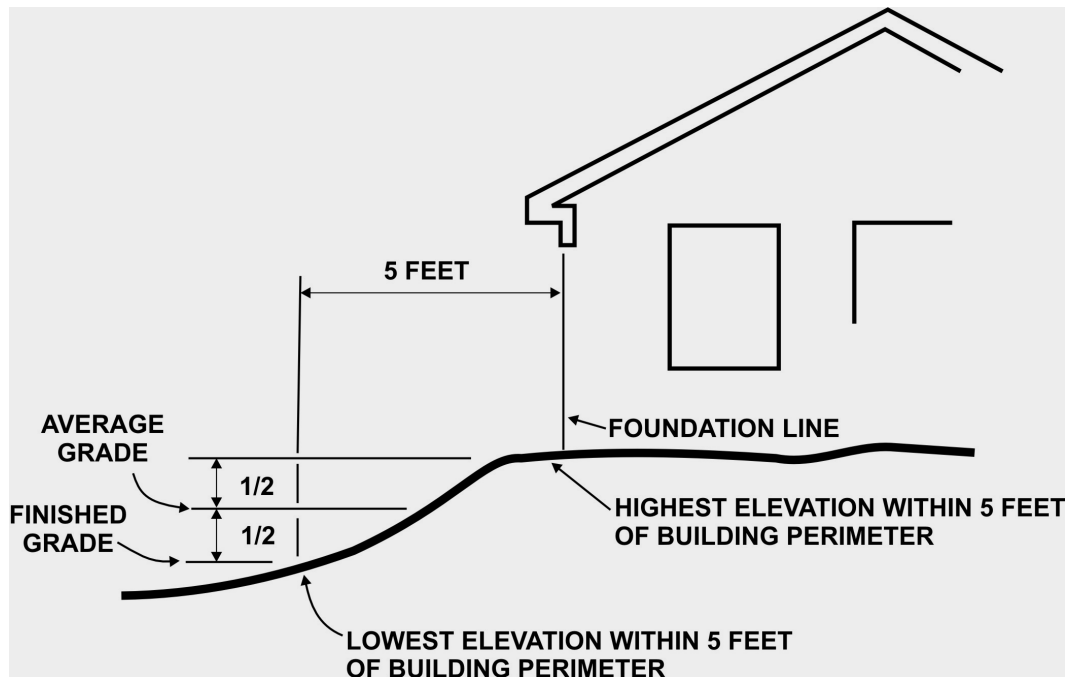
**Grade, Average**: The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure not including window wells or required basement egress (see Figure 2-6).

**Grade, Finished**: The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure, not including window wells or required basement egress. See Figure 2-6.

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

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**Figure 2-6**  
**AVERAGE GRADE AND FINISHED GRADE**



**Group Care:** see Community Residential Care Facilities.

**Hazardous Substance:**

- A. A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.
- B. "Hazardous substance" as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, Public Law 96-510, 94 Stat. 2767.
- C. "Hazardous waste" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.11103.
- D. "Petroleum" as defined in the Natural Resources and Environmental Protection Act of 1994, as amended, MCL 324.21303(d)(ii).

**Historic Site:** A structure, place, natural object, or configuration, or portion thereof, of historical, archaeological, cultural, or architectural significance and designated as such by federal, state, county, township or municipal government.

**Home Occupation:** A commercial activity, whether for profit or otherwise, carried on by an occupant of a dwelling unit as a secondary use which is clearly subordinate and incidental to the use of the dwelling unit as a residence.

**Hotel:** see Motel.

**Hunting Camp:** see Camp.

**Improvements:** Those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of



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the proposed project area, including, but not limited to roadways, lighting, utilities, sidewalks, screening, drainage, parking areas, and landscaping.

**Junk Yard:** Any land or building where waste, used, recycled or secondhand materials are bought and sold, exchanged, stored, baled, parked, disassembled or handled; including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than fifty (50) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**Kennel, Commercial:** Any lot or premise on which three (3) or more dogs, cats, or other household pets, are confined or kept for lodging, sale, breeding, or training purposes for remuneration.

**Livestock:** Any hooved animal including but not limited to cows, horses, donkeys, goats, sheep and swine; poultry/birds; and any animals raised for meat, dairy products, eggs, fur and/or replenishment of wild stocks (e.g. fish, pheasants). This does not include pets or service animals as defined in this Ordinance.

**Living Fence:** A grouping of plants including, but not limited to hedges, shrubs, bushes, or trees, arranged and/or growing in such a manner as to enclose, secure, partially enclose or secure, provide privacy or mark a boundary for all or any part of a lot.

**Lodge:** Total building footprint including all associated buildings is less than 10,000 square feet. See camp, organized, and ski hill lodge.

**Logging, Commercial:** Harvesting of timber which is done under an MDNRE approved forest management plan or process on timberland in designated districts where commercial forestry is permitted.

**Logging, Illegal:** Harvesting of timber not permitted under this Ordinance, nor under Federal Laws or State of Michigan laws.

**Lot or Parcel:** Land described in a recorded plat or by metes and bounds description, including a condominium unit in a condominium subdivision, occupied or to be occupied by a building, structure, land use or group of buildings having sufficient size to comply with the frontage, area, width-to-depth ratio, setbacks, yards, coverage and buildable area requirements of this Ordinance and all other Ordinances, unless the PPBF option is applicable and chosen, and having its principal frontage upon a public street or on an approved or legal nonconforming private road or approved access easement. Such lot may consist of a) a single lot of record; b) a portion of a lot of record; c) a combination of contiguous lots of record or portions of contiguous lots of record; or d) a parcel of land described by metes and bounds. If an accessory building is built on a contiguous lot, then for zoning purposes both lots will be considered to be one lot.

On new lots established after the effective date of this ordinance, only the area on the side of a public road or approved private road or approved access easement, where building is planned, can be applied to buildable lot site size requirements.

On a legal lot existing prior to the effective date of this Ordinance, where a public road or approved private road or approved access easement crosses the lot, a part of or all of the entire deeded area of the lot on both sides of a public road or approved private road or approved

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access easement may be applied to the buildable lot site size requirements on one side of a public road or approved private road or approved access easement, provided that the lot or portion of the lot applied to buildable lot size does not exceed the length/width requirements of the EHT Land Division, Subdivision and Condominium Ordinance for a lot, and provided that the applied part of the lot is at least the minimum width required for the Zoning District. The applied part of the lot across a public road or approved private road or approved access easement which is used to meet buildable lot size requirements can not be further subdivided from the established buildable lot.

**Lot Area:** The area contained within the lot lines or property boundary.

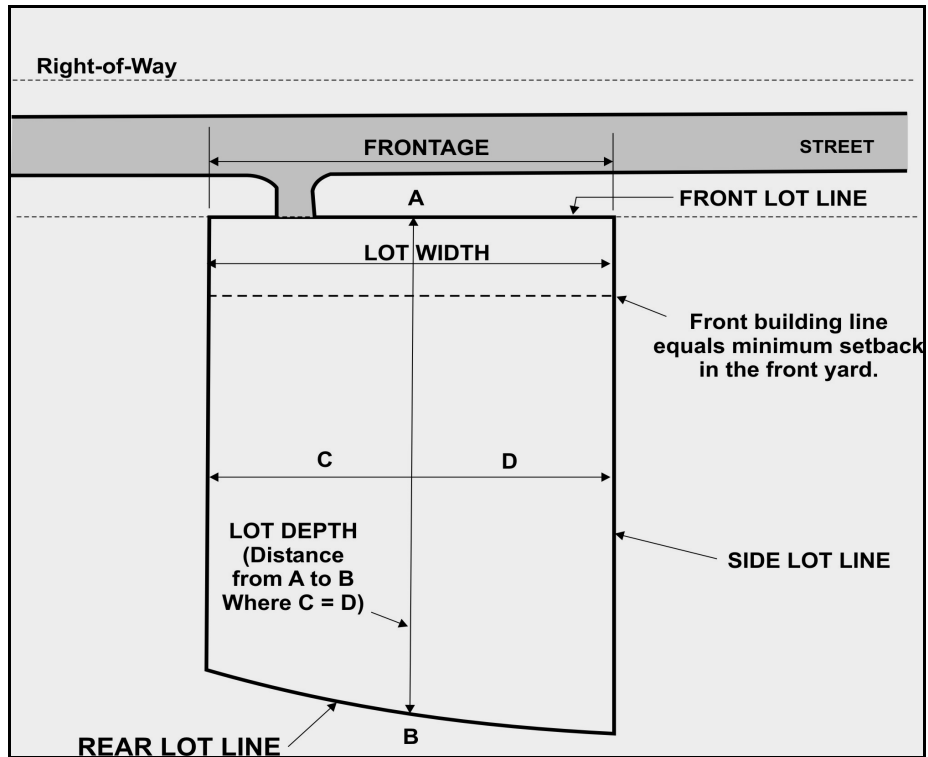
**Lot, Corner:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred and fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred and thirty-five (135) degrees (see Figure 2-8).

**Lot Coverage:** The amount of a lot, stated in terms of percentage, that is covered by all buildings and/or structures located thereon. This shall include all buildings and roofed (whether a partial roof, such as a pergola or trellis, or a full roof) structures such as porches, arbors, breezeways, but shall not include fences, walls, or hedges used as fences, unroofed structures such as decks, patios, swimming pools, or uncovered parking lots. Lot coverage shall be measured from the drip line of the roof or from the wall or foundation if there is no projecting portion of the roof.

**Lot, Depth of:** The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines. (See Figure 2-7).

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**Figure 2-7**  
**LOT FRONTAGE, WIDTH, & DEPTH**

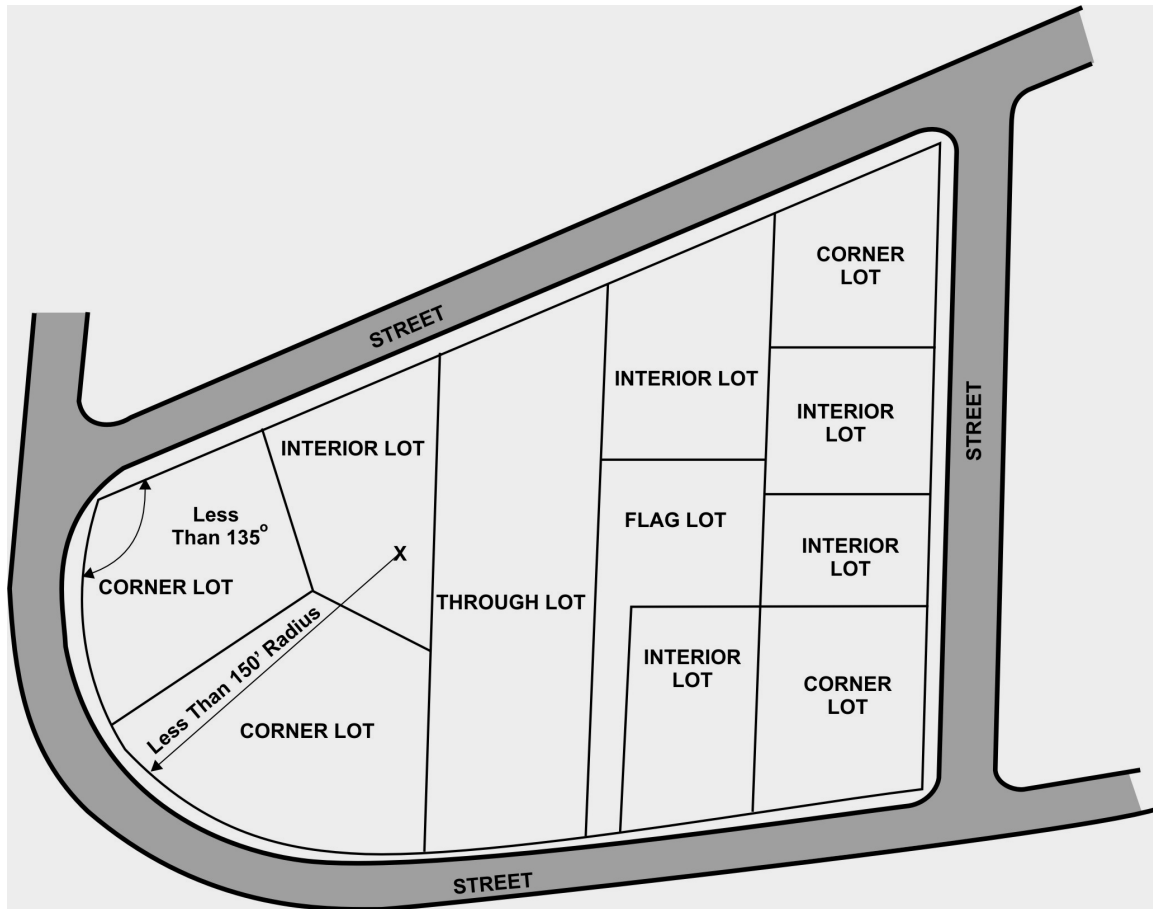


**Lot, Flag:** A lot whose access to the public street is by a narrow, private right-of-way that is either a part of the lot or an easement across another property. Flag lots are discouraged. See Figures 2-7 and 2-8.

**Lot, Interior:** Any lot other than a corner lot which has only one lot line fronting on a street. For this purpose, an alley is not considered a street unless the lot has no lot line fronting on a street. See Figure 2-8.

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**Figure 2-8**  
**LOT TYPES**



**Lot Line:**

**Front:** In the case of an interior lot, the line separating that lot from the street, a private road, or other access easement. In the case of a corner lot or through lot, the line separating that lot from either the street, a private road, or other access easement, and bearing the assigned street address for that lot. In the case of a flag lot, the line parallel and nearest to the main roadway. See Figures 2-7 and 2-9. If a lot extends across a public road or approved private road or approved access easement, then there is another front yard fronting on the opposite side of that public road or approved private road or approved access easement.

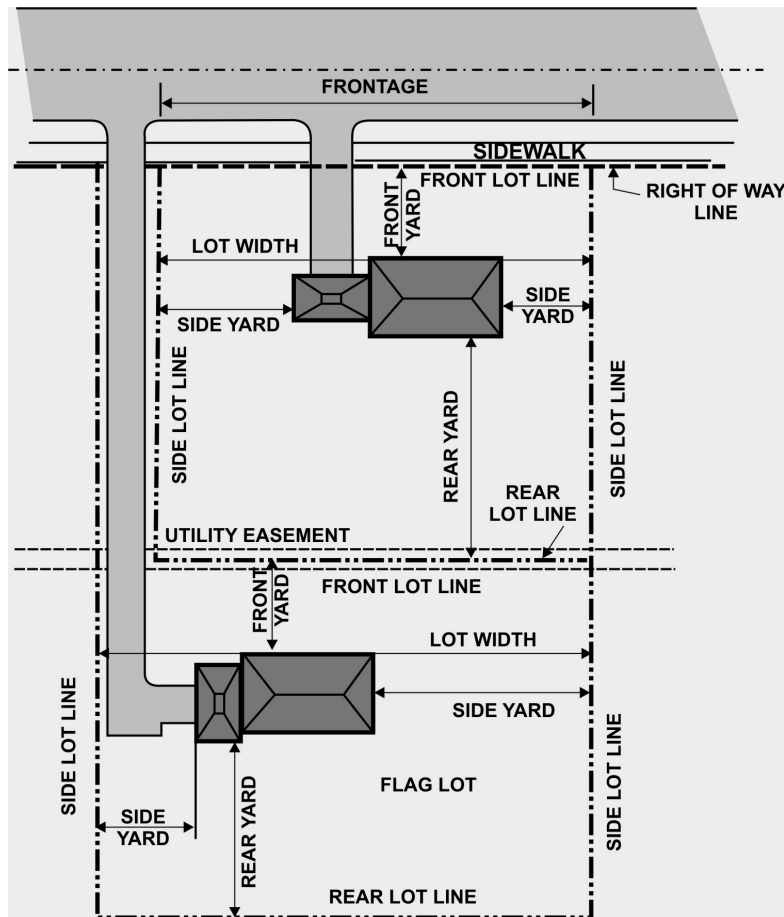
**Rear:** The line opposite the front lot line. In the case of a corner lot or through lot, the line which is opposite the street address. In the case of a triangular or otherwise irregularly shaped lot or parcel, an imaginary line at least ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line. (See Figures 2-7 and 2-9). On a waterfront lot, the rear lot line is on the water side parallel to the front lot line unless otherwise provided for in this Ordinance.

**Side:** Any lot line other than the front lot line or rear lot line. (See Figures 2-7 and 2-9).

**Side Street:** A side lot line separating a lot from a street.

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**Figure 2-9**  
**LOT LINES AND YARDS**



**Lot of Record:** A lot which is part of a subdivision, the map of which was recorded in the Office of the Register of Deeds in Alger County on or before October 10, 1995; or, a lot described by metes and bounds, the deed, survey or land contract, or land contract memoranda, which had been recorded in the Office of the Register of Deeds in Alger County on or before October 10, 1995; or, a lot created since October 10, 1995, which at the time of creation met all of the requirements of the then-current Burt Township Zoning Ordinance.

**Lot, Through:** A lot which is not a corner lot, and with frontage on two or more streets. For this purpose, an alley is not considered a street. On a through lot, all street lines shall be deemed front lot lines for setback purposes. (See Figure 2-8.)

**Lot, Waterfront:** A lot which borders on a water body. The owners of existing legal waterfront lots including those crossed by a public street or on an approved private road or approved access easement existing as of the effective date of this Ordinance, where lot depth is too shallow, may elect to meet rear lot requirements for the portion of the lot which fronts on a public street or on an approved private road or approved access easement providing access.

**Lot, Width of:** The horizontal straight line distance between the side lot lines, measured between the two points where the line establishing the setback for the front yard (also known as the front building line) intersects the side lot lines. (See Figures 2-7 and 2-9).

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**Manufactured Home and Manufactured Housing Community:** Dwelling units prefabricated in part or total which meet the HUD Code (42 USC Sec 5401), and are transported to the building site for long-term use.

**Manufactured Housing Community:** A private community of single family homes on individual lots owned by the owner of the manufactured home that resides upon it, that are built in accordance with the Federal Manufactured Home Construction and Safety Standards Act, and transported, sited and installed in compliance with the act and state requirements in the Michigan Mobile Home Commission Act.

**Marina:** A boat basin with facilities for berthing and securing recreational craft, which may also provide supplies, provisions, service and fueling facilities, and repair and storage of boats.

**Marine Terminal:** A dock, pier, landing, structure or property which provides access from land to a water based business.

**Master Plan:** The Burt Township Master Plan, which for the purposes of this Ordinance is also referred to as “The Plan”, adopted by the Burt Township Planning Commission pursuant to Public Act 33 of 2008, including text, maps and graphic proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the Township, the relationship of land uses to one another, and includes any unit or part of such plan, and any amendment to such plan or parts thereof, particularly as it relates to Burt Township needs in the Burt Township Zoning Ordinance, and land use needs and changes as shown on the Burt Township Zoning Map.

**Mezzanine:** An intermediate floor in any story occupying not more than one-third (1/3) of the floor area of such story. See Figure 2-3.

**Mineral:** Substances that can be extracted from the earth for profit whether they are solid, as rock, fire clay, the various metals, and coal, or fluid as mineral waters. For this ordinance, it only includes those substances and/or quantities of them which State of Michigan law does not pre-empt local governments from zoning and/or regulating, for example it does not refer to or include oil or gas.

**Mining:** The extraction by excavation of earth material or disturbing the land in the regular operation of a business for the purpose of extracting a natural resource from the land.

**Mining Operations:** Any mining and/or mineral extraction operation and/or associated mining activities, or any mining related buildings, structures, roads, processing equipment or tailing ponds, basins or mounds which are or may be built, operated or maintained.

**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. Mobile home does not include a recreational vehicle.

**Mobile Home Park:** A parcel or tract of land under the control of a person upon which three (3) or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to

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the occupancy of a mobile home, or as otherwise defined in Michigan Public Act 96 of the Public Acts of 1987, as amended.

**Motel (Auto Court, Tourist Court, Motor Court, Motel Hotel, Hotel):** A building or group of buildings, whether detached or in connecting units, used or designed as individual sleeping units for transient travelers and providing accessory off-street parking facilities. The term “motel” shall include buildings designed as “auto courts,” “tourist courts,” “motor courts,” “motel hotels,” and similar identification of integrated units of individual rooms under common ownership. A motel shall not be considered or construed to be a multiple family dwelling.

**Motor Court:** see Motel.

**Natural Resource:** Materials that occur naturally within environments that exist relatively undisturbed by mankind in a natural form.

**Nonconforming Building:** A building lawfully existing on the effective date of this Ordinance or subsequent amendment, and which does not conform to the requirements of this Ordinance.

**Nonconforming Lot:** Any lot of record which at the time it was recorded fully complied with all applicable laws and ordinances, but which does not fully comply with the dimensional or proportional lot requirements of this Ordinance or subsequent amendment.

**Nonconforming Structure:** Any structure other than a sign, lawfully existing on the effective date of this Ordinance or subsequent amendment and which fails to meet the requirements of this Ordinance.

**Nonconforming Use:** An activity using land, buildings and/or structures for purposes which were lawfully established prior to the effective date of this Ordinance or subsequent amendment and that fails to meet the requirements of this Ordinance.

**Nonconformity:** Any nonconforming use, nonconforming building, nonconforming structure or nonconforming lot as defined in this Ordinance.

**Nuisance:** Any act, thing, condition, land, building or premises which annoys, injures or endangers the public health, safety, comfort, offends public decency, or in any way renders the public insecure in life or property.

**Nursery:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**Off-Street Parking Lot:** A facility providing vehicular parking spaces, along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three (3) vehicles.

**Open Space:** Any unoccupied space open to the sky on the same lot with a building; as well as any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

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**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 marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation. Pursuant to the Natural Resources and Environmental Protection Act, Public Act 451 of 1994, Part 325, formerly the Great Lakes Submerged Lands Act, P.A. 247 of 1955, as amended, the ordinary high water mark for Lake Superior is 602.6 feet above sea level, International Great Lakes Datum of 1985.

**Organized Camp:** see Camp, organized.

**Outdoor Furnace:** The words “outdoor furnace” shall mean any device, appliance, equipment apparatus or structure that is designed, intended and/or used to provide heat and/or hot water to any associated structure or dwelling; operates by burning wood or any other solid fuel including and is not located within the structure to be heated.

**Overlay District or Overlay Zone:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zone. See Article.6.

**Owner:** The owner of the premises or lesser estate in the premises, a mortgagee or vendee in possession, an assignee of rents, receiver, executor, trustee, lessee, or any other person, sole proprietorship, partnership, association, or corporation directly or indirectly in control of a building, structure, or real property, or his or her duly authorized agent.

**Parcel:** See Lot.

**Park:** A parcel of land, building or structure used for recreational purposes including but not limited to playgrounds, sport fields, game courts, beaches, trails, picnicking areas, and leisure time activities.

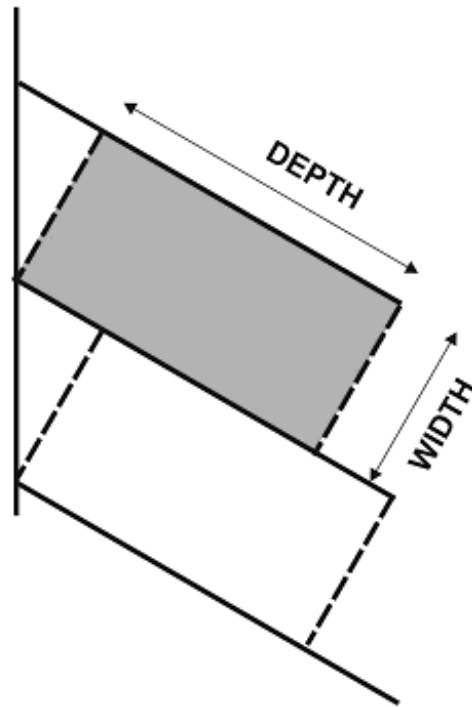
**Parking Space:** A land area of not less than ten (10) by twenty (20) feet, exclusive of driveways and aisles, and so prepared as to be usable for the parking of permitted vehicles and so located as to be readily accessible to a public street or alley. See Figure 2-10.

**Performance Guarantee:** Cash, completion bond, certified check, irrevocable bank letter of credit or other financial security acceptable to the Township as assurance that required improvements or conditions associated with project approval are properly built or conformed with.



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**Figure 2-10**  
**PARKING SPACE DIMENSIONS**



**Permitted Use:** Any use allowed in a zoning district and subject to the regulations applicable to that zoning district.

**Person:** Means an individual, partnership, association, trust, or corporation, or any other legal entity or combination of legal entities.

**Pets:** Animals that are commonly kept in a dwelling for pleasure.

**Planned Unit Development:** A parcel or lot, developed under single ownership or management as a separate neighborhood or community unit. The development shall be based on an approved site plan which allows flexibility of design not available under normal zoning district requirements. The plan may contain a mixture of housing types, common open space and other land uses as provided in this Ordinance.

**Plat:** A map of a subdivision of land recorded with the County Register of Deeds pursuant to Public Act 288 of 1967, or a prior statute.

**Plat Dedication:** Means the dedication of private property for public use either on the face of an approved plat or by a separate legal instrument.

**Porch:** A roofed open area, which may be screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the enclosed space is heated or air conditioned and when the percentage of window area to wall area is less than fifty (50) percent.

**Portable Storage /Shipping Container:** Temporary container used for transportation and storage.

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**Poultry: Non-commercial** Small numbers of poultry maintained in residential districts for the production of eggs and/or meat for the personal use of the residence.

**Practical Difficulty** – See Section 19. 5.

**Pre-existing Permanent Building Footprint (PPBF) size and site location:**

- A. If destroyed by any means, a non-conforming structure shall not be reconstructed except in conformity with the provisions of this Ordinance, unless it is impractical to do, in which case it shall be rebuilt on not more than the building footprint which existed at the time of destruction and in compliance with Section 9.4.A.
- B. The original and visible outline formed by the remains of a permanent building foundation of a pre-existing building that was situated on the permanent foundation outline at the time and on the date of the adoption of this Ordinance is referred to herein as the PPBF Outline.
- C. The PPBF Outline has to be in reasonable evidence (measurable so that the size and site location can be determined) to the Zoning Administrator at the time of application and site inspection.
- D. Health Department sewage and water requirements, including section 7.6; and floodplain and environmental requirements, including any applicable parts of Article 6, and any requirements of this Ordinance for new accessory buildings/ structures other than those to which the PPBF size, yard and set back option apply, must be met and complied with.
- E. For purposes of PPBF, a mobile home in place at the time of adoption of this Ordinance is considered to be a permanent building if it was attached to or placed on the permanent foundation for support so that it could not be moved by simply putting wheels on it and towing it away.
- F. The PPBF option cannot be used for either an illegal lot or illegal building or illegal use.
- G. Unless otherwise provided for in this Ordinance, a non-conforming building may be enlarged as long as the portion that constitutes the enlargement does not increase the non-conformity of the building and otherwise complies with the present requirements of this Ordinance.

**Premises:** A lot, parcel, tract or plot of land together with the buildings and structures thereon.

**Principal Use:** The primary or predominant use of any lot or parcel of land.

**Public Utility:** A person, firm or 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, communication, telephone, telegraph, transportation, or water.

**R or “R”:** see **By Right.**

**Ramp:** A sloping walkway, roadway or passage used to join and provide a smooth transition between two levels of different elevation, including between land and water at a boat launching site.

**RC or “RC”:** Right of Conditional Use. see **Conditional Use.**

**Recreational Vehicle or RV (Travel Trailer/Coach):** A vehicle primarily designed and used as temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle such as a fishing shanty or a portable sauna.

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**Repair:** The reconstruction or renewal of any part of an existing building for the purpose of maintenance.

**Residence Hotel/Residence Inn:** A multiple family dwelling which regularly houses people for compensation for longer term living with an average length of stay of 30 days or more

**Residential Care:** see Community Residential Care Facilities.

**Resort:** A place of typically seasonal entertainment, recreation and/or lodging. Resort lodging, if provided, may include hotels, motels, single or multiple-family residential dwelling units, cottages, campgrounds, bed and breakfasts as regulated by the PUD sections of this Ordinance. Total building footprint including all associated buildings is ten thousand (10,000) square feet or more.

**Restaurant:** A building in which food is prepared and sold for consumption within the building as opposed to a drive-in establishment where food may be taken outside of the building for consumption either on or off the premises.

**Restoration:** The reconstruction or replication of an existing building's original architectural features.

**Restrictive Covenant:** In the case of a cluster or open space development under Section 10.12.31, it means a legal written agreement which runs with the land establishing not less than fifty percent (50 %) of the land to be developed will remain perpetually in an undeveloped state.

**Right (R or "R"):** see **By Right.**

**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.

**Road, Private:** A private way or means of approach to provide access to two (2) or more abutting lots, which is constructed and maintained by the owner or owners and is not dedicated for general public use. Road means the Right of Way of the road unless otherwise stated in this Ordinance. *Paths, trails, two tracks, logging roads and similar means of access that are not named in the Alger County 911 system at the time of adoption of this revision are not considered existing private roads.*

**Road, Public:** A road dedicated to the public, such dedication having been accepted by the appropriate public Road Commission or Department of Transportation, which meets the minimum construction standards of said Road Commission or the Michigan Department of Transportation. Road means the Right of Way of the road unless otherwise stated in this Ordinance.

**RV Park:** see Campground.

**S or "S":** see **Special Use.**

**Semi: A semi-truck or semi-trailer either as a separate or combined unit.**

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**Service Animals:** Guide or leader dogs for blind, hearing dog for deaf or audibly impaired, service dog for physically limited or service dog in training as provided for in State of Michigan law MCL 287.291 and/or police dogs, police horses and search & rescue dogs as provided for under MCL.750.50c.

**Setback:** The distance required to obtain minimum front, side or rear yard open space provisions of this Ordinance. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements. Also see Building Line and Yard Setback.

**Setback Line:** See Building Line. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements.

**Sexually Oriented Businesses (SOBS):** Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character. SOBS include but are not limited to adult book or video store, adult entertainment establishment, adult mini-theater, adult motion picture theater, and adult novelty business as defined below.

- A. **Adult Book or Video Store:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, periodicals, films, computer software or video tapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined herein.
- B. **Adult Entertainment Establishment:** A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances presented for the enjoyment of the audience which has paid or promised to pay an admission fee and which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".
- C. **Adult Mini-Theater:** A commercial establishment where, for any form of consideration, in an enclosed area with a capacity of less than ten (10) persons, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown which are characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".
- D. **Adult Motion Picture Theater:** A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," as defined herein.
- E. **Adult Novelty Business:** A business that has as a substantial or significant portion of its activity in the sale of devices which stimulate human genitals or devices designed for sexual stimulation.
- F. **Nudity or State of Nudity:** The appearance of a human bare buttock, anus, male genitals, female genitals, or female breast without a fully opaque complete covering of the breast below a point immediately above the top of the areola, or human male genitals in a discernible turgid state even if complete and opaquely covered.
- G. **Specified Anatomical Areas** Includes:
  - 1. Less than completely and opaquely covered human genitals, pubic regions, buttocks and female breasts below a point immediately above the top of the areola;
  - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- H. **Specified Sexual Activities** Includes:
  - 1. Acts of human masturbation, sexual intercourse, or sodomy;

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2. Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
3. Human genitals in a state of sexual stimulation or arousal.
- I. **Substantial or Significant Portion:** A SOBS business will be deemed to have a substantial or significant portion of its stock in trade or services if it meets at least one of the following criteria:
  1. Thirty-five (35) percent or more of the stock, materials, or services provided describes or relates to specified sexual activities, specified anatomical areas, or both.
  2. Thirty-five (35) percent or more of the usable floor area of the building is used for the sale, display, or provision of services describing or relating to specified sexual activities, specified anatomical areas, or both.
  3. The advertising (on signs, in publications, on television or radio and/or other media forms) associated with the business, describes or relates to specified sexual activities, specified anatomical areas, or both.

**Shoreland:** The land, water and land beneath the water, which is in close proximity to the shoreline of Lake Superior, or other water body in the Township.

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

**Short Term Rental (STR):** A commercial use which is subordinate to the principal use of a dwelling unit, as defined by the Burt Township Zoning Ordinance, in which transient guests rent the entire dwelling unit for up to, or less than, thirty (30) consecutive days at a time. Meals are not provided with the rental but kitchen and/or dining facilities may be available for guests to prepare their own meals.

**Sign:** See definitions in Section 16, 16.2.

**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.

**Special Use / Special Land Use:** A special use "S" is a use on Table 4-1, Section 4.4.3 that is not essentially incompatible with the uses permitted in a zoning district, but possesses characteristics which require individual review and discretion in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and/or adjacent uses of land. A special use is permitted in a particular district only after review by the Planning Commission and issuance of a permit by the Township Board, in accordance with the standards set forth in this Ordinance. A special use is referred to as a special land use in the zoning enabling act.

**Special Use Permit / Special Land Use Permit:** A permit issued by the Zoning Administrator to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as a special use pursuant to standards and procedures established in Article 7 General Provisions and Article 10 Special Use and Conditional Use Regulations.

**Stock-in-Trade:** A commercial product or item purchased or obtained off-site of a premises for resale on-site of the premises. Includes specific commercial products or items which must be assembled or re-assembled or reconstituted on site.

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**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 ceiling next above. A basement shall not be counted as a story unless it is a walkout basement (see Figure 2-3). However, any walk-out basement, regardless of average grade, shall be considered a story.

**Street:** A thoroughfare for vehicular traffic, including all area within the right-of-way. Also see Road, Public.

**Structure:** Anything fabricated, constructed or erected, the use of which requires fixation or placement in, on or attachment to something having location on the ground including but not limited to all buildings, independently supported decks, satellite dishes and free-standing signs; excepting anything lawfully in a public right-of-way including but not limited to utility poles, sewage pumping stations, utility manholes, fire hydrants, electric transformers, telephone boxes, and related public facilities and utilities defined as essential public services. A paved, uncovered parking lot is not considered a structure.

**Structure Height:** For all structures other than buildings, the vertical distance measured from the finished grade to the highest point of the structure. For buildings, see building height.

**Subdivision:** The division of a lot, tract, or parcel of land into one or more lots for the purpose of sale or development, and subject to the requirements of the Land Division Act, Public Act 288 of 1967, as amended, this Ordinance and the requirements of any adopted subdivision control or land division ordinance of Burt Township.

**Swimming Pool:** Any structure, container, or pool, portable or non-portable, having a depth of one foot or more at any point and designed or used for swimming, wading, or bathing.

**Temporary Use or Building:** A use, building or structure permitted by Section 7.15 of this Ordinance, to exist during a specified period of time.

**Tent:** A temporary movable fabric or membrane shelter or enclosure used for transient recreational activities.

**Thoroughfare, Major:** A public street, the principal use or function of which is to provide an arterial route for through traffic, with its secondary function the provision of access to abutting property and which is classified as a Township primary, county primary, state trunkline, or interstate highway (see Figure 2-11).

**Travel Trailer/Coach:** see Recreational Vehicle.

**Underground Storage Tank:** A tank or combination of tanks, including underground pipes connected to the tank or tanks, which is, was, or may have been used to contain hazardous substances, and the volume of which, including the volume of the underground pipes connected to the tank or tanks, is ten percent (10%) or more beneath the surface of the ground.

**Use:** The principal purpose or activity for which the land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained as permitted in the zoning district in which it is located.

**Use/Use Class Definitions, other examples:** See Article 4 Zoning Districts and Permitted Uses including Table 4-1; and Article 7 General Provisions of this Ordinance.

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**Use, Permitted:** A use which may be lawfully established in a particular zoning district or districts provided it conforms with all the requirements, regulations, and performance standards, if any, of such districts. Also known as a use by right ("R"), or a use by right with conditions ("RC").

**Use, Principal:** The main use of land or a building as distinguished from a subordinate or accessory use. It may be either a permitted ("R" or "RC") or a special ("S") use.

**Variance:** A modification of the literal provisions of the Zoning Ordinance, granted by the Zoning Board of Appeals, when standards established in Article 7 and Article 19 of this Ordinance have been met. These standards seek to ensure that no variance is granted unless: (a) strict enforcement of the Zoning Ordinance would cause practical difficulty, (b) doing so would not be contrary to the public interest, (c) there are circumstances unique to the individual property on which the variance is granted, and (d) the variance request is not due to actions of the applicant.

**Vernal Pond or Stream:** See Waterbody, Seasonal.

**Waterbody:** Any body of water, including any creek, stream, canal, river, lake or bay, or any other body of water, natural or artificial, except a swimming pool or ornamental pool located on a single lot or any seasonal body of water which is not identified by a name or number on a current USGS map with a scale of 1:24000.

**Waterbody, Seasonal:** A waterbody which does not have any surface water in it for at least 2 months of the entire calendar year. An unnamed seasonal water body is one which is not identified by a name or number on a current USGS map with a scale of 1:24000.

**Watercraft Rental:** A watercraft used for a fee meeting any applicable state regulations and licensing without providing a captain on board. The renter is responsible for operation of the watercraft.

**WECS:** Shall be the approved form of abbreviation of "wind energy conversion system". The following associated definitions are also pertinent.

A. **WECS:** A combination of:

1. A surface area, either variable or fixed, for utilizing the wind for generation of electrical power; and
2. A shaft, gearing, belt or coupling utilized to convert the rotation of the surface area into a form suitable for driving a generator, alternator, or other electricity producing device; and
3. The generator, alternator, or other device to convert the mechanical energy of the surface area into electrical energy; and
4. The tower, pylon or other structure upon which any, all, or some combination of the above are mounted.
5. When the term WECS is used, it includes anemometer towers used to conduct a wind site assessment.

B. **Tower Height:**

1. **Horizontal Axis Wind Turbine:** The distance between the ground and the highest point of the WECS, as measured from the ground, plus the length by which the rotor blade on a horizontally-mounted WECS exceeds the structure which supports the rotor and blades;

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2. **Vertical Axis Wind Turbine:** The distance between the ground and the highest point of the WECS.
- C. **Survival Wind Speed:** The maximum wind speed as designated by the WECS manufacturer, at which a WECS, in unattended operation (not necessarily producing power) is designed to survive without damage to any structural equipment or loss of the ability to function normally.
- D. **Interconnected WECS:** A WECS which is electrically connected to the local electrical power utility system and which could feed power back into the local electrical power utility system.
- E. **The Michigan Siting Guidelines for Wind Energy Systems Definitions in Paragraph A:** are made a part of the Burt Township's Definitions for WECS including the descriptive text there for 1) Ambient, 2) ANSI, 3) dB(A), 4) Decibel, 5) IEC, 6) ISO, 7) On Site Use Wind Energy Systems, 8) Rotor, 9.) SCADA Tower, 10) Shadow Flicker, 11) Sound Pressure, 12) Sound Pressure Level, 13) Utility Grid Wind Energy Systems, 14) Wind Energy System, and 15) Wind Site Assessment.
- F. **The Michigan Siting Guidelines for Wind Energy Systems are made a part of this Zoning Ordinance as minimum standards including but not limited to:** Property Setback, Sound Pressure Levels, Construction Codes & Interconnection Standards, Safety, Wind Site Assessment for Utility Grid Wind Energy Systems, Utility Grid Wind Energy Systems (or in Burt Township any WECS over 80 feet in height) including the listings and descriptions including Applicant Identification, Project Description, Site Plan, Insurance, Consent Documents, Sound Pressure Level, Certifications, Visual Impact, Environmental Impact, Avian and Wildlife Impact, Shadow Flicker, Manufacturers' Material Safety Data Sheet(s), Decommissioning, Complaint Resolution; and the words "An applicant shall remit an application fee in the amount specified in the fee schedule adopted by the local government. This schedule shall be based on the cost of application review and may be adjusted from time to time; and including the Utility Grid Wind Energy System (or in Burt Township any WECS over 80 feet in height) project standards and requirements in that same document including 1. Overlay Zone 2. Property Setback 3. Sound pressure level 4. Construction Codes & Interconnection Standards 5. Safety 6. Visual Impact 7. Environmental Impact 8. Avian and Wildlife Impact 9. Electromagnetic Interference 10. Shadow Flicker 11. Decommissioning and 12. Complaint Resolution.
- G. **The USF&W guidelines standards for environmental review:** including avian and bat review shall be followed.
- H. **It is Burt Township's decision as to who will do:** environmental, avian and bat studies, and what standards the studies will follow.
- I. **Height Limit:** WECS towers over 300 feet in height are prohibited in Burt Township.

**Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life, and, that is commonly referred to as a bog, swamp, or marsh.

**Yard:** An open space on the same lot with a building, unoccupied and unobstructed by a structure from the ground upward, except as otherwise provided herein. See Figures 2-4 and 2-9. The PPBF Option may allow an extension of the buildable space into any or all of the yards described in this Ordinance in order to meet its requirements.

**Front:** A yard extending across the front of a lot between the front line of the lot and the nearest point of the main building or land use, projected to the side lines of the lot; except on a waterfront lot.



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**Rear:** An open space on the same lot with a main building, unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the sidelines of the lot.

**Side:** An open, unoccupied space on the same lot with the building, situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a sideline or side lot line.

**Yard Setback:** The distance between a lot line and the buildable area. Also See Building Line and Setback. See Figure 2-4.

**Yurt:** A round domed building constructed of a membrane on a frame.

**Zoning Administrator:** The Burt Township Zoning Administrator is hired for the purposes of carrying out certain duties and responsibilities as defined in this Ordinance.

**Zoning Board of Appeals:** The body appointed by the Township Board to hear appeals by any aggrieved party by a decision or order of the Zoning Administrator, or where it is alleged that the literal enforcement of this Ordinance would involve practical difficulties.

**Zoning Permit:** A document signed by the Zoning Administrator according to procedures established in this Ordinance, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that indicates that a site plan, and/or other zoning application or request for special zoning approval or variance for a structure or building has been reviewed and determined to comply with the requirements of this Ordinance or has been granted a variance therefrom, or has been granted a planned unit development approval or a Special Use Permit.

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**Section 2.4 WORDS NOT DEFINED**

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Any words requiring special interpretation and not listed above shall be used as defined in the dictionary maintained in the office of the Zoning Administrator, unless defined by specific action of the Zoning Board of Appeals.

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**Section 2.5 ACRONYMS**

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The following acronyms are used in this Ordinance:

AG – Agricultural District

ATV – All terrain vehicle

B-1 – Business District

BII – basic utility airports as regulated by MAC

BIII – commercial airports as regulated by MAC

BCS – Back Country Shelter

CE – Country Estate District

CEP – Conservation Environmental Protection District

CFA – Commercial Forest ACT

CFR – Congressional Federal Register or Commercial Forest Reserve as appropriate.

DU/AC – Dwelling Unit/Apartment Complex

ECHO – Elder Cottage Housing Opportunity

ED – Extraction District

EPA or USEPA – United States Environmental Protection Agency

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FAA – Federal Aviation Administration  
FEMA – Federal Emergency Management Authority  
FIRM – Flood Insurance Rate Map  
FP – Floodplain District  
HVAC – Heating, ventilation, air conditioning units  
KV – kilovolt  
M-1 – Limited Manufacturing District  
M-2 – General Manufacturing District  
MAC –Michigan Aeronautics Commission  
MCL – Michigan Compiled Laws  
MDNR – Michigan Department of Natural Resources  
MDEGLE Michigan Department of Environment, Great Lakes, and Energy,  
MDOT – Michigan Department of Transportation  
MHP – Mobile Home Park or Manufactured Housing Park  
P.A. –Public Act  
PDD – Planned Development District  
PPBF – Pre-existing Permanent Building Footprint  
PUD – Planned Unit Development. See definition in Section 2.3  
R – Use permitted by right  
R(1 & 3) – Single-Family Residential District  
R-2 – Two-Family & Multi-Family Residential District  
RC – Use permitted by right with conditions  
ROW – Right-of-Way  
RS (1 & 2) – Resort Service District  
RV Park – Recreational Vehicle Park  
S – Special use  
SLU – Special Land Use  
SOBS – Sexually Oriented Business  
STR – Short Term Rental  
TR – Timber Resource District  
USC – United States Code  
W/GP – Wellhead/Groundwater Protection District  
WECS – Wind Energy Conversion System

## Article 3 OFFICIAL ZONING MAP

### Section 3.1 PURPOSE

The purpose of this Article is to establish zoning districts within Burt Township, to establish and define the Official Zoning Map that shows the location of zoning districts, and to create a framework for the interpretation of the Official Zoning Map and related district boundaries. Furthermore, this Article delineates use classes, definitions, and permitted uses within each zoning district.

### Section 3.2 ZONING DISTRICTS & MAPS

**3.2.1 Establishment of Districts:** To achieve the purposes of this Ordinance, Burt Township, Michigan, is hereby divided into the following zoning districts:

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

NOTE: Also depicted on the Zoning Map for information purposes are Critical Sand Dunes. These areas require a separate permit from the MDNRE. See Section 6.10.

**3.2.2 Official Zoning Map:** The boundaries of the respective zoning districts are defined and established as depicted on the map entitled "Burt Township Zoning Map," which is an integral part of this Ordinance, and which, with the accompanying explanatory notes, shall be published as part of this Section and is incorporated by reference at the end of the Zoning Ordinance.

- A. The Official Zoning Map shall be identified by the signature of the Chairperson of the Township Board, attested by the Township Clerk, and bearing the seal of the Township under the following words: "This is to certify that this is the Official Zoning Map referred to in Article 3, Section 3.2.2, of the Zoning Ordinance of Burt Township, Michigan" together with the date of adoption of this Ordinance.
- B. If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Township Board. No amendment to this Ordinance which involves matters portrayed on the

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**OFFICIAL ZONING MAP**

Official Zoning Map shall become effective until such change and entry has been made on the map.

- C. If amendments are made in district boundaries or other matters depicted on the Official Zoning Map, such changes shall not be considered final, and building permits shall not be issued until the appropriate amendments have been made on the Official Zoning Map. Such amendments shall be made within ten (10) normal working days after the effective date of the amendment. One (1) copy of the Official Zoning Map shall be maintained and kept up-to-date in the office of the Zoning Administrator of Burt Township, along with a chronological file of the official actions taken.
- D. Any unauthorized change on or defacing of the Official Zoning Map by any person or persons shall be considered a violation of this Ordinance.
- E. Regardless of the existence of copies of the Official Zoning Map which may be made or published, the Official Zoning Map retained in the office of the Zoning Administrator shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the Township.

**3.2.3 Replacement of Official Zoning Map:** In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Township Board, hereinafter also referred to as "Legislative Body," may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Chairperson of the Township Board, attested by the Township Clerk, bearing the seal of the Township under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of Burt Township, Michigan" together with the date of adoption of this resolution. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts that remain, shall be preserved together with all available records pertaining to its adoption or amendment.

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**Section 3.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES**

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**3.3.1 Interpretation of District Boundaries:** Where a question arises with respect to the boundary of any district the following shall govern:

- A. Boundaries indicated as approximately following the centerlines of streets or alleys shall be construed to follow the center lines.
- B. Where boundaries follow the shore line of a stream, lake or other body of water, the boundaries shall follow such shoreline, and in the event of change in the shoreline, the boundaries shall be the actual shoreline; where boundaries follow the centerline of streams, rivers, canals or other bodies of water, such shall follow the centerlines thereof.
- C. A boundary indicated as approximately following a recorded lot line or the line bounding a parcel (such as a section or quarter-section line) shall be construed as following the lot line.
- D. A boundary indicated as following the municipal boundary line of a city, village, or township shall be construed as following the boundary line.
- E. A boundary indicated as following a railroad line shall be construed to be midway between the main tracks or in the center of the right-of-way if the tracks have been removed.
- F. Boundaries indicated as parallel to, or extensions of features indicated in subsections A-E above, shall be so construed. A distance not specifically indicated in the Official Zoning Map shall be determined by the scale of the map to the nearest foot.

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- G. Where physical features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Subsections A through F above, the Board of Appeals shall interpret the district boundaries.

Should the above rules not fully explain a question of boundaries, the Zoning Board of Appeals shall have the authority to make an interpretation on appeal based upon the aforementioned standards. See Article 19.

## **Article 4 ZONING DISTRICTS & PERMITTED USES**

### **Section 4.1 PURPOSE & PERMITTED USES**

This Article describes the scope of the district provisions, presents the purpose of each district and defines the use classes of permitted and special land uses. Examples of each class are presented, along with the districts in which each use class is allowed.

### **Section 4.2 SCOPE OF DISTRICT PROVISIONS**

#### **4.2.1 Land Uses, Buildings, Structures and Premises Subject to Regulation:**

- A. Every building or structure erected, any use of land, building, structure or premises, any structural alteration or relocation of an existing building or structure and any enlargement of, or addition to, an existing use of land, building, structure or premises occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable within the zoning district in which such land use, building, structure or premises shall be located.
- B. Only uses permitted per the provisions of this Article may be established on a parcel. All other uses may be permitted only if this Ordinance has been amended to permit them, unless authorized by means of approval of a Planned Unit Development by the Township Board pursuant to Article 12.
- C. A change in use group under the Stille-DeRossett-Hale Single State Construction Code Act, PA 230 of 1972, such as from "storage" or "business" to "mercantile" or "assembly" is a change of use which also requires review and approval under this Ordinance.
- D. All zoning approvals granted under this Ordinance run with the land. All future owners are subject to the terms and conditions of any permit issued under this Ordinance prior to their ownership, unless such a permit is no longer valid as determined by the Zoning Administrator.
- E. No lot, yard, parking area, building area, or other required space shall be reduced in area or dimensions so as not to meet the requirements of this Ordinance. No part of any lot, yard, parking area, or other space required for a building or use, shall be used for any other structure or use.

**4.2.2 Categories of Permitted Uses:** The principal and accessory uses permitted by zone are listed on tables in Sections 4.4.3 and 4.4.4.

- A. Uses listed as "R" on Table 4-1, Section 4.4.3 are permitted by right. Uses listed as "RC" on Table 4-1, Section 4.4.3 are permitted by right if the nondiscretionary conditions associated with that use, as set forth in Article 10, are met.
- B. Accessory uses are permitted as indicated with a "YES" on Table 4-2, Section 4.4.4 for the various zoning districts, if such uses are clearly incidental to the permitted principal uses. See Article 7 and Article 10.
- C. Uses listed as "S" on Table 4-1, Section 4.4.3 are permitted by Special Use Permit if the required discretionary and nondiscretionary standards associated with that use, as set forth in Article 10, are met, as reviewed by the Planning Commission and considered by the Township Board.
- D. Any of the uses permitted in a district can be combined in a Planned Unit Development per the requirements of Article 12.

**4.2.3 Unlisted Uses:** Where a proposed use of land or use of building is not contemplated or specified by this Ordinance or where the Zoning Administrator has a question as to the

appropriateness of a use which, although basically permitted, involves other features which were not contemplated or specified by this Ordinance, the Zoning Administrator shall request the Planning Commission to consider the proposed use, and if deemed appropriate, to then initiate the necessary amendment to this Ordinance to provide for the requested use in appropriate districts and according to standards recommended by the Planning Commission. Following adoption of the amendment by the Township Board, an application may be made to the Zoning Administrator to establish that use on a parcel in a district in which that use is permitted.

**4.2.4 Required Open Spaces:** No part of a setback area, or other open space, or off-street parking or loading space required in connection with any use of land, building or structure, for the purpose of complying with this Ordinance shall be included as part of a setback area, open space, or off-street parking lot or loading space similarly required for any other use, building or structure, except as provided for joint use of parking in Section 14.2.5.

**4.2.5 Site Plan Review Requirements:** No use of land, buildings, structures or portions thereof of a size or character greater than as provided in Section 18.23 of this Ordinance, shall be erected or utilized without the prior approval of the site plan in accordance with Article 18 of this Ordinance.

**4.2.6 Public Land, Buildings, Structures and Premises Are Subject to this Ordinance:** All land within the territory subject to this Zoning Ordinance which is owned by Burt Township, shall be subject to the provisions of this Ordinance. All land within the Township which is owned by the State or Federal governments, or other local agencies, including public schools and universities, or by any other public or quasi-public entity is subject to the requirements of this Ordinance, except as exempted or varied herein (see e.g., Essential Services Section 7.5 in Article 7), or as specifically exempted by State or Federal law (such as military establishments), or by action of a judge in a court of law.

**4.2.7 Zoning of Vacated Areas:** Whenever any street, alley or other public way within Burt Township shall be vacated by official action, such street, alley or other public way, or portion thereof, shall automatically be classified in the same zoning district as the property to which it attaches.

**4.2.8 Other Applicable Regulations:** Every use must comply with all applicable regulations in this Ordinance. All relevant Sections must be consulted to understand the scope of regulations that apply in a particular case. The most common applicable regulations in addition to the use regulations of this Article, are Articles 5 Schedule of District Regulations, Article 10 Special Uses and Conditional Uses, Article 6 Special Districts & Environmental Provisions; Article 7 General Provisions; Article 14 Off-Street Parking and Loading; Article 15 Landscaping, Buffering & Fencing; and Article 16, Signs.

**Section 4.3 INTENT & PURPOSE OF ZONING DISTRICTS**

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**4.3.1 Intent and Purpose of Zoning Districts:** The Burt Township Zoning Ordinance is based upon, and is intended to help implement the Master Plan. The following is a description of the purpose and intent of each of the Zoning Districts.

**4.3.2 NEIGHBORHOOD RESIDENTIAL (NR) DISTRICT**

The Neighborhood Residential District is intended to preserve the quiet neighborhood atmosphere free from other uses except for those which are compatible and convenient to the residents in the District. It is primarily located within the heart of Grand Marais and is comprised of single family dwellings with garages laid out in a grid pattern with small lots. The area may include duplexes or other forms of two-family dwellings including an accessory dwelling unit.

**4.3.3 SUBURBAN RESIDENTIAL (SR) DISTRICT**

This district is composed of single family housing on larger lots with lower density than that of the Neighborhood Residential District. This District supports not only single-family residences but also condominium developments located along highway M-77. Condominium developments are characterized by side-by-side dwelling units where an exterior door leads to each individual unit. Streets in this District may not follow a traditional grid pattern and shall include amenities such as public transportation and recreation access.

**4.3.4 BAY (BAY) DISTRICT**

The Bay 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.

**4.3.5 Reserved for Future Use.**

**4.3.6 Lakeshore and River (LS/R) DISTRICT**

The Lakeshore/River (LS/R) 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.

**4.3.7 Fox River Natural River (NR) DISTRICT**

The Fox River Natural River (NR) District is 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.



#### **4.3.8 DOWNTOWN (DD) DISTRICT**

The Downtown District features a variety of small retail shops, residences, government uses, and mixed use historic buildings along the northernmost segment of M-77 in Grand Marais. 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.

#### **4.3.9 GENERAL COMMERCIAL (GC) DISTRICT**

The GC District may include light industrial, commercial and residential mixed use developments. Buildings here are to be no greater than three stories with parking areas that capture and infiltrate all storm-water runoff on site incorporating energy efficient design strategies into both site and structure designs.

#### **4.3.10 Recreational Forest (RF) DISTRICT**

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 Special/Conditional Use permit process.

#### **4.3.11 Resource Production (RP) District**

The Resource Production (RP) 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.

The Master Plan suggests meeting with NPS to discuss the following highlighted districts:

#### **4.3.12 Seasonal Dwelling/Timber Production-Inland Buffer Zone ST/TP/IBZ0 District**

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.

#### **4.3.13 Resource Management - Inland Buffer Zone (RM-IBZ) District**

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.

#### **4.3.14 Rural Residential - Inland Buffer Zone (RRIBZ) District**

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.

#### **4.3.15 Seasonal Commercial - Inland Buffer Zone (SC-IBZ) District**

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.

#### **4.316 PUBLIC LANDS (PL) DISTRICT**

The Public Lands District will continue to be preserved and maintained for low-intensity activities and public enjoyment and ecological conservation. This District now incorporates the Department of Natural Resources property and the Pictured Rocks National Lakeshore, as established by Public Law 89-668.

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### **Section 4.4 DEFINITIONS OF USE CLASSES AND PERMITTED USES**

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#### **4.4.1 Definitions of Use Classes:**

- A. Use classes arrange land uses and activities into use categories based on common functional, product or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered and site conditions. The categories provide a systematic basis for assigning present and future land uses into appropriate zoning districts.
- B. When all principal uses of a development fall within one use category, the entire development is assigned to that use category. A development that contains a coffee shop, delicatessen and bakery, for example, would be classified in the Food and Drink Service Establishments category, because all of the development's principal uses are in that category. When the principal uses of a development fall within different use categories, each principal use is classified in the applicable category and each use is subject to all applicable regulations for that category. A mail order facility may simply be a call center or it may have warehouse or storage facilities on site. The Zoning Administrator shall classify the facility into the proper zoning district based on the characteristics of the use.
- C. Accessory uses are permitted in conjunction with a principal use subject to any special regulations applicable to it, and to the regulations applicable to the principal use if there are no special regulations. See also Article 7 for additional accessory use regulations.
- D. The list of examples of permitted uses on Table 4-1, Section 4.4.3, lists common examples of uses included in the respective use category. The names of these sample uses are generic. They are based on common meanings and not on what a specific use may call itself. For example, a use that calls itself "Wholesale Warehouse" but that sells mostly to consumers, is included in the General Retail Establishments category rather than the Wholesale Trade Establishments category. This is because the actual activity on the site matches the description of the General Retail Establishments category.
- E. Many uncategorized uses are Special Uses for which particular standards are provided in Article 10. Others are basic uses permitted by right. Some uses are listed in more than one category (e.g. drugstores as Convenience Retail and also as Medical Service Establishments).

#### **4.4.2 Similar Use Interpretations:**

- A. The following considerations are examples of the factors that may be evaluated by the Zoning Administrator in making similar use interpretations (see also Section 19.7 on an appeal):
  - 1. The actual or projected characteristics of the activity in relationship to the stated characteristics of each use category.

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2. The relative amount of site area or floor space and equipment devoted to the activity.
3. Relative amounts of sales from each activity.
4. The customer type for each activity (retail or wholesale).
5. The relative number of employees in each activity.
6. Hours of operation.
7. Building and site arrangement.
8. Vehicles used with the activity.
9. The relative number of vehicle trips generated by the use.
10. How the use advertises itself.
11. Any other relevant considerations.

The Zoning Administrator shall keep a log of all use interpretations indicating the use, the options considered and the selection made, along with the reasons for that decision.

**Section 4.4.3 Classes, Definitions & Examples of Uses Permitted:** Table 4-1 presents land use classes, definitions and examples of uses permitted.

The following table needs to have the permitted and special uses filled in. I have filled in some of the first page.

Table 4-1  
CLASSES, DEFINITIONS & EXAMPLES OF USES PERMITTED

USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<b>Agricultural Service Establishments</b> Establishments primarily engaged in supplying soil preparation services, crop services, landscaping, horticultural services, and farm labor and management services.	Sawmills.	"P" in GC, "S" in RP
	Commercial nursery, greenhouse facilities	"R" in RP
	Animal hospitals, animal shelters, commercial kennels and veterinary services.	"R" in
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"S" or "R" as appropriate
<b>Business Service Establishments</b> Establishments primarily engaged in rendering services to business establishments on a fee or contract basis.	Advertising and mailing; stenographic services; temporary personnel services; duplicating and copying services; building maintenance; employment services; commercial food catering management and consulting services; protective services; equipment rental and leasing; commercial research; photo finishing; data processing; telemarketing sales; vending machine service; and office supply services.  Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" in DD and GC
<b>Commercial Agriculture or Horticulture</b> The commercial production, harvesting and storage of farm products on a farm and the farm operations typically attendant thereto, as "farm" is defined in the Michigan Right to Farm Act, Public Act 93 of 1981; as amended.	Field crop and fruit farming; truck farming; nurseries; greenhouses; turf/sod farms; apiaries; annelid farms; equine breeding and grazing; mushrooms; aquaculture; similar agricultural enterprises; and the usual farm buildings associated with such uses. A cervidae livestock operation as defined and regulated by Act No, 191 of the Public Acts of 2000. Other agricultural uses similar to and compatible with the above uses, as first determined by the zoning administrator.	"R" in RF, RP, RM-IBZ

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<p><b>Community Residential Care Facilities</b> Community residential care facilities provide shelter and care for individuals with special needs in single family dwellings or in larger facilities. These are all state-regulated facilities as defined in Article 2 under <u>Community Residential Care Facilities</u> and in PA 116 and PA 218.</p>	<p>Child care organization as defined in PA116 of 1973, MCL 722.111, Section 1 and Article 2 of this Ordinance; and Adult Foster Care Facilities as defined in PA 218 of 1979, MCL 400.703, Section 3 and in Article 2 of this ordinance; except group day care homes; and except adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.</p>	<p>"R" in NR, SR, BAY, LS/R, NR, RP, RM-IBZ, DD &amp; GC ((not on street level/first floor unless in the back of the building and not on more than 50% of total floor area in C-1 &amp; C-2).</p>
	<p>Group day care homes as defined in PA116 of 1973, MCL 722.111, Section 1 and Article 2 of this Ordinance that meet the provisions of the Michigan Enabling Act Standards in subsection (4) as provided for in 10.12.7.</p>	<p>"RC" in</p>
	<p>Adult foster care facilities as defined in PA 218 of 1979, MCL 400.703, Section 3, and in Article 2 of this ordinance, licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.</p>	<p>"S" in</p>
	<p>Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.</p>	<p>"R" or "RC" or "S" as appropriate</p>
<p><b>Convenience Retail Establishments</b> A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station.</p> <p>Drive-through establishments are not convenience retail establishments.</p>	<p>Party stores; drug stores; grocery stores; bakeries; delicatessens; magazine and newspaper stands.</p> <p>Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.</p>	<p>"R" in</p>

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<b>Dangerous Chemicals and Fuels: Manufacturing, Storage and/or Distribution</b> Manufacturing or storage establishments which produce or store flammable, explosive or corrosive substances subject to state or federal regulation.	Manufacture and/or storage of fireworks, petroleum products, propane, bottled gas storage, industrial acids or similar substances; refineries.	"S" in
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.  Temporary storage under Fire Department supervision.	All districts.
<b>Drive-through Establishments</b> An establishment that by design, physical facilities, service or by packaging procedures encourages or permits customers to conveniently make deposits, view specified objects, receive services, or obtain goods without disembarking from their motor vehicles, and then proceeding elsewhere. Distinguished from a drive-in establishment by the absence of parking while the service is being provided.	Drive-through fast food restaurants, banks, drug stores, photo shops, grocery or party stores, and related businesses. A drive-through window, or motor vehicle oriented pick-up window, even if accessory to the principal use, shall subject the use to all the standards applicable to uses in which the drive-through aspect is a principal feature of the use.  Other retail and business service establishments similar to and compatible with the above uses, as first determined by the zoning administrator.	"S" in
<b>Educational Institutions</b> An educational institution is any government or privately-owned and/or operated facility, building or part thereof which is designed, constructed, or used for education or instruction at the primary or secondary level. Educational institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.	Governmentally or privately owned and operated elementary and secondary schools.  Other institutions similar to and compatible with the above uses, including research and development establishments when associated with an educational institution. See "research and development establishments".	"R" in

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USE CLASSES & DEFINITIONS	EXAMPLES OF USES PERMITTED	PERMITTED DISTRICTS
<b>Essential Services</b> The erection, construction, alteration or maintenance of materials and/or equipment needed to provide adequate service supporting the health, safety, convenience and well-being of the general public by public utilities, government departments or commissions.	Transmission systems, collection, disposal or supply systems including: Mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, street lighting, hydrants, towers, poles, and other similar pieces of equipment.  Overhead, surface, and/or underground lines that link homes, schools, businesses and other buildings to utility and public service structures including: Telephone, television, and electrical lines Sanitary sewer, storm sewer, and water lines Gas and oil lines Steam, fuel, gas, or water distribution lines  Railroad right-of-way and uses related thereto.  Anything more than a pole, box and basic lines are classified as utility and public service installations.  Also includes public roads and road rights-of way.  Note: Excludes structures that exceed 10 sq. ft. (See Utility and Public Service Installations)	<b>"R" in all districts</b>
<b>Food and Drink Service Establishments</b> An establishment where food and drink are prepared, served and consumed primarily on the premises.	Restaurants (eat-in or take-out, but not drive-through); bakeries; cafes; bars and taverns; brewpubs (allowed only in conjunction with and as part of a restaurant); coffee shops; delicatessens; diners; soup kitchens; and related uses similar to and compatible with the above uses.	<b>"R" in</b>
	Microbreweries as defined by MCL436.1109 (2), Nightclubs and Cabarets.	<b>"R" in</b>
<b>Forest Management</b>  The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or the performing of forest services. Usually done in accordance with a forest management plan establishing best conservation and management practices, including schedules and responsible entities.	Tree planting, harvesting, sawing, chipping, temporary storage, and transport of forest products, as well as forest research facilities are permitted uses. Sawmills, whether mobile or permanent, are common uses. The processing of wood products is an industrial activity (see Manufacturing Establishments).	<b>"R" in</b>

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<b>General Retail Establishments</b> The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises.	Stores selling, leasing, or renting new or used consumer, home and business goods including but not limited to: apothecary and pharmaceutical goods; appliances; art and art supplies; antiques; bicycles; books, magazines, newspapers and stationery; clothing; furs; dry goods; electronic equipment; fabric; flea market; furniture; lawn and garden supplies, plants and flowers; gifts and novelties; groceries; hardware; home improvements; household products; jewelry; packaged liquor sales; lumber and building materials and incidental millwork; music and instruments; office supplies; pets and pet food; sporting goods; tableware; toys; and videos, prepackaged and fresh food.	"R" in
	Gift shops, handicraft shops, candy, baked goods, pottery, furniture and other handcrafted enterprises.	"R" in
	Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	
<b>Group Housing</b> Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. There is usually a common eating area for residents.	Fraternity, sorority or other housing similar to and compatible with the above housing.  Does not include prisons, other correctional facilities, community residential care facilities or institutions for human care.	"S" in



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<b>Indoor Entertainment Establishments</b> Business establishments providing recreation that diverts, amuses, entertains, or provides entertainment or other hospitality associated with food service or accommodations. Does not include drive-through establishments.  Additional state regulations apply to indoor entertainment establishments that serve alcohol.	Athletic/fitness/exercise establishments; bowling alleys; ice or roller blade rinks; indoor soccer fields and racquet courts; amusement centers and game arcades; bingo parlors; casinos; pool or billiard halls; dance halls; theaters; membership clubs; saunas, hot tubs and similar establishments; indoor archery and shooting ranges; swimming pools/clubs. Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	<b>"R" in</b>
<b>Industrial Service Establishments</b> Industrial service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.	<u>Light/Medium:</u> Welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; auto and small truck engine, radiator, transmission, body and frame repair; building, heating, plumbing or electrical contractors; general building contractors; exterminators; recycling operations (other than vehicles); janitorial and building maintenance services; fuel oil distributors, solid fuel yards, propane storage and distribution; research and development laboratories; laundry, dry-cleaning and carpet cleaning plants; diaper services; linen supply services; lawn and garden services; mini-warehouse and photo-finishing laboratories.	<b>Light and Medium: "R" in</b>
"Light": fully enclosed; no outdoor operations or storage of materials or vehicles.  "Medium": same uses identified in "light", but with some outdoor operations or temporary storage of materials or vehicles except recycling operations.  "Heavy": same uses as light or medium, but at a greater scale or volume of activity plus other uses with greater nuisance characteristics.	<u>Heavy:</u> Sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; junkyards; heavy truck servicing and repair; tire retreading or recapping; truck stops; asphalt and cement batching and redi-mix; contractors with large equipment stored on site; heavy equipment trade schools; meat and poultry processing and packing (wholesale); and sawmills.	<b>Heavy: "R" in</b>
	Other establishments similar to and compatible with the above establishments. The scale or volume of an otherwise light industrial activity may result in classification as a medium or heavy industrial activity.	<b>"R" in</b>

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<b>Institutions for Human Care and Habitation</b> Institutions for human care include a broad spectrum of facilities for the diagnosis, treatment, care, rehabilitation or training of persons who may be ill, physically disabled, mentally retarded, emotionally disturbed, drug or alcohol dependent. Also includes facilities designed to meet the temporary housing needs of special populations (e.g. homeless, abused spouses, etc.). Does not include correctional facilities.	Nursing or convalescent homes; homes for the aged; assisted living facilities; orphanages; sanitariums; halfway houses; spouse abuse shelters; homeless shelters.  Other institutions similar to and compatible with the above uses, as first determined by the zoning administrator.	"R" in
<b>Lodging/Accommodations</b> A facility offering transient lodging accommodations to the general public and possibly providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities as accessory uses.	Hotels, motels, auto courts, and other transient lodging facilities (not lodges) with an average length of stay under 30 days.  Other establishments similar to and compatible with the above uses, as first determined by the zoning administrator.	"R" in
	Organized camps, and RV Parks and campgrounds for tents or recreational vehicles as permitted in Section 10.12.4.	"S" in
	Boarding Houses and Bed & Breakfast establishments.	"RC" in
	Resorts	"R."
<b>Manufacturing Establishments</b> Manufacturing and production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.	<u>Light</u> : Creameries; bottling works; bakery goods; candy; food products; ice making; greenhouses and nurseries; taxidermists; printing, publishing and engraving shops; automotive products; vehicle and machinery assembly; fabricated metal products; forming and molding plastic products; cosmetics; pharmaceuticals; toiletries; hardware and cutlery; tool, die, gauge and machine shops; processing of machine parts; musical instruments; toys; novelties; metal or rubber stamps; molded rubber products; monument and art stone production; industrial laundry operations; furniture and related wood products processing facility; assembly of electrical appliances, electronic instruments and devices; radios and phonographs.	Light: "R" in

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	<u>Heavy</u> : Wood products manufacture involving extensive use of glues and other chemicals, such as sheet boards and chip boards; drop forging; heavy stamping; punch pressing; heat treating, plating, hammering; or other similar activities; automobile, truck, farm or other large equipment assembly; manufacture of metallurgical products; and heavy machinery fabrication; dry bulk blending plant or handling of liquid nitrogen fertilizer and/or anhydrous ammonia.	Heavy: "R" in
	Other manufacturing establishments similar to and compatible with the above establishments in each class. The scale or volume of any otherwise light manufacturing activity may result in a classification as a heavy manufacturing activity.	"R" as appropriate
<b>Medical Service Establishments</b> Health care facilities providing medical, dental, surgical and preventive health services to patients as well as establishments providing support to health professionals and patients such as medical laboratories for research and testing, medical suppliers and service establishments.	<u>Small</u> : Medical or dental clinics; doctor or dentist offices; medical or dental labs; blood collection facilities; x-ray and related scanning facilities; emergency medical care facilities; sales of medical supplies and prosthetics; drug stores; pharmacies; therapeutic massage by licensed masseuses, physical therapists, rehabilitation therapists, nurses, or physicians; veterinary clinics.	Small: "R"
	Medical marijuana dispensaries/nurseries:	"R" in
	<u>Large</u> : Hospitals.	Large: "R"
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R" as appropriate
<b>Mobile Home Park and Manufactured Housing Community</b>	Mobile home park and manufactured housing communities.	"RC" in
<b>Multiple Family Dwellings</b> A building or portion thereof used and designed to contain separate living quarters for three or more families on one or more levels, but which may have joint services or facilities, such as for laundry or storage.	Apartment building, townhouses, and row houses, garden apartments, and condominiums residence inns, residence hotels, when considering the entire structure (not the individual dwelling units). Open spaces and rural cluster development.	"RC" in
	Other housing similar to and compatible with the above housing.	
<b>Office Establishments</b> Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, financial services. Accessory uses may include cafeterias and health facilities established primarily to service the needs of employees on the premises.	Financial institutions: lenders, brokerage houses, banks; insurance offices; real estate offices; offices for attorneys, accountants, architects, engineers and similar professionals; government offices; public utility offices; and telemarketing sales offices.  Other office establishments similar to and compatible with the above establishments.	"R" in

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<b>Outdoor Commercial Recreation &amp; Entertainment Establishments</b> Outdoor recreation and entertainment uses provide continuous, intermittent or seasonal recreation and/or entertainment-oriented activities largely in an outdoor setting. They may take place in a number of structures that are arranged together in an outdoor setting. There may be concessions, restaurants, retail shops selling items related to the recreation or entertainment uses, office for management functions, spectator seating and service areas, including locker rooms and rest rooms, caretaker's quarters and maintenance facilities in addition to structures for the principal uses.  Additional regulations apply to outdoor entertainment establishments that serve alcohol.	Amusement and water parks; theme parks; fairgrounds; zoos; miniature golf facilities; golf courses and country clubs; amphitheaters; air gun or survival games; batting cages; riding stables; swimming clubs, tennis clubs; skate board parks and drive-in establishments.	"R" in
	Archery, rifle, skeet, trap shooting ranges	"S" in
	Animal racing; automobile and motorcycle race tracks.	"S" in
	Trails, trail easements (motorized and non-motorized).	"RC" in all Districts
	Other uses similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R", "RC" or "S" as appropriate.
<b>Personal Service Establishments</b> Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.	Laundry pick-up stations; dry cleaning establishments performing the cleaning processes on site; self-service laundries; nails, beauty and barber shops and salons; shoeshine and shoe repair; tattoo parlors; tanning, steam baths, reducing salons and health clubs; tailor and dressmaker shops; tuxedo rental; photographic studios; animal grooming; and domestic services.  Other personal service establishments similar to and compatible with the above establishments. Does not include massage services except as accessory to a beauty shop or salon.	"R" in
	Funeral services and crematoria.	"R" in
<b>Planned Unit Development (PUD)</b> A planned residential, commercial, industrial, public or semi-public land use development consisting of two or more principal uses located on a parcel of land or prescribed minimum area and approved by the Township after site plan review. A PUD may include such concepts as cluster development, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this Ordinance	Single family or multiple family developments with cluster units around common open space; mixed use developments such as golf course communities surrounded by residences; ski resorts with common lodging, detached and/or attached single family residences; neotraditional or new urbanist developments mixing single family homes around a traditional small town commercial area with a common public open space; research and small manufacturing facilities in a campus like setting.  NOTE: Rural cluster developments are <u>not</u> PUDs or PDDs. They are exclusively single-family residential developments permitted as an "RC" use pursuant to Section 10.12.31.	"R" in

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through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.		
<b>Public Buildings &amp; Related Facilities</b> Buildings housing public services of cities, villages, townships, counties, state and federal government, usually in offices, including publicly-owned "Utility and Public Service Installations" and "Educational and Social Institutions".	Libraries, museums, township hall, county courthouse, police station, fire station, public works, schools, publicly owned tourist information centers, public boat launches/marinas, and other public buildings similar to and compatible with the above uses, and any publicly-owned "Utility and Public Service Installations".	"S" in all districts
	Trails, trail easements (motorized and non-motorized).	"RC" in all Districts
	Roadside parks and all other public parks.	"R" in all districts
	Cemetery.	"R" in all districts
<b>Religious Institutions</b> Religious institutions primarily provide meeting areas for religious activities.	Churches, synagogues, temples, mosques, monasteries, seminaries, convents including the associated religious activities which are directly related to and expressive of the basic tenets of the religion represented; for example, making or selling those items that are directly connected to the basic tenets.	"R" in
	Other institutions similar to and compatible with the above establishments, as first determined by the zoning administrator.  NOTE: Schools, day care centers, homeless shelters, soup kitchens and other commercial activities and other uses sometimes associated with religious institutions are separate principal uses that are permitted only if the district allows them.	
<b>Rental, Repair and Sales Services</b> Establishments that service or repair appliances, electrical equipment or other mechanical equipment or consumer goods. Includes customer drop-off and pick-up as well as off-site service calls.  Motorized and non-motorized watercraft are under "Watercraft Sales and Service."	Light: Rental, sales and repair of televisions, bicycles, clocks, watches, cameras, shoes, guns, appliances and office equipment; clothing; locks, and upholstery. Rental, sales and service of non-motorized recreational equipment such as snow ski, bicycle, kayak, canoe, and other rentals.	Light: "R" in B-1, RS-1, RS-2, M-1 and M-2
	Medium: Rental, sales and repair of small engines like lawn motors and small electric motors, snowmobiles, boat motors, ATV, trail groomers.	Medium: "R" in B-1, M-1 and M-2; "S" in RS-2
	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. Does not include repair of motor vehicles.	"R" or "S" as appropriate

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<b>Research and Development Establishments</b> An establishment or other facility for carrying on investigation in the natural, physical or social sciences which may include engineering and product development.	Laboratories, research park, computer and related development and testing facility, software development.  Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. See "industrial service establishments".	"R" in
<b>Sexually Oriented Businesses</b> Business or commercial enterprises engaging in the provision of sexually oriented products and services to adults. Often of an adult entertainment character.	Adult bookstore, adult club, adult massage parlor, adult model studio, adult motel, adult theater or escort agency.	"RC"
<b>Single Family Dwelling</b> A building containing not more than one dwelling unit used, intended or designed to be used as the home, residence or sleeping place of one-family. Includes site constructed, modular mobile home and other manufactured dwellings for a single family.	Single family dwelling, site condominium, mobile or manufactured home on an individual lot. Note: absolutely no single family dwellings, except permitted temporary dwellings, are permitted in TR or CEP.	"R" in R-1, R-2, BAY, LS/R, NR, C-1, C-2, RF, RP,  "RC"
	Other housing similar to and compatible with the above housing.	"R" or "RC" as appropriate
	Open space and rural cluster developments	"RC" in
	Community Residential Care Facilities in single family dwellings: – see previous listing in this Table 4-1 and in Article 2 under Community Residential Care Facilities.	As provided for earlier in this Table 4-1.
	Short-Term Rentals	"RC" in
	An ECHO unit (also known as mother-in-law flat) approved pursuant to Section 10.12.11 does not redefine a single-family dwelling as a two-family dwelling for the purposes of this Ordinance.	"S" in

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<p><b>Social Institutions</b> A social institution is a privately owned or operated facility which is designed, constructed, or used to provide service of a public, nonprofit, or charitable nature to the people of the community on an ongoing basis (not just special events). Social institutions include privately owned or operated facilities which provide education or instruction in any branch of knowledge.</p> <p>Social institutions may have offices, meeting areas, food preparation or serving areas, and athletic facilities as accessory uses.</p>	<p>Facilities to house charitable, eleemosynary or philanthropic organizations such as United Way, Red Cross, Salvation Army, as well as centers for social activities such as neighborhood, community or senior centers; military schools; business, trade and vocational schools (not construction equipment or large vehicles); art, music and dance schools; drivers' training (not large vehicles); institutions for higher education; auditoriums and other places for public assembly.</p>	<p>"R" in B-1, "S" in RS-2</p>
<p><b>Two-Family Dwelling</b> A building containing not more than two dwelling units, each designed and used exclusively as the home, residence or sleeping place of one-family.</p>	<p>A duplex; a building with two dwellings constructed side-by-side, front-to-back, over and under, or some combination of the above. Can be new construction or modification of an existing structure provided each dwelling is separate.</p> <p>Open spaces and rural cluster development</p> <p>Other housing with only two units similar to and compatible with the above housing.</p>	<p>"R" in R-2</p> <p>"RC" in R-2</p> <p>"R" or "RC" as appropriate.</p>



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<b>Utility and Public Service Installations</b> A building or structure within which a utility or transportation service deemed necessary for the public health, safety or general welfare is provided to the public by an entity under public franchise or ownership  Accessory uses may include offices, truck and large equipment parking, fueling and/or maintenance.	Heavy: Water and sewage treatment facilities; water towers; large scale artificially constructed storm water retention and detention facilities; recycling collection centers; solid waste; road maintenance and other public works garages.	"R" in M-1 and M-2 "S" in all other districts
	Light: Electrical substations, gas regulator stations; satellite antennas larger than ten feet in diameter and telephone exchanges.	"S" in all districts
	Communication towers: radio, television, cellular and microwave transmitter towers or other communication towers	"S" in all districts
	345kv or larger overhead electric transmission lines and towers constructed after the effective date of this Ordinance are prohibited in BurtTownship. Buried 345kv or larger electric transmission lines are permitted by special use permit.	"S" in all nonresidential districts
	Public airports, harbors, and rail yards.	Airports "S" in AG, other uses "R" in, RS-2, B-1, AG.
	One WECS wind tower up to 80 feet in height is allowed for each single family dwelling, for each camp/hunting camp and each cabin/cottage/yurt dwelling, and for each ED parcel.	"RC" in all districts except R-1, RS-1, CEP and R-2.
	WECS up to 300 feet in height, Utility Grid Wind Energy Systems. WECS towers over 300 feet in height are prohibited in BurtTownship.	"S" in AG, and TR
	Other utility and public service structures similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R", "RC" and "S" as appropriate
<b>Vehicle Sales and Service Establishments</b> Retail sales and service of motorized land and water vehicles. Except for filling vehicles with gasoline or diesel, or for an oil change, generally the customer does not wait at the site while the service or repair is being performed. Accessory uses may include offices, showrooms, sales of parts, and vehicle storage.	Sales or rental of new and used automobiles, light and medium trucks; mobile homes; boats; campers and other recreational vehicles; trailers; motorcycles, snow mobiles, ATV's, personal watercraft and other motorized sporting goods.	"R" in B-1
	Gasoline and auto service station and automobile service stations where fuel is dispensed. Service and repair of the above vehicles including: car wash, engine or transmission repair, muffler, brakes and windshield repair or replacement; upholstery repair; tire sales, alignment and mounting; auto detailing; vehicle wash; oil change, lubrication and related services, towing and short term vehicle storage.	"S" in B-1 and RS-2



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	Other establishments similar to and compatible with the above establishments, as first determined by the zoning administrator. Does not include: auto body shop; frame reconstruction; repair and service of industrial vehicles and heavy trucks. See also Industrial Services Use Class.	"R" or "S" as appropriate.
<b>Warehousing and Wholesale Trade Establishments</b> A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time to persons and businesses.	Self-service storage facilities, also known as: mini-warehouses, and rental storage units.	"R" in M-1 and M-2 "RC" in B-1 "S" in RS-2
Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, fueling and maintenance.	Warehousing, storage or transfer buildings, excluding the storage of flammable liquids. Truck, rail or air freight terminals; bus barns; cold storage facilities; parcel services, fertilizer sales, seed sales; lumber companies selling at wholesale; stockpiling of sand, gravel or other aggregate materials.	"R" in M-1 and M-2 "RC" in B-1
	Other retail establishments similar to and compatible with the above establishments, as first determined by the zoning administrator.	"R", "RC", or "S" as appropriate
<b>Water Based Business and Watercraft Sales and Services:</b> Any business in which the proprietor, employee(s) or customer(s) physically board a ship, boat, barge or vessel at a marine terminal. Activities that may or may not be directly dependant upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses. Includes land-based intense commercial and recreational uses and boat-related services and sales where the potential for development attracts the public for its nautical ambience and amenity.	Dinner boats, charter boats, passenger service, ferries, boat tours, motorized watercraft rental and commercial fisheries.	"RC" in RS-2 & B-1
	Marinas, with or without a ships store with related supplies and services; boat sales, rental, service and storage.	
	Charter boat fishing.	"RC" in RS-2 & B-1 and "S" in R-3
	Non-motorized water craft rental.	"RC" in RS-1, RS-2 and B-1

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**Section 4.4.4 Accessory Use Table:** Table 4-2 presents accessory uses, structures and buildings by district and the type of approval required.

**Table 4-2**  
**COMMON ACCESSORY USES, BUILDINGS & STRUCTURES PERMITTED**

Accessory Uses, Buildings & Structures	AG	TR	ED	CEP	CE	R-1	R-2	R-3	RS-1	RS-2	B-1	M-1	M-2	Special Standards Section #
Airport, private	YES													10.12.2
Amateur Radio, and TV Antennae	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.11.D
Boathouses and hoists					YES			YES		YES				6.2.5, 7.9
Decks and patios	YES	YES			YES	YES	YES	YES	YES	YES	YES			7.9.7
Dog Shelter	YES	YES	YES		YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9
Exterior lighting	YES		YES		YES	YES	YES	YES	YES	YES	YES	YES	YES	15.2, and others
Fences, walls, and Berms	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	15.4, 15.5, 15.6
Flagpoles	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.11.E
Garages and small sheds <sup>1</sup>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9 and 7.15
Garage sales	YES				YES	YES	YES	YES	YES	YES				7.15.1.J
Gazebos, fireplaces, and other outdoor appurtenances	YES	YES			YES	YES	YES	YES	YES	YES				7.9
Greenhouses	YES	YES			YES	YES	YES	YES	YES	YES	YES			7.9.2
HVAC units	YES				YES	YES	YES	YES	YES	YES	YES	YES	YES	7.11.B, 15.5.2
Home Occupations	YES				YES	YES	YES	YES	YES	YES	YES			10.12.18
Off-street loading and unloading	YES		YES				YES	YES	YES	YES	YES	YES	YES	14.3, 14.4
Off-street parking	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	Article 14
Outdoor storage	YES		YES		YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9.5
Outdoor tennis courts	YES				YES	YES	YES	YES	YES	YES	YES			7.9
Outdoor walkways and stairways	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.10.C

<sup>1</sup>: Garages and sheds must be located off the alley if one is present.

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<b>Accessory Uses, Buildings &amp; Structures</b>	<b>AG</b>	<b>TR</b>	<b>ED</b>	<b>CEP</b>	<b>CE</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>RS-1</b>	<b>RS-2</b>	<b>B-1</b>	<b>M-1</b>	<b>M-2</b>	<b>Special Standards Section #</b>
Outdoor Furnace	YES	YES	YES		YES			YES		YES	YES	YES	YES	7.9.9
Pole Barn	YES		YES		YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9
Pumphouses	YES	YES	YES		YES	YES	YES	YES	YES	YES	YES	YES	YES	6.2.5
Sauna	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9
Satellite dishes	YES				YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9, 7.10
Security Station			YES		YES	YES	YES	YES	YES	YES	YES	YES	YES	7.9
Signs and name plates	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	Article 16
Swimming Pools	YES				YES	YES	YES	YES	YES	YES	YES			7.9.8
Swing sets, play sets, tree houses and other playground equipment	YES				YES	YES	YES	YES	YES	YES	YES			7.9, 7.10
WECS, Private up to eighty (80) feet <sup>2</sup>	YES	YES	YES		YES		YES Only 2 Family Dwelling	YES		YES	YES	YES	YES	10.12.39
<b>Temporary Buildings, Structures &amp; Uses</b>														
Temporary contractor's Buildings	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.15.1-C
Temporary Buildings incidental to a School	YES				YES	YES	YES	YES	YES	YES	YES			7.15.1-E
Temporary Buildings incidental to a church	YES				YES	YES	YES	YES	YES	YES	YES			7.15.1-E
Temporary Housing	YES			YES	YES	YES	YES	YES	YES	YES	YES			7.15.1-B
Temporary Real Estate or Property Management Office					YES	YES	YES	YES	YES	YES	YES	YES	YES	7.15.1-D
Temporary Roadside Stand	YES													7.15.1-H
Tents and/or Yurts for Recreation	YES	YES		YES	YES	YES	YES	YES	YES	YES				7.15.1-A-2
Back Country Shelters	YES	YES		YES	YES	YES	YES	YES	YES	YES				7.15.1-A-2
Bus Shelter	YES				YES	YES	YES	YES	YES	YES	YES			7.9.3.A, 7.9.4.C & 7.15.1.L
Echo Unit	YES				YES	YES	YES	YES	YES	YES				10.12.11
Mobile Sawmills	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	7.15.1-K

All provisions of this ordinance must be met for accessory structures.

<sup>2</sup>. Setback from parcel property line for WECS up to eighty (80) feet in height is the height of the tower.

<sup>3</sup>.

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## **Section 4.5 REGULATIONS SPECIFIC TO MANUFACTURING DISTRICTS**

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**4.5.1** The following regulations apply to all permitted uses in the district specified:

**A. M-1 Limited Manufacturing District**

1. All processing shall be conducted within completely enclosed buildings.
2. Storage of materials, products, and goods is permitted within completely enclosed buildings.
3. Outdoor storage of uncontained bulk materials is prohibited.
4. Impact noises shall not exceed eighty (80) decibels at any point beyond a lot line of any lot in the M-1 District. Between the hours of 7:00 p. m. and 7:00 a. m., the decibel values tabulated above shall be reduced by six (6) decibels when measured in a residential district.

**B. M-2 General Manufacturing District**

1. Processing and storage of materials, products, and goods is permitted within completely enclosed buildings, or outdoors if screened properly from public view.
2. Outdoor storage of uncontained bulk materials is prohibited within twenty (20) feet of property lines.
3. Any use established in a M-2 Manufacturing District shall be operated in such a manner as to comply with the applicable performance standards as hereinafter set forth governing noise, vibration, smoke, toxic matter, odors, fire and explosive hazards, and glare. No use already established on the effective date of this Ordinance shall be so altered or modified as to conflict with or further conflict with the applicable performance standards for the district, in which such use is located.
4. Impact noises shall not exceed eighty-six (86) decibels at any point beyond a lot line of any lot in the M-2 District. Between the hours of 7:00 p. m. and 7:00 a. m., the decibel values tabulated above shall be reduced by twelve (12) decibels when measured in a residential district.