

Preamble

An ORDINANCE to establish zoning districts and regulations governing the development and use of land within the Township of Stambaugh, Michigan, in accordance with the provisions of Act 184, Public Acts of 1943, as amended, to provide for regulations governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this Ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide for penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances or regulations.

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ARTICLE 1

General Provisions

1.1 TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Township of Stambaugh". The fundamental purpose of this Ordinance is to protect the public health, safety,

morals, and general welfare of inhabitants of the Township of Stambaugh and the preservation of property values and natural resources, encouraging use of natural resources in areas suitable for use, and the encouragement of development in areas suitable for development within the township as authorized under the above mentioned act and provided for under the Stambaugh Township Land Use Plan.

1.2 DEFINITIONS

For the purpose of this Ordinance, certain terms are herewith defined:

(1) **ACCESSORY BUILDING:** A subordinate building or structure on the same premises with a main building, occupied or devoted to an accessory use. Where an accessory building is attached to a main building in a substantial manner by a wall or roof, such an accessory building shall be considered part of the main building.

(2) **ACCESSORY USE:** A use naturally and normally incident and subordinate to a principal use on the same premises.

(3) **AGRICULTURE:** The cultivation, tilling or use of land for growing crops, produce, trees or other vegetation or the use of land for the raising and caring for domestic animals or poultry.

(4) **ALTERATION OF BUILDING:** A change in the supporting members of a building, an addition, diminution, change in use or conversion of a building or a part thereof, or the removal of a building from one location to another.

(5) **AUTOMOBILE SALES AREA:** An area used for *the* display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

(6) **AUTOMOBILE REPAIR SHOP:** A garage, building or area used for the repair or servicing of automobiles for a fee.

(7) **BASEMENT:** That portion of the building below the main floor and wholly or partially below the surface of the ground.

(8) **BILLBOARD OR SIGNBOARD:** Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes not related to the premises or the nature of the business conducted thereon or the products primarily sold or manufactured thereon; or any such structure or portion thereof the area of which, devoted to advertising purposes, exceeds 100 square feet. This definition shall not be held to include any board, sign or surface used to display any official notices issued by any court or public office; or posted by a public officer in the performance of a public duty, nor shall it be held to include a real estate sign advertising for sale or rent the property upon which it stands.

(9) **BOARDING HOUSE OR ROOMING HOUSE:** Shall mean a dwelling having one kitchen and used for the purpose of providing meals or lodging or both meals and lodging for payor compensation of any kind, to more than two persons other than members of the family occupying such dwelling.

(10) **BUILDING:** Any structure, either temporary or permanent, having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind.

(11) CONDOMINIUM: Individual ownership of a unit in a multi-unit structure.

(12) DWELLING OR APARTMENT: A building or portion thereof designed or used as the residence or sleeping place of one or more persons, including one-family, two-family and multiple dwellings, apartment-hotels, hotels, boarding and lodging houses, but not including motels, tourist cabins, or trailers.

(13) DWELLING UNIT: One or more rooms designed for or occupied by not more than one family and *two* roomers or boarders.

(14) ESSENTIAL SERVICES: Essential services means the erection, construction, alteration, or maintenance of public utilities or municipal departments or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution system, communication supply, or disposal system, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, electric substations, telephone exchange buildings, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of utility service by such public utilities or municipal departments or commissions or for public health or safety of general welfare. Includes sanitary landfill sites.

(15) Family: A head of a household, his or her spouse, children or legal wards, living together in a dwelling as a single housekeeping unit.

(16) FLOOR AREA: The area of all floors computed by measuring the dimensions of the outside walls in a building excluding attic and basement floors, porches, patios, terraces, breezeways, carports, verandas and garages.

(17) FORESTRY: The production, management, and harvesting of trees as a crop.

(18) INSTITUTIONAL USES: Churches, schools teaching academic subjects, hospitals, parks, civic centers, libraries, and other similar public or quasi-public nonprofit uses.

(19) JUNK OR SALVAGE YARDS: An open area used for the collection, storage, dismantling, disassembly, dumping, display, resale, exchange, baling, cleaning or handling of second hand, salvaged or used waste, materials, machinery, vehicles, trailers, equipment, furnishings or parts thereof, but excluding automobile sales areas and uses carried on in completely enclosed buildings.

(20) LOT: A parcel or portion of land, exclusive of any adjoining street, separate from other parcels or portions by description as on a subdivision or record of survey map.

(21) MINING: The excavation or processing of natural earth resources and its associated processes.

(22) MOBILE HOME: A manufactured, transportable, single family dwelling unit suitable for year-round occupancy.

(23) MOTEL: A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

(24) MULTIPLE FAMILY DWELLING: A building or portion thereof containing more than one dwelling unit under a single ownership.

(25) NON-CONFORMING USE: A use which is lawfully exercised within a structure or on land at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the regulations of the Zone District in which it is located.

(26) ONE-FAMILY OR SINGLE FAMILY RESIDENCE: A building designed for or occupied exclusively by one family and in no case permitting more than two roomers or boarders.

(27) PARKING AREA: An open area, other than a street or other public way, used for the parking of motor vehicles and available for public or private use whether for a fee or as an accommodation for clients, customers, residents, or employees.

(28) PERSON: A legal entity or individual human being.

(29) PETROLEUM BULK PLANT: An establishment for the storage of petroleum products in bulk and in packages for distribution by tank car, tank vehicle or motor truck.

(30) PRINCIPAL BUILDING: The structure which is identified as the primary structure on a given lot and which is not incidental to other structures or uses on the lot.

(31) PRINCIPAL OR MAIN USE: The primary or predominant use of the premises.

(32) SERVICE STATIONS OR FILLING STATIONS: A place where gasoline or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail to the public, including sale of accessories, oiling and light motor service on the premises, but in no case to include major automotive repairs.

(33) SIGNS: Any announcement, declaration, display, illustration or insignia used to advertise or promote the interests, of any person, product or project when the same is placed, painted or displayed out-of-doors in view of the general public.

(34) SINGLE OWNERSHIP: Ownership by one person or by two or more persons whether jointly, as tenants by the entirety, or as tenants in common, of a separate parcel of real property not adjacent to land in the same ownership.

(35) STORY: That portion of a building included between the surface of any floor above the average elevation of ground at the foundation wall and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

(36) STREET: A public right-of-way which has been dedicated for the purpose of providing access to abutting private lots or land, including the space for pavement and sidewalks.

(37) STRUCTURE: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, mobile homes, radio towers, sheds, signs, and storage bins, but excluding fences, sidewalks, and paving on streets, driveways, parking areas, and patios.

(38) TERMS: The present tense shall include the future; the singular number shall include the plural; and the plural the singular. The word "shall" is always mandatory. The words "zone" and "district" are the same.

(39) YARDS:

(a) FRONT YARD: An open unoccupied space unless occupied by a use as hereinafter specifically permitted, extending across the full width of the lot and lying between the front street right-of-way and the nearest enclosed portion of the dwelling unit. Where lot is situated on lake or river frontage, the unoccupied space between the water's edge and the dwelling unit shall be the front yard.

(b) SIDE YARD: An open unoccupied space unless occupied by a use as hereinafter specifically permitted, on the same lot with the dwelling unit between the dwelling unit and the side lot line, extending from the front yard to the rear yard.

(c) REAR YARD: A space unoccupied except by an accessory building or use as hereinafter specifically permitted, extending across the full width of the lot between the enclosed portion of any dwelling unit, other than an accessory building, and the rear lot line. Where it is situated on lake or river frontage the space between the street or road and the dwelling unit shall be the rear yard.

(d) MEASUREMENTS: All yard measurements shall be horizontal distances.

1.3 SEVERABILITY CLAUSE

This Ordinance is declared to be separable. Should any section or part of a section of this Ordinance be found invalid, void or unconstitutional by any court or tribunal of competent jurisdiction, such findings shall only affect that section. The validity or constitutionality of any other section of this Ordinance shall not be affected by such findings.

1.4 EFFECTIVE DATE

This Ordinance shall take effect and be in force thirty (30) days following its final passage by the Township Board.

1.5 RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by the Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements 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 pollution control or environmental protection law or regulation.

1.6 ADMINISTRATIVE STANDARDS AND PROCEDURES

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

(B) Where a public hearing is required in the administration of the Ordinance, the Zoning Board of Appeals and the Township Zoning Board shall:

- (1) Base their decision upon facts presented at a public hearing preceded by notice in a newspaper of general circulation of at least eight (8), but not more than fifteen (15) days prior to the hearing; except that a public hearing before the Zoning Board on proposed amendments to this Ordinance shall be preceded by two notices in a newspaper of general circulation, the first appearing at least 20, but not more than 30 days before the hearing, and the second not more than 8 days before the hearing.
- (2) Notify, in person or by mail, all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly affected by a zoning decision. Local railroads and public utilities shall be notified of all proposed amendments by certified mail. Notice shall be posted on the property affected by any proposed amendment.
- (3) Set forth in all notification, the time, place, and nature of the meeting, the geographic area included in the zoning proposal, and where and when written comments will be received.
- (4) Permit interested parties at the hearing to present and rebut information either supporting or opposing the zoning action under consideration.
- (5) Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions.
- (6) Set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision.
- (7) File the record, written testimony or documents submitted with regard to the hearing and the decision with the Township Clerk to be open to public inspection.
- (8) Comply with all other requirements under law.

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

1.7 APPLICATION OF THIS ORDINANCE

Except as hereinafter specified, no building, structure, land or premises shall hereafter be used or occupied, and no building or part thereof or other structure shall be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, except subject to and in conformity with the regulations herein set forth for the district in which it is located.

1.8 BUILDINGS THAT ARE MOVED

Any building that is moved from its present location must be demolished or placed on a permanent foundation within one year after the date of moving.

1.9 REQUIRED AREA AND SPACE

(A) No lot or lots in single ownership, and no yard, court, parking

area or other space shall be so divided, altered, or reduced to make said area or dimension less than the minimum required under this Ordinance. If already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

(B) Where the lot plan presented in the application for a land use permit includes more than one non-conforming lot, the Zoning Administrator shall not issue a permit until the Board of Appeals has approved the combination of lots as a minor subdivision in conformance with the requirements of this Ordinance and shall cause the same to be recorded in the office of the Register of Deeds of Iron County, Michigan, the cost of recording to be borne by the applicant.

1.10 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In any district on any corner lot, no fence, structure or planting over 3 feet in height above the curb line except deciduous trees shall be erected or maintained within 20 feet of the intersecting right-of-way lines so as to interfere with traffic visibility across the corner.

1.11 ESSENTIAL SERVICES AND PUBLIC OR INSTITUTIONAL USES

Public utilities, landfill sites and other public uses may be located in the Industrial District. Said uses are also permitted in any "A" District, provided the use is reviewed and approved by Zoning Board as to architecture, landscaping, set-back and any other conditions which may affect adjoining property. Except for power lines necessary for service to individual residences or accessory uses, no main power line or other essential service or public or institutional use may be located in any L or 5 District. Essential services to be provided in plats and subdivisions after the adoption of this Ordinance will be subject to the approval of the Township Board upon the recommendation of the Zoning Board.

1.12 YARDS

Every lot must provide front, rear and side yards as required by its zone district. In all "A" districts, front yards must face upon a dedicated public street or private street approved by the Township and no lot may contain more than one principal building. In all "L" and "5" Districts, the front yard shall be the space between the dwelling unit and the water's edge.

1.13 DWELLING ON THE FRONT OR REAR OF A LOT

No building to be used as a dwelling shall be constructed, altered or moved in the rear of a principal building situated on the same lot, nor shall any building be constructed in the front of or moved to the front of a principal building situated on the same lot.

1.14 EXISTING PLATTED LOT

When a lot in the "A", "L" or "5" District which was platted at the time this Ordinance took effect, and is 100 ft. or more in width at the front line, and has an area of at least 90% of the area required for its district, it may be utilized for permitted uses provided all set back requirements are met. When a lot in single ownership in the "A", "L" or "5" District which was platted at the time this ordinance took effect has a width at the front lot line which is less than the width required in its district, it may be utilized for permitted uses provided such uses comply with the area and side yard requirements of its district.

1.15 CORNER LOTS

Where a lot is bounded by two intersecting streets, the yard requirements shall be met on one abutting street only, provided that no portion of the lot within 25 feet of the side lot line of any adjoining property may be utilized unless the front yard requirement for the adjoining property is met.

1.16 TEMPORARY PERMITS

Temporary permits may be authorized by the Zoning Administrator, for a period not to exceed one year, for non-conforming uses incidental to construction projects on the same premises and including such uses as basement dwelling, storage of building supplies and machinery, and the assembly of building materials. The Zoning Administrator may authorize a certificate of occupancy for a dwelling house in a new subdivision to be temporarily used as a sales and management office for the sale of those homes within the subdivision for a period of one year.

1.17 BASEMENT DWELLING

Except as provided in Section 1.16, the use of a basement or the basement of a partially built or planned building as a residence or dwelling unit is prohibited in all districts.

1.18 WALLS AND FENCES

Walls and fences not more than three (3) feet in height are permitted in the yards of all districts. Walls and fences of not more than six (6) feet in height are permitted in side or rear yards, as defined in Article 2, Paragraph 2.1. A well maintained wire protective fence is permitted in the Industrial District, with the approval of the Zoning Administrator.

1.19 HEIGHT EXCEPTIONS

The height requirements of all districts may be exceeded by the following exceptions: chimneys, silos, farm barns, television and radio antennas, fire towers, cupolas, domes, spires or other ornamental projections, water towers, smoke stacks and necessary industrial accessory appurtenances, provided that any such structure which exceeds the limitations of its district shall be located a distance equal to its height from any adjoining property line.

1.20 SEWERS AND WATER

No land use permits shall be issued for any structure to be occupied by human beings unless plans for a sewage disposal system and for a well or source of water supply are submitted and approved by the Iron County, Michigan Health Department. No portion of a sewage disposal system may be located closer than 100 feet to any lake, pool, stream or river, or closer than 25 feet to any adjoining property boundary, and no closer than 75 feet to a water well. No sewage disposal system or parts thereof shall be installed, altered or its use changed unless in compliance with the provision of this Ordinance and the regulations of the Iron County, Michigan Health Department. An inspection of the completed systems shall be made by the Iron County, Michigan Health Department prior to the issuance of an Occupancy Permit to insure conformance to the submitted plans.

1.21 OFF STREET PARKING REQUIREMENTS

Adequate off street parking for motorized vehicles shall be provided for, in all districts.

1.22 – PRIVATE ROADS

1. Private roads are allowed in all zoning districts. The application package, together with the application review fee shall include a written description of the proposed development to be served, name and address of the applicant and detailed site plans and construction plans, and a detailed description of how the costs of operation and maintenance will be apportioned and paid for by benefiting property owners.

In reviewing the plans, the Township Board shall consider the impact of the proposed development on adjacent properties, whether the health, safety and general welfare of persons of property using or affected by the private road will be adequately protected and whether the precedent set by allowing the private road in the circumstances under consideration will adversely affect the long-term development policies of the Township. An architect, engineer, or other person may be consulted if deemed necessary. If the Township Board approves the plans, the private road construction may begin. No construction shall begin on the private road or on adjacent properties that depend on the private road until the private road plans have been reviewed by the Township. During construction, the applicant shall allow the Township to review construction progress for compliance with the approved site plan and construction drawings.

2. Site Plans and Construction Plans: A site plan and construction plan, meeting the Site Plan Review requirements of this Ordinance, showing the proposed location, adjacent properties, proposed street grades, drainage and proposed improvements shall be prepared by a registered engineer or registered land surveyor and shall be submitted to the Township Board as part of the private road construction permit application and approval. All right-of-way lines must be clearly shown and defined on the preliminary plans, as well as the final plat plans.
3. Final Private Road Permit: Upon completion of construction, the Township will complete a final review of the private road improvement to verify compliance with the approved construction plans. The applicant shall correct any deficiencies identified during either an interim or final review. Upon final review and approval of the completed private road improvements, with all completed improvements shown on the private road construction plans as approved by the Township, and upon approval of all streets, facilities, and other improvements including drainage, grading, soil stabilization and culverts, the building official shall issue a final private road permit to the applicant. Zoning permits for construction on properties served by the private road shall not be issued until the final private road review has been completed.
4. Design Standards for Roads shall meet the following design standards:
 1. All private roads shall have a minimum 66-foot-wide right-of-way easement granted to the adjacent property owners.
 2. The layout of private roads in respect to their location, intersection, cul-de-sacs, vertical street alignment, street grades, horizontal curves, etc shall conform to the Iron County Road Commission standards for roads.
 3. The construction of the roadway shall conform to the Iron County Road Commission standards for a local road 22 feet wide with a 24-inch, compacted depth, gravel sub-base and a base of six inches of crushed gravel meeting (MDOT, 22A), 6-foot-wide gross shoulders, and other current Iron County Road Commission requirement Ditches shall outlet into a cross culvert or drainage course.
 4. Culverts shall be placed at all natural drainage courses or other waterways. Culvert sizes and grades shall be determined using the Iron County Road Commission

storm runoff calculations formula. Materials for culverts shall also conform to their requirements. Topsoil material shall be stripped prior to placement of fill or aggregate base material. No fill or aggregate base material shall be placed on organic material. Where roads are located over unstable soil, a three-foot (3') deep sub-base of clean granular fill material or filter cloth shall be provided. These granular materials shall be compacted to not less than 90% of the maximum density. The entire three feet of granular material extending the full width of the flat earth grade of the road.

5. All cul-de-sacs must terminate with turn-arounds having a right-of-way radius of 50 feet constructed to the same standard as required for roads.

6. Location of road easements and site layout must respect the physical features and existing terrain of the site to maximize efficiency of design and site aesthetics.

7. No access roads will be built within 300 feet of the water edge of a lake or stream in "L-1," "L-2" or "S" districts. However, driveways to dwellings are permitted.

5. These regulations will apply to all private roads created or constructed after the date of adoption of this Ordinance. Furthermore, these regulations will also apply to existing private roads when any of the following occurs:
1. A private road serving less than five parcels are subsequently intended to serve five or more parcels.
 2. Additional parcels or residential units are added to an existing private road.
 3. Extensions or additions are added to an existing private road.
 4. The Township determines that an existing private road is unsafe or will not permit reasonable access to fire fighting and emergency vehicles year-round to all portions of the private road.
- These regulations will apply not only to the new portion of a private street, but the entire length of the private street.

6. Maintenance and Repair: Maintenance, repair and liability for private roads and drainage ways shall be the responsibility of property owners adjacent to the private road and not the responsibility or liability of the Township. Maintenance of all required improvements is a mandatory requirement of this Ordinance.

1. Property Owners Association: The applicant shall establish, by appropriate deed provisions, an Association that shall be responsible for road and drainage maintenance and repair. The Association shall have the authority and responsibility to apportion and collect the cost of maintenance and repair from benefiting property owners. Before any final approval, the applicant shall furnish the Township with the by laws of such Association. Said Association shall take ownership and assume the maintenance responsibilities including, but not limited to, snow and ice removal and general upkeep of all roads, drains, parks, and open space,. Such Association shall not be dissolved, nor shall it rescind any provisions or otherwise alter the maintenance agreement without the approval of the Township. The facilities and improvements included within or outside any easement, may not be sold, conveyed or disposed of, except to the Township or to another Association approved by the Township.

2. Easements: Easements for drainage and access must be permanent. The easements and all improvements within the easements must be described in the deeds of all benefiting property owners.

(Rev.7/02/03)

ARTICLE 2

Non-Conforming Use

2.1 CONTINUANCE OF NON-CONFORMING USE OR STRUCTURE

The lawful use of any land or structure, exactly as such existed at the time of the enactment of this Ordinance, may be continued, although such use or structure does not conform with the provisions of this Ordinance. Structures, or uses non-conforming by reason of Height and Area, or parking and off-street loading provision only, may be extended, enlarged, altered, remodeled, or modernized, provided that no additional encroachment of the Height, Area, or parking and loading provisions are occasioned thereby.

2.2 RESTORATION AND REPAIRS

A. REPAIRS

Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made.

B. RESTORATION

A non-conforming building or structure, which is damaged or destroyed by fire, flood, wind, or other such calamity, may be restored to its original size at the time of such destruction and the occupancy or use of such building or structure or part thereof which existed at the time of such destruction may be continued or resumed, provided, that such restoration is started within a period of one year of the time of such damage and diligently prosecuted to completion. The Board of Appeals may extend such period of time for restoration of any building or structure when a state or local emergency shall render it impossible to make the restoration of such building or structure within stated time limit.

2.3 EXTENSION, ENLARGEMENTS, MOVING

No non-conforming use of any land or structure shall hereafter be enlarged, extended or moved unless the use is changed to a conforming use, except as is provided in 2.1.

2.4 NON-CONFORMING USE DISCONTINUED

No non-conforming building or use which has been discontinued, unoccupied or abandoned for more than twelve (12) months shall not be thereafter continued unless such use is changed to a use permitted in the district in which it is located.

2.5 PLANS ALREADY FILED

In any case where plans and specifications for a building or structure have been filed, which would conform with the zoning regulations effective at the date of such filing, but not with the regulations of

this Ordinance and where a building permit for such building or structure has been issued and construction work started at the effective date of this Ordinance, such work may proceed provided it is completed within one year of said date.

2.6 NON-CONFORMING DUE TO RECLASSIFICATION

The foregoing provision of this Article shall also apply to buildings, structures, land or uses which hereafter become non-conforming due to any reclassification of districts under this Ordinance or any subsequent change in the regulations of this Ordinance.

ARTICLE 3

Classification of Districts

3.1 DISTRICTS

For the purpose of this Ordinance, the Township is hereby divided into Districts known as:

A – R	—	Rural Residential and Agricultural District
A	—	Residential District
L-1 and L-2	—	Lake Districts
S	—	River Districts
D-1	—	Industrial District

3.2 MAP

The Zoning Map of the Township delineating the above Districts is hereby declared to be part of this Ordinance. Except where dimensions are designated on the Zoning Map, all district boundary lines are drawn on section, quarter-section or forty lines, or are drawn parallel 10 and 200 feet back from the nearest existing street or road.

ARTICLE 4

General Provisions For All “AR”, “A”, “L-1”, “L-2”, and “S” Districts

4.1 FRONTAGE REQUIREMENTS

If 40 percent or more of all the frontage on one side of a street between two intersecting streets has been or shall become developed with residences, the front yard so established shall prevail, but nothing in this section shall be construed to permit any new house closer than 30 feet to the front street line, or require a front yard set-back of more than 50 feet from the front street line.

4.2 FENCES

No fence exceeding a height of three feet shall be erected in any front yard.

4.3 ACCESSORY STRUCTURES

(1) Accessory structures are permitted in side or rear yards, only. Setbacks from side or rear lot lines shall not be less than 10 feet. Such structures shall be at least 10 feet from the main building, and at least 6 feet from any other accessory structure on the lot. Where an accessory structure is contained within or constitutes an integral part of the main building, it shall meet all the yard requirements except as modified in paragraph (2) and (3) below.

(2) Where a corner lot adjoins the side yard of any adjacent lot or lots, no part of an accessory structure and no part of the main building within 25 feet of such common lot line shall be nearer the street than the full front yard required on the street on which the adjacent lot faces, and in either case the side yard requirements of the district shall be met.

(3) Where a corner lot adjoins in the rear, the rear of another lot, an accessory structure may be erected 10 feet from such common rear lot line if all portions of such structure are located within the farthest quarter of the lot from the street lines and no part of such structure shall project beyond the side street set-back line of the principal building.

4.4 SECONDARY DWELLING

No structure, other than the principal dwelling unit, on the Si5me lot shall be used for residential purposes.

4.5 HIGHWAY TRANSITION ZONING

The following special uses are permitted as exceptions in the "AR", "L-1" and "S" Districts on lots which face upon a Federal, State, or County Highway, provided all the following requirements and applicable State laws are complied with:

1 (A) MOTELS

There shall be a 40 foot unoccupied and landscaped front yard on the highway. No unit or accessory use shall be closer than 40 feet to any adjoining property line. If located in the "L-1" or "S" District, the set-back from water's edge shall be the same as that required for a single family residence. There shall be a maximum of two accesses on the highway and all units shall face upon an internal street system. Sewer and water facilities shall meet State, County and Township regulations and the provisions of Section 1.2 of this Ordinance. There shall be an overall density of not less than 5,000 square feet of lot area for each unit and no motel of less than six (6) units shall be permitted.

1 (B) TRAILER PARKS AND CAMPGROUNDS

There shall be a 100 foot unoccupied front yard on the highway which shall be landscaped or left to natural tree growth. No tent or trailer space or accessory use shall be closer than 100 feet to any adjoining property line. If located in the "L-1" or "5" District, the set-back from water's edge shall be the same as that required for a single family residence. Sewer and water facilities shall meet State, County and Township regulations and the provisions of Section 1.20 of this Ordinance. There shall be a maximum of two accesses on the highway and all spaces shall enter upon an internal street system. An overall density of 5,000 square feet shall be provided for each tent or trailer space with a minimum area of 1,000 square feet per individual space.

2. SIGNS

Signs shall be permitted as provided in Article 15 of this Ordinance.

4 .6 HOME OCCUPATION

Accessory home occupation uses shall be permitted when located on the same lot as the principal use, provided that the dwelling conforms to all its district requirements, that no more than one person not a resident of the dwelling is employed therein, that no more than one-half of the floor area of one story of the dwelling is devoted to such accessory use; and further provided that no mechanical or electrical equipment which would create a nuisance to the adjacent neighborhood if used. Home occupation uses shall include:

(1) Customary home occupation such as handicraft production and agricultural and horticultural pursuits, including the sale of such products made or grown on the premises and not purchased for resale.

(2) The offices of a physician, dentist, attorney, architect or other similar professional person.

4.7 MULTIPLE FAMILY DWELLINGS, REGISTERED PLATS, BUSINESS, COMMERCIAL, MANUFACTURING AND INDUSTRIAL USES IN THE "A-R", "A", "L-1", "L-2" and "S" DISTRICTS

Any business, commercial, manufacturing or industrial use not provided for in Section 4.6 above shall be permitted only by the Township Board.

4.8 MOBILE HOMES

Mobile homes are permitted to be used as dwellings in the "A-R", "A", "L-1" and "S" Districts provided they comply with the requirements of the district in which they are located. An application for land use permit must be secured from the Zoning Administrator before placement of any mobile home on any lot or land in any above stated district. Any mobile home must be situated upon a permanent foundation within one year of the issuance of the land use permit.

4.9 TEMPORARY DWELLINGS

Temporary dwellings, including trailer coaches and other structures intended for use and the occupancy incidental to the construction of a permitted permanent dwelling may be so used and occupied on any lot or land within all "A", "A-R", "L-1", "L-2" and "S" Districts provided an occupancy permit therefore is secured from the Building Inspector upon compliance with such reasonable safety requirements as may be established therefore; and with sanitation regulations of Section 1.20; and further provided that such permit shall not be granted for any period longer than one (1) year, subject to renewal only upon evidence of reasonable progress toward completion in the construction of the permanent dwelling to be erected on the lot or land on which said mobile home or other temporary structure is placed.

4.10 HEIGHT AND AREA

(1) The height of primary and accessory buildings shall not exceed 2 stories or 28 feet, whichever is the lesser. Height shall be measured from the highest ground level next to the foundation to the highest point on the roof line of the structure.

(2) Floor Area. There shall be a minimum floor area of 600 square feet provided that seasonal tourist cabins, motel units, or hunting cabins shall have a minimum floor area of 200 square feet.

4.11 SECONDARY USES

Any land uses, other than the primary uses indicated in each district, shall be considered secondary uses and will be permitted only after approval by the Zoning Board and Township Board.

4.12 Riparian Waterfront Lot Use Regulations for all Districts

It is the intent of this section to promote integrity of the lakes and rivers within Stambaugh Township while preserving the quality of recreational use of these inland waters; to protect the quality of the lakes by discouraging excess uses and overcrowding; to promote the ecological balance of the waters by limiting incompatible use, protection of the wetlands associated with the waters; and to maintain the

natural beauty of the lakes and streams. Nothing in this ordinance shall be construed to limit access to lakes or waterways by the general public by way of public park, campsite, beach or public access site provided or maintained by any unit of state, county, or local government.

In any zoning district where a parcel of land is contiguous to a lake or river, single family or multiple family, such parcel of land may be used as access property or as common open space only if the following conditions are met:

The said parcel of land shall contain a minimum of 125 lineal feet of Lake Frontage in the L-1 District; a minimum of 250 lineal feet of Lake Frontage in the L-2 District; and a minimum of 300 lineal feet of river frontage in the S-District, for the first family dwelling or family unit. Additional frontage of a minimum of 50 lineal feet of lake frontage in all districts as measured along the normal high water mark line of the lake or river for each additional family dwelling or family unit to which such privileges are extended or dedicated. A four unit complex will need 275 feet of access lake frontage in the L-1 District and so forth for each District.

Construction of any structure on the said access property as described above will be prohibited. Overnight vehicle parking and the usage of camping tents, motor homes and trailers shall not be permitted on the access property.

The said lakefront parcel shall not have more than one dock per 125' of lake frontage.

A document of association, condominium, deed covenants/restrictions or co-owners agreement (by-laws) is required for any project. This document shall be recorded along with the master deed for the project with the county register of deeds. A copy of this document, along with a complete site plan shall be submitted to the Township Zoning Administrator at the time of permit application. All subsequent deeds of transfer within the project shall incorporate this agreement by reference, and be fully subject thereto.

In any district in which accesses have been established before the effective date of this ordinance or subsequent amendment thereto, such access shall retain historic uses. It is the intent of this ordinance to permit such lawful non-conformance to continue, but not to encourage additional uses and sites.

ARTICLE 5

A - Residential District

5.1 PRIMARY USES

This district is intended for one-family residential use only.

5.2 YARDS

Any lot shall be required to provide a front yard of not less than 50 feet, two side yards of not less than 20 feet each and /I rear yard of not less than 30 feet.

5.3 LOT AREA

There shall be a lot area of at least 25,000 square feet with II minimum lot width of 125 feet between side lot lines at the front.

5.4 Farm Management

Cropping or livestock rearing shall not be permitted in the A zone. Gardening to be consumed by the land owner is permitted.

ARTICLE 6

A-R Rural Residential, Agricultural and Forestry District

6.1 PRIMARY USES

This district is intended primarily for agricultural, forestry, mining, and rural one-family residential uses.

6.2 YARDS

No front or rear yard shall be less than 50 feet and no side yard shall be less than 40 feet. Two side yards of 40 feet each are required.

6.3 LOT AREA

There shall be a lot area of at least 7,120 square feet (2.0 acres) and average minimum lot width of 200 feet. Where lot faces upon a public roadway or approved private roadway, the minimum distance between side lot lines at the edge of the road right of way must be 200 feet.

ARTICLE 7

L-1 District - Lake Areas

7.1 L-1 DISTRICT LIMITS

The L-1 District shall encircle all lakes where indicated on the zoning map of Stambaugh Township and shall extend a distance of 200 feet inland measured from the normal high water mark.

7.2 PRIMARY USES

This district is intended primarily for one-family residential uses, but also permits:

- (1) FOREST MANAGEMENT. Except for the provision of Section 8.7, proper forest management and harvesting practices shall be permitted in the L-1 District.
- (2) FARM MANAGEMENT. Cropping or livestock rearing shall not be permitted in any area less than 200 feet from the water's edge provided that gardening for produce to be used by the land owner shall be permitted not less than 100 feet from the water's edge.

7.3 YARDS

The following yard requirements shall apply:

- (1) FRONT YARD. The front yard, as defined in Article 1.2 (Definitions) (39) (a), shall be not less than 75 feet, measured from the normal high water mark. No accessory building or structure other than a dock or wharf shall be permitted in the front yard.
- (2) SIDE YARDS. There shall be two side yards, as defined in Article 1.2 (39) (b), of not less than 30 feet each.
- (3) REAR YARD. The rear yard, as defined in Article 1.2, (39) (c), shall be at least 40 feet.

7.4 LOT SIZE

Except for provisions of Section 1.14, L-1 District Lake property lots shall contain an area of at least 25,000 square feet with at least 125 feet of lake frontage (side lines of lot shall be at least 125 feet apart at the lake front).

7.5 Greenbelt

To preserve and protect natural resources, water quality, and community scenic recreational values, a greenbelt shall be established and maintained on all waterfront property. The purpose of the greenbelt is to maintain a vegetative strip, which is to stabilize banks and shorelines, prevent erosion, absorb nutrients and contaminants in water runoff from adjacent lands, structures, and impervious surfaces, and provide a scenic view from and to the body of water. The greenbelt shall include all of the land area located within seventy five (75) feet of the ordinary high watermark of any watercourse abutting or traversing the property. Within the greenbelt, the following development and use restrictions shall apply:

Excavation, clear cutting or removing 100% of the trees and vegetation in the greenbelt area, set above, is not permitted.

Natural shrubbery, trees or other vegetation shall be preserved as far as practicable. If removed, it shall be replaced with other vegetation that is equally or more effective in retarding and filtering runoff, preventing erosion and preserving natural beauty.

Dead, diseased, or dying trees or trees in danger of falling and causing damage may be removed.

The use, storage and application of pesticides, herbicides, fertilizers, biosolids and any product containing phosphates and nitrates are prohibited within the greenbelt.

A greenbelt plan and drawing must be submitted when applying for a zoning permit for a waterfront parcel to be approved by the Zoning Administrator.

7.6 FLOOD AREAS AND GROUND WATER PROTECTION

No dwelling shall be constructed on lands which are subject to flooding or on land with less than six (6) feet between the finished grade level of the ground surface and the water table. Land filling shall be permitted if such filling meets the minimum requirements under the following conditions:

- (1) A permit must be secured from the Michigan Department of Natural Resources under Act 167, P.A. 1968 (Flood Plain Protection Act) and or Acts 291, P.A. 1965 and or Act 346, P.A. 1972 (Inland Lakes and Streams Act) and or Act 347 P.A. 1972.
- (2) A reserve strip shall be maintained as provided in Section 8.7.
- (3) No material shall be allowed to enter the water either by erosion or mechanical means.
- (4) Filled areas shall be seeded and planted and maintained with native perennial vegetation.

7.7 ACCESS ROADS OR TRAILS FOR MOTORIZED TRAVEL

No access roads will be built within 200 feet of the water's edge. However, driveways to dwellings are permitted.

ARTICLE 8

L-2 District - Lake Areas

8.1 L-2 DISTRICT LIMITS

The L-2 District shall encircle all lakes where indicated on the zoning district map of Stambaugh Township and shall extend a distance of 300 feet inland measured from the normal high water mark.

8.2 PRIMARY USES

This District is intended primarily for one-family seasonal or year round residential uses, but also permits proper forest management and harvesting practices.

8.3 YARDS

The following yard requirements shall apply:

(1) FRONT YARD. The front yard, as defined in Article 1.2 (39) (a) shall be at least 75 feet measured from the normal high water mark. No accessory building or structure other than a dock or wharf shall be permitted in the front yard.

(2) SIDE YARD. There shall be two side yards, as defined in Article 1.2 (39) (b) of at least 50 feet each.

(3) REAR YARD. The rear yard, as defined in Article 1.2 (39) (c) shall be at least 50 feet.

8.4 LOT SIZE

Except for provisions of Section 1. 14, L-2 District lake property lots shall contain an area of not less than 75,000 square feet with at least 250 feet of lake frontage (side lines of lot shall be at least 250 feet apart at lake front).

8.5 Greenbelt

To preserve and protect natural resources, water quality, and community scenic recreational values, a greenbelt shall be established and maintained on all waterfront property. The purpose of the greenbelt is to maintain a vegetative strip, which is to stabilize banks and shorelines, prevent erosion, absorb nutrients and contaminants in water runoff from adjacent lands, structures, and impervious surfaces, and provide a scenic view from and to the body of water. The greenbelt shall include all of the land area located within seventy five (75) feet of the ordinary high watermark of any watercourse abutting or traversing the property. Within the greenbelt, the following development and use restrictions shall apply:

Excavation, clear cutting or removing 100% of the trees and vegetation in the greenbelt area, set above, is not permitted.

Natural shrubbery, trees or other vegetation shall be preserved as far as practicable. If removed, it shall be replaced with other vegetation that is equally or more effective in retarding and filtering runoff, preventing erosion and preserving natural beauty.

Dead, diseased, or dying trees or trees in danger of falling and causing damage may be removed.

The use, storage and application of pesticides, herbicides, fertilizers, biosolids and any product containing phosphates and nitrates are prohibited within the greenbelt.

A greenbelt plan and drawing must be submitted when applying for a zoning permit for a waterfront parcel to be approved by the Zoning Administrator.

8.6 FLOOD AREAS AND GROUND WATER PROTECTION

No dwelling shall be constructed on lands which are subject to flooding or on land with less than six feet between the finished grade level of the ground surface and the water table. Land filling shall be permitted if such filling meets the minimum requirements under the following conditions:

- (1) A permit must be secured from the Michigan Department of Natural Resources under Act 167, P.A. 1968 (Flood Plain Protection Act) and or Acts 291, P.A. 1965 *and or* Act 346 P.A. 1972 (Inland lakes and Streams Act) and/or Act 347 P.A. 1972.
- (2) A reserve strip shall be maintained as provided in Section 8.5.
- (3) No material shall be allowed to enter the water either by erosion or mechanical means.
- (4) Filled areas shall be seeded and planted and maintained with native perennial vegetation.

8.7 ACCESS ROADS OR TRAILS FOR MOTORIZED TRAVEL

No access roads or trails will be built within 300 feet of the water's edge. However, driveways to dwellings are permitted.

8.8 All lakes not specifically identified on the Stambaugh Township zoning map as L-1, shall be Zoned L-2.

ARTICLE 9

S - Districts - River Areas

9.1 S DISTRICT LIMITS

The S District shall include a strip of land 300 feet wide on each side of all rivers and streams where they pass through Stambaugh Township as designated herein.

- (1) Brule River along the south boundary of Stambaugh Township, the Michigan - Wisconsin borders, from Section 18, T 42W, R36W to Section 36, T42 N, R 34 W.
- (2) South Branch Paint River from Section 19, T 44 N, R 37 W to Section 12, T 44 N, R 37 W.
- (3) North Branch Paint River from Section 15, T 45 N, R 37 W, to Section 3, T 45 N, R 37 W.

(4) Tamarack River in Sections 30 and 31, T 45 N, R 37 W.

(5) Cooks Run

(6) Pendleton Creek

(7) Paint Creek

(8) Iron River

(9) Wagner Creek

9.2 PRIMARY USES

This District is intended primarily for one-family seasonal or year round residential uses, but also permits:

(1) FOREST MANAGEMENT. Tree Farming and proper forest management.

9.3 YARDS

The following yard requirements shall apply:

(1) FRONT YARD: The front yard, as defined in Article 1.2 (39) (a) shall be at least 75 feet, measured from the normal high water mark. No accessory building or structure other than a dock or wharf shall be permitted in the front yard.

(2) SIDE YARDS: There shall be two side yards, as defined in Article 1.2 (39) (b), of at least 50 feet each.

(3) REAR YARD: The rear yard, as defined in Article 1.2 (39) (c) shall be at least 50 feet.

9.4 LOT SIZES

Except for provision of Section 1.14, S-District water front lots shall contain an area of at least 90,000 square feet with at least 300 feet of water frontage (side lines of lot shall be at least 300 feet apart at the water front).

9.5 Greenbelt

To preserve and protect natural resources, water quality, and community scenic recreational values, a greenbelt shall be established and maintained on all waterfront property. The purpose of the greenbelt is to maintain a vegetative strip, which is to stabilize banks and shorelines, prevent erosion, absorb nutrients and contaminants in water runoff from adjacent lands, structures, and impervious surfaces, and provide a scenic view from and to the body of water. The greenbelt shall include all of the land area located within seventy five (75) feet of the ordinary high watermark of any watercourse abutting or traversing the property. Within the greenbelt, the following development and use restrictions shall apply:

Excavation, clear cutting or removing 100% of the trees and vegetation in the greenbelt area, set above, is not permitted.

Natural shrubbery, trees or other vegetation shall be preserved as far as practicable. If removed, it shall be replaced with other vegetation that is equally or more effective in retarding and filtering runoff, preventing erosion and preserving natural beauty.

Dead, diseased, or dying trees or trees in danger of falling and causing damage may be removed.

The use, storage and application of pesticides, herbicides, fertilizers, biosolids and any product containing phosphates and nitrates are prohibited within the greenbelt.

A greenbelt plan and drawing must be submitted when applying for a zoning permit for a waterfront parcel to be approved by the Zoning Administrator.

9.6 FLOOD AREAS AND GROUND WATER PROTECTION

No dwelling shall be constructed on lands which are subject to flooding or on land with less than six feet between the finished grade level of the ground surface and the water table. Land filling shall be permitted if such filling meets the minimum requirements under the following conditions:

- (1) A permit must be secured from the Michigan Department of Natural Resources under Act 167, P. A. 1968 (Flood Plain Protection Act) and! or Acts 291, P. A. 1965 and/or Act 346, P. A. 1972 (Inland Lakes and Streams Act) and! or Act 347, P. A. 1972.
- (2) A reserve strip shall be maintained as provided in Section 8.5.
- (3) No material shall be allowed to enter the water either by erosion or mechanical means.
- (4) Filled areas shall be seeded and planted and maintained with native perennial vegetation.

9.7 ACCESS ROADS OR TRAILS FOR MOTORIZED TRAVEL· S DISTRICT

Roads crossing water courses in the S District are permitted provided culverts or bridges are installed according to the requirements of the applicable public acts. Except for roads approaching river crossings, no access roads or trails will be built within 300 feet of the water's edge. However, driveways to dwellings are permitted.

ARTICLE 10

D-1 Industrial District

10.1 PERMITTED USES

- (1) Industrial manufacturing operations and operations for the servicing, compounding, assembling, or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration, or psychological ill effects which would be a nuisance or annoyance to owners or occupants of surrounding premises.

(2) Farming and agricultural operations together with a reasonable number of accessory buildings, and the right to sell products, poultry or animals produced, raised, or grown upon the premises.

10.2 PROHIBITED USES

(1) Residential, including hotels, motels or the use of mobile homes or trailers as dwelling units.

(2) Schools, hospitals and other institutions for educational purposes or for human care, except when incidental to a permitted or principle use.

10.3 REQUIRED CONDITIONS

(1) Outdoor storage must be screened from adjoining premises or a higher use designation and from public streets by a solid fence, wall, or natural screening adequate for the purpose.

(2) Offstreet parking shall be provided in accordance with Article 1 of this Ordinance.

(3) Signs shall meet the requirements as set forth in Article 15 of this Ordinance.

10.4 AREA REQUIREMENTS

(1) Front yard - There shall be a front yard of at least 40 feet.

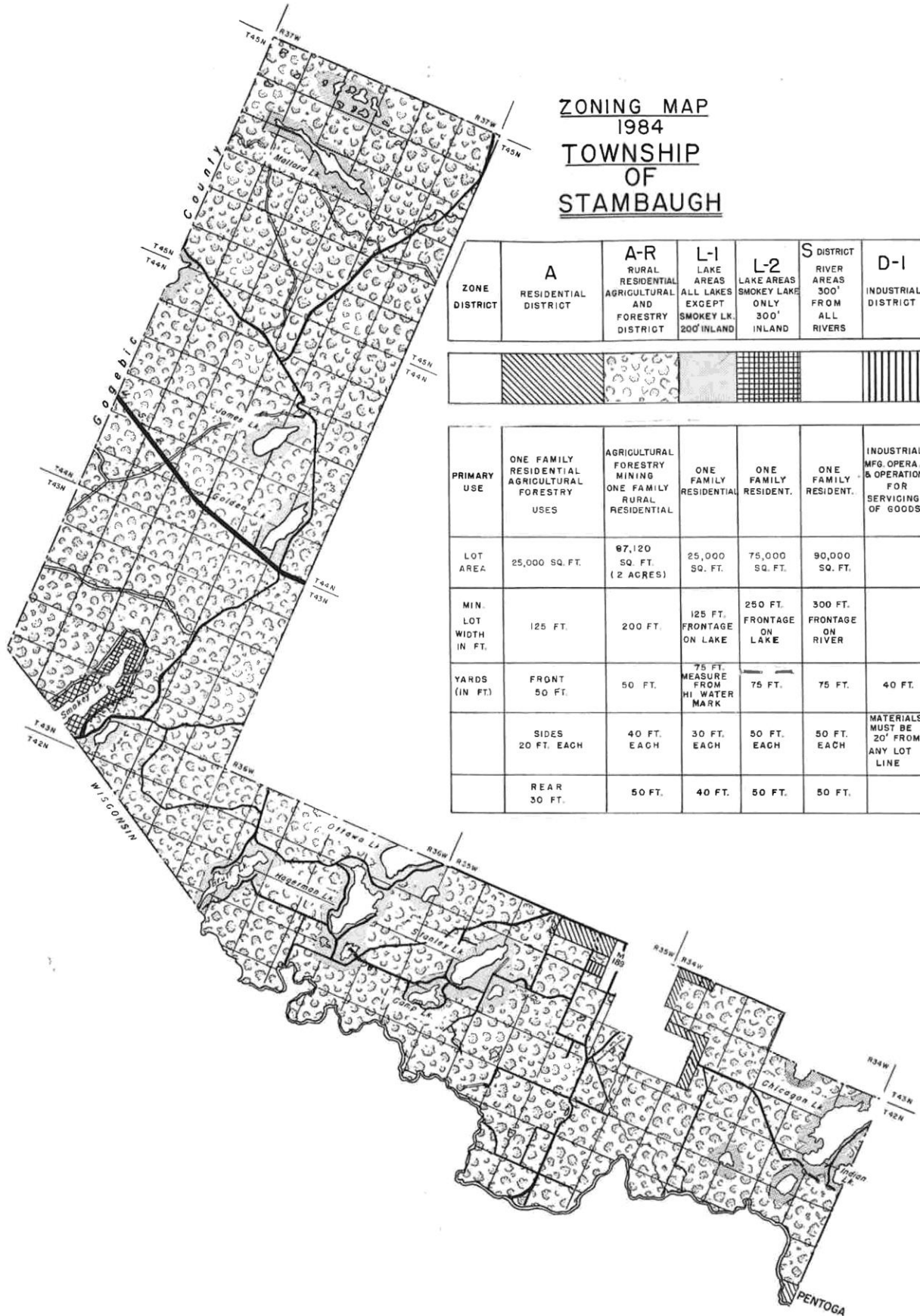
(2) All materials stored outside shall be at least 20 feet from any property line and no materials shall be stored in the front

ZONING MAP 1984 TOWNSHIP OF STAMBAUGH

ZONE DISTRICT	A RESIDENTIAL DISTRICT	A-R RURAL RESIDENTIAL AND FORESTRY DISTRICT	L-1 LAKE AREAS ALL LAKES EXCEPT SMOKEY LK. 200' INLAND	L-2 LAKE AREAS SMOKEY LAKE ONLY 300' INLAND	S DISTRICT RIVER AREAS 300' FROM ALL RIVERS	D-1 INDUSTRIAL DISTRICT
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PRIMARY USE	ONE FAMILY RESIDENTIAL AGRICULTURAL FORESTRY USES	AGRICULTURAL FORESTRY MINING ONE FAMILY RURAL RESIDENTIAL	ONE FAMILY RESIDENTIAL	ONE FAMILY RESIDENT.	ONE FAMILY RESIDENT.	INDUSTRIAL MFG. OPERA. & OPERATIONS FOR SERVICING OF GOODS
LOT AREA	25,000 SQ. FT.	97,120 SQ. FT. (2 ACRES)	25,000 SQ. FT.	75,000 SQ. FT.	90,000 SQ. FT.	
MIN. LOT WIDTH IN FT.	125 FT.	200 FT.	125 FT. FRONTAGE ON LAKE	250 FT. FRONTAGE ON LAKE	300 FT. FRONTAGE ON RIVER	
YARDS (IN FT.)	FRONT 50 FT.	50 FT.	75 FT. MEASURE FROM HI. WATER MARK	75 FT.	75 FT.	40 FT.
	SIDES 20 FT. EACH	40 FT. EACH	30 FT. EACH	50 FT. EACH	50 FT. EACH	MATERIALS MUST BE 20' FROM ANY LOT LINE
	REAR 30 FT.	50 FT.	40 FT.	50 FT.	50 FT.	



ARTICLE 11

Special Land Uses

11.1 INTENT

Any use of land other than those primary uses specified for each district unless expressly prohibited. Special land use (S.L.U.) applications shall be reviewed by the Zoning Board who shall recommend approval or disapproval to the Township Board.

11.2 APPLICATION FOR SPECIAL LAND USE

- A. Applicant's name and address in full.
- B. Statement of owner's name, if not the applicant, and the applicant's relationship to the landowner (i. e. land contract, purchaser, optionee, or delegated agent).
- C. Property boundary map and legal description.
- D. Existing uses and structures on the land.
- E. Description of the existing zoning on the parcel and the properties immediately adjacent.
- F. A site plan depicting the general land use arrangement or scheme of the proposed development (See Section 3).
- G. Supporting documents from road commission, health department, and drain commission.
- H. A statement that all information is accurate and complete to the best of the applicant's knowledge.
- I. Description of any homeowners, associations, or others who will be responsible for maintenance of open space or shared facilities.
- J. Summary in less than 500 words which describes the nature and scope of the project.
- K. The application fee shall be established by the Township Board.

11.3 SITE PLAN

The Site Plan as required in Section 2, paragraph F shall include as a minimum the following items:

- A. Existing uses on sites and nearby areas.
- B. Land contours, vegetation, soils, geology, hydrology (general drainage pattern).
- C. Municipal regulations (i.e. zoning ordinances, health department requirements, road commission requirements, drain commission requirements).
- D. Environmental considerations.
- E. Site limitations.

- F. Site accessibility.
- G. Lot layout and size.
- H. Access layout and grades.
- I. Building placement and unit type (i. e. multi-family, single family, apartments, commercial).
- J. Grading.
- K. Drainage design.
- L. Utility design.
- M. Parking area layout.
- N. Common spaces.
- O. Sanitary system.
- P. Water supply facilities.
- Q. Map showing area, boundaries, outstanding features and orientation of area.

11.4 NOTICE PROCEDURE

(1) Upon receipt of a special land use (S.L.U.) application, notice shall be published in a newspaper circulating within the Township not less than 8 days nor more than 15 days before the date the application is to be considered.

(2) Owners of property within 300 feet of the boundary of the parcel in question and occupants of all structures within 300 feet shall be notified by first class mail or in person within not less than 8 days nor more than 15 days before the date the application is to be considered. Parties notified in person shall sign and date a statement that they were notified.

(3) If a structure contains four or more dwelling units, businesses or organizations, notice must be given to the manager or owner of the structure, who shall post notice at the primary entrance of the structure.

11.5 CONTENTS OF NOTICE

(1) The notice must describe the special nature of the land use request, give a legal description, include a location map of the property involved, indicate the date of which the special land use will be considered, advise that written comments will be received and where they are to be submitted, and indicate that a public hearing must be held if requested by any property owner or occupant of a structure located within 300 feet of the boundary of the property in question.

(2) If no request for a hearing is received, a public hearing need not be held.

(3) If a public hearing is required on a S.L.U., a second set of notices must be given and must contain the same information as the first, plus the specific date, time and place of the public hearing.

11.6 AMENDMENTS OF A SPECIAL LAND USE

Whenever it is necessary to amend a S.L.U. approval because of expansion, change in on-site uses, change in traffic pattern, or similar changes, the same procedures used for the initial approval of the S.L.U. shall be used.

11.7 APPROVAL OR DISAPPROVAL OF A SPECIAL LAND USE

(1) A request for a special land use may be denied, approved, or approved with conditions. The decision must include a statement of facts, the decision, the basis for the decision, and any conditions imposed on the special land use.

(2) If a S.L.U. is denied, the reasons must be stated in writing and the developer shall be given a chance to modify the application. If the developer's modifications meet the stated objections to the application, the application must then be approved.

11.8 SITE PLAN REVIEW

(1) The Zoning Board shall be the reviewing body of all site plans and will make its recommendation to the Township Board as to approval or disapproval.

(2) A Site Plan will be judged of the following standards:

- (a) Meet the requirements as to contents of the site plan.
- (b) Meet the requirements for a S.L.U. as prescribed by the Zoning Ordinance.
- (c) Meet municipal regulations.
- (d) Not be injurious to the neighboring property.
- (e) Be complete as to all intended uses for the area.
- (f) Completeness of site plan.
- (g) If plan fits the area in question.
- (h) If use is in the best interest of the area and surrounding area.

(3) (a) A Site Plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the Zoning Ordinance, the conditions imposed pursuant to the ordinances, other applicable ordinances, and state and federal statutes.

(b) Approval, approval with conditions, or disapproval shall be in writing. An approval with conditions shall list the conditions to be met and a disapproval shall list the reasons for disapproval and what can be done to make the site plan acceptable.

ARTICLE 12

Planned Unit Developments

12.1 Planned unit developments are permitted only after approval of the Zoning Board and Township Board.

12.2 General Standards for Planned Unit Developments

1. All elements of the PUD site shall be harmoniously and efficiently designed in relation to the topography, size and type of land, and the character of the adjacent properties. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such properties.
2. The existing landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
3. Within the project there shall be reasonable visual and sound privacy for all dwelling units. Fences, walks, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.
4. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
5. Where possible and practical, drainage shall be of a type utilizing grass-covered swales and otherwise recognizing existing natural drainage patterns on the site.
6. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
7. Streets and drives that are a part of an existing or planned street system shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in the township's comprehensive plan.
8. Appropriate measures shall be taken to insure that the removal of surface waters will not adversely affect the planned development of adjoining properties.
9. Loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from residential units in the PUD, from adjacent homes, or from public thoroughfares, shall be screened by an opaque wall or fence of effective height, but not less than six feet.
10. Exterior lighting shall be so arranged that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets. Flashing or intermittent-type lighting shall not be permitted.
11. In addition to these general standards, buffer strips, including landscaping, opaque walls, berms, or other type of visual separation, may be required in PUD's where, in the judgment of the township, potentially discordant uses are close to one another.

ARTICLE 13

Recreational Planned Unit Development

The Recreational Planned Unit Development (P.U.D.) must comply with the following requirements:

13.1 LOT SIZE

A. Single Family residential lots shall contain at least 20,000 square feet .

B. Multiple family residential lots shall contain at least 20,000 square feet for the first unit plus 5,000 square feet for each additional unit. Any waterfront multiple family unit must have the minimum lake frontage per unit as required for in that district for single family units. A waterfront multiple family 4 unit dwelling in the L-1 district will need 500' of lake frontage and so forth for each district.

C. Condominium lots shall contain at least 10,000 square feet for the first unit plus 5,000 square feet for each additional unit. A condominium must have a minimum of 4 units.

Any waterfront condominium must have the minimum lake frontage per unit as required for in that district for single family units. A waterfront Condominium 4 unit dwelling in the L-1 district will need 500' of lake frontage and so forth for each district.

D. Commercial building lots shall contain at least 40,000 square feet (i.e. . gas stations, grocery stores, clothing stores, restaurants , etc.).

E. There shall be no maximum lot size.

F. A residential lot shall be at least 125 feet wide at the distance of 25 feet from its front line.

G. Any lot not serviced by public sewer and water shall be required to provide a front yard of not less than 50 feet, a rear yard of not less than 30 feet, and two side yards each not less than 20% of the total lot width.

H. There shall be a minimum of two 12 foot by 25 foot parking space for each unit.

13.2 LAND AREA

A. The Recreational P.U.D. shall be at least 40 acres in size of which at least 50% shall be buildable land excluding public rights-of-way, water bodies, wetlands, steep slopes, or other impediment to development.

B. Additional contiguous acreage can be added by the owner-developer at any time provided that notice of the addition and proposed uses is given to the Zoning Board within 30 days of the acquisition. Such additional property shall be subject to the same constraints as land already in the P.U.D.

13.3 PERIMETER AND SCREENING

Except for access points, a permanent open space at least 30 feet wide shall be maintained around the perimeter of the Recreational P.U.D. No structure shall be permitted in this open space and the area shall not be counted as buildable under Section 13.2.

13.4 OPEN SPACE

Common open space shall comprise at least 10 percent of the gross area of the planned development to be used for recreational, park or environmental amenity for the collective enjoyment by occupants of the development or the general public. Open space shall not include streets, parking areas, buffer strips, driveways and utility easements. The following additional open space requirements shall be met:

- A. Open space shall be effectively separated from automobile traffic and parking.
- B. Streams bodies of water, wetlands, drainage easements, slopes in excess of 15 percent, and floodplains may be included as usable open space if these areas contribute to the quality, livability and amenity of the planned development, provided that no more than 50 percent of common open space contains such lands.
- C. Recreation facilities or structures and their accessory uses located in common recreation areas shall be considered open space, as long as total impervious surfaces constitute no more than 10 percent of total open space.

13.5 APPLICATION FOR RECREATIONAL PLANNED UNIT DEVELOPMENT

- A. Applicant's name and address in full.
- B. Statement of owner's name. If not the applicant, the applicant's relationship to the landowner (i.e. land contract, purchaser, optionee or delegated agent.).
- C. Property boundary map and legal description.
- D. Existing uses and structures on the land.
- E. Description of the existing zoning on the parcel and the properties immediately adjacent.
- F. A site plan depicting the general land use arrangement or scheme of the proposed development. (See site plan Section 13.6).
- G. Supporting documents from relevant public agencies (i.e. road commission, health department, drain commissioner).
- H. A statement that all information is accurate and complete to the best of the applicant's knowledge.
- I. Description of any homeowners associations or others who will be responsible for maintenance of open space or shared facilities.
- J. Summary in less than 500 words which describes the nature and scope of the project.
- K. The application fee shall be established by the Township Board at its December meeting, effective January 1, for one year.

13.6 SITE PLAN

The following are minimum requirements for the contents of a site plan.

- A. Existing uses on site and nearby.
- B. Land contours, vegetation, soils, geology, hydrology (general drainage pattern).
- C. Municipal regulations (health department, zoning ordinances, road commission, drainage commission).
- D. Environmental considerations.
- E. Site limitations.
- F. Site accessibility.
- G. Lot layout and size.
- H. Access layout and grades.
- I. Building placement and unit type (multifamily, condominium, etc.)
- J . Grading.
- K. Drainage design.
- L. Utility Design.
- M. Parking area layout.
- N. Common spaces.
- O. Sanitary system.
- P. Water supply facilities.
- Q. Map showing area, boundaries, outstanding features and orientation of area.

13.7 SITE PLAN REVIEW

A. The zoning board shall be the reviewing body of any and all site plan and will make its recommendations to the Township Board as to approval or disapproval.

B. Standards for Site Plan Review.

1. Meet the requirements as to contents of Site Plan.
2. Meet the requirements for a P.U.D. as in zoning ordinance.
3. Meet municipal regulations.
4. Not be injurious to the neighboring property.
5. Be complete as to all intended uses for the area.
6. Completeness of site plan.

7. If plan fits the area in question.
8. If use is in the best interest of the area and surrounding area.

C. APPROVAL - DISAPPROVAL

1. A site plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the zoning ordinance, the conditions imposed pursuant to the ordinance, other applicable ordinances, and state and federal statutes.
2. Approval, approval with conditions, or disapproval shall be in writing. An approval with conditions shall list the conditions to be met and a disapproval shall list the reasons for disapproval and what can be done to make the site plan acceptable.

D. AMENDMENTS OF A RECREATIONAL P.U.D.

Where it is necessary to amend a recreational P.U.D. approval because of expansion, change in on-site uses, change in traffic pattern, or similar changes, the same procedure used for the initial approval of the Recreational P.U.D. shall be used.

ARTICLE 14 MINING

14.1 Mining is a special land use which includes the extraction of 500 or more cubic yards of material. An application for a mining permit shall be subject to approval by the Zoning Board and Township Board.

14.2 APPLICATION FOR MINING PERMIT

(1) An application for a mining permit shall comply with the requirements for a special land use as stated in Article 11 of this Ordinance.

(2) In addition to (1) above, an application for a mining permit shall include the following information:

(a) A site plan based on the requirements stated in Article 11 and the following additional items:

1. Proposed location, extent of area and estimated depth of intended excavation.
2. Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stock piles and other permanent or temporary facilities used in mining.
3. Depth to ground water, ground water occurrences and ground water flow.
4. Topographic map showing not greater than 20 foot contour intervals.

(b) A narrative description outlining the period of time the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration and pollution; effect on ground water flow; proposed travel routes for transportation of the mined material to processing plants or markets.

(c) Any changes in the present public road system that would be made necessary by the proposed operation.

(d) Proof that the applicant has acquired or has filed an affidavit stating that he has applied for all necessary state and federal permits relating to mining operations.

(e) A description of measures to be taken to assure that any dangerous excavations, pits, pond areas, banks or slopes be adequately guarded or fenced and posted with signs to prevent accidental injury.

(f) A reclamation plan approved by the State of Michigan, pursuant to Act No. 92 of the Public Acts of 1970 as amended.

(g) Plans for the prevention of environmental damage caused by possible contamination of the surrounding ground water and water courses, during and upon cessation of mining operations.

14.3 The Zoning Board and Township Board shall designate a period of time that the permit shall remain in effect. If the mining operation is to continue beyond the permit date, application for renewal of the permit shall be presented to the Zoning Board within a reasonable time prior to expiration of the previous permit. In applying for renewal of the permit the operator shall be required to specify any changes from the previous permit application.

14.4 A mining permit shall not be required for the extraction of less than 500 cubic yards of minerals from a site of less than one acre.

14.5 No mining operation may be substantially altered without a new mining permit for the operation which shall include approval of the alteration. "Substantial alteration" may be defined by resolution of the Zoning Board.

14.6 The Township Board may require the operator of a mining operation to deposit a performance bond if the board determines such bond is necessary to assure faithful performance of all requirements of the mining permit.

ARTICLE 15

Signs

15.1 Signs permitted in the A, A-R, L-1, L-2 and S Districts are subject to approval of the Zoning Administrator.

15.2 SIGNS ON RESIDENTIAL PREMISES

One sign not exceeding 6 square feet in area indicating the name and/or home occupation of the occupant of the premises.

15.3 SIGNS ON BUSINESS PREMISES

(a) One sign not exceeding 32 square feet in area on a side advertising the permitted services or products sold from the premises, may be erected, provided it is located not less than one half the required building setback distance from the street right-of-way. Such sign may in no way constitute a traffic hazard. The sign must be of a subdued nature, commensurate with the residential or agricultural character of the neighborhood and must be maintained in a neat and attractive manner. Signs containing neon or intermittent lighting or other bright or glaring lighting which would be a nuisance or annoyance or create an electrical disturbance shall not be permitted. Any sign projecting from a building or located over a sidewalk or passway must be not less than 11 feet above such sidewalk or passway.

(b) Gasoline service stations may display, in addition to a sign as designated in paragraph (a) above, one free-standing or pylon sign advertising the name of the station and for the principal products sold on the premises, including any special company or brand name, insignia or emblem. Such sign shall not exceed 24 square feet in area on a side and shall be placed not less than 10 feet from any property line and not less than 10 nor more than 30 feet above the ground. Such sign shall be subject to the lighting, traffic hazard and nuisance provisions designated in paragraph (a) above.

15.4 ADVERTISING SIGNS NOT ON ADVERTISER'S PREMISES

(a) A sign not exceeding 32 square feet in area advertising a business may be erected along a county road. Signs erected within road right-of-way shall be subject to permission of the Iron County Road Commission as well as the zoning administrator. Signs erected outside county road rights-of-way shall be subject to permission of the landowner as well as the zoning administrator. All advertising signs shall be subject to the lighting, traffic hazard and nuisance provisions designated in paragraph (a) 15.3 above.

(b) Signs bordering State and Federal highways shall be permitted subject to the conditions of the "Highway Advertising Act of 1972" (1972 P. A. 106).

15.5 SIGNS ADVERTISING THE SALE OF REAL ESTATE

Temporary signs advertising the sale or lease of the premises on which they are placed shall be permitted. Each sign shall not exceed 8 square feet in area.

ARTICLE 16

Dismantled, Non-Operating or Unlicensed Motor Vehicles

16.1 No person, firm or corporation shall store, place or permit to be stored or placed, or allowed to remain on any parcel of land for a period of more than 30 days in anyone year a dismantled, partially dismantled or inoperable motor vehicle, unless same is kept in a wholly enclosed structure or is located in an approved junk yard by special land use permit.

16.2 No person, firm or corporation shall park or store upon premises within the township a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is licensed or is kept within an enclosed building or approved junk yard.

16.3 The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars and dilapidated non-operating motor vehicles upon any land in the township.

16.4 These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances, as well as any statutes of the State of Michigan relating thereto.

ARTICLE 17

Administration and Enforcement

LAND USE PERMIT

(1) LAND USE PERMIT

From and after the effective date of this Ordinance, it shall be unlawful to proceed with new construction, alteration, remodeling of any structure, within the Township without first obtaining a land use permit. Land use permits for business or commercial uses shall be approved by the Zoning Board and Township Board.

(2) APPLICATION FOR PERMITS

The application for land use permit shall include a form provided by the Zoning Administrator which shall contain the following information:

- (a) Name and address of property owner.
- (b) Name and address of duly authorized agent acting for the property owner.
- (c) Legal description of property and tax identification number.
- (d) Nature of the proposed construction, alteration, enlargement or use.
- (e) A scale drawing of the proposed construction, alteration, enlargement, or use showing how it is located on the applicant's property.
- (f) Certification of:
 - 1. Zoning Compliance
 - 2. Health Department Permit
 - a. Water
 - b. Septic Sewer
 - 3. Driveway Permit from County Road Commission or State Highway Department
 - 4. Erosion Control Permit, where applicable
- (g) Signature of owner or duly authorized agent

(4) A Land Use Permit shall be valid for 12 months following the date of issue. This time limit shall be extended for a period not to exceed 12 months if applicant shows evidence of reasonable progress toward completion. In the event a land use permit shall have been issued and no proceeding under authority thereof shall have commenced within twelve (12) months following the date of issue, said permit shall lapse and become void.

(5) The Zoning Administrator shall have the authority to revoke any permit or approval in case of failure of neglect to comply with any of the provisions of this Ordinance, or in case of any false statement or misrepresentation made in the application therefore. Notification of such non-compliance shall be by the posting of a "stop work order" on the property. A careful record of all applications and plans and the granting or refusal of building shall be kept on file by the Zoning Administrator and Township Clerk. FEES. A land use fee schedule shall be established by the Township Board. The Township Board shall review the fee schedule annually and may change fees as necessary. The fee schedule for any year shall be announced not later than December 1 of the previous year. Upon issue of a Land Use Permit the applicant shall pay the fee to the Zoning Administrator. A negotiable instrument used in paying the fee shall be made in the name of Stambaugh Township.

ZONING ADMINISTRATOR

There is hereby created the office of Zoning Administrator, who shall be appointed by the Township Board. It shall be the duty of the Zoning Administrator to enforce and administer the provisions of this Ordinance. The Zoning Administrator shall receive such compensation as the Township Board shall determine. In carrying out his duties, the Zoning Administrator shall adhere to the following procedures:

(1) As work progresses under a land use permit, the holder thereof shall cause the Zoning Administrator to be notified at these stages of construction:

(a) Upon layout or staking out of the footings at this time the Land Use Permit is issued by entering of the Zoning Administrator's signature in the proper space provided on the application form.

(b) Upon completion of excavation for the footings and before erection of the foundation walls.

(c) Upon completion of construction. At this time the Zoning Administrator shall determine whether all requirements of this Ordinance have been fulfilled.

(2) Should the Land Use Permit holder fail to comply with the requirements of this Ordinance and the Building Code at any inspection stage, the Zoning Administrator shall forthwith cancel the Land Use Permit issued. Notice of such permit cancellation shall be securely posted upon or affixed to the construction not conforming to this Ordinance. Such posting shall be considered as service upon and notice to the permit holder, of cancellation hereof, and no further work upon said construction shall be undertaken or permitted until a valid Land Use Permit shall thereafter have been issued, which may be accomplished in like manner as initial application for Land Use Permit.

Planning Commission

Preamble

An ordinance to establish the Stambaugh Township Planning Commission; provide for the composition of that planning commission; provide for the powers, duties and limitations of that planning commission; and repeal any ordinance or parts of ordinances or resolutions in conflict with this ordinance.

THE TOWNSHIP OF STAMBAUGH, IRON COUNTY, MICHIGAN, ORDAINS:

Section 1: Scope, Purpose and Intent

This ordinance is adopted pursuant to the authority granted the township board under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, *et seq.*, to establish a planning commission with the powers, duties and limitations provided by those Acts and subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

The purpose of this ordinance is to provide that the Stambaugh Township Board shall hereby establish the Stambaugh Township Planning Commission; to establish the appointments, terms, and membership of the planning commission; to identify the officers and the minimum number of meetings per year of the planning commission; to prescribe the authority, powers and duties of the planning commission; and to transfer all powers, duties, and responsibilities of the Stambaugh Township *zoning board* to the planning commission.

Section 2: Establishment

The township board hereby creates a township planning commission consisting of 5 members. The planning commission is formed under the authority of and subject to the powers, duties, and limitations provided in the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, *et seq.*, and further subject to the terms and conditions of this ordinance and any future amendments to this ordinance.

Section 3: Appointments and Terms

The township board by a majority vote of the members elected and serving, shall appoint all planning commission members, including the ex officio member.

When the planning commission is first established, the members appointed, other than the ex officio member, shall be appointed to 1-year, 2-year or 3-year terms such that, as nearly as possible, the terms of one-third of all the planning commission members will expire each year. After that, all planning commission members, other than the ex officio member, shall serve for terms of 3 years each. Vacancies shall be filled for the unexpired term in the same manner as the original appointment.

Planning commission members shall be qualified electors of the township (**NOTE:** *U.S. citizen, 18-years old, who has been a resident of the state for 6 months and a resident of the township for at least 30 days*), except that one planning commission member may be an individual who is not a qualified elector of the township. The membership of the planning commission shall be representative of important segments of the community, such as the economic, governmental, educational, and social development of the township, in accordance with the major interests as they exist in the township, such as agriculture, natural resources, recreation, education, public health, government, transportation, industry, and commerce. The membership shall also be representative of the entire geography of the township to the extent practicable.

One member of the township board shall be appointed to the planning commission as an ex officio member. An ex officio member has full voting rights. The ex officio member's term on the planning commission shall expire with his or her term on the township board.

No other elected officer or employee of the township is eligible to be a member of the planning commission.

Section 4: Removal

The township board may remove a member of the planning commission for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing.

Section 5: Conflict of Interest

Before casting a vote on a matter on which a planning commission member may reasonably be considered to have a conflict of interest, the member shall disclose the potential conflict of interest to the planning commission. Failure of a member to disclose a potential conflict of interest as required by this ordinance constitutes malfeasance in office.

For the purposes of this section, conflict of interest is defined as, and a planning commission member shall declare a conflict of interest and abstain from participating in planning commission deliberations and voting on a request, when:

(a) An immediate family member is involved in any request for which the planning commission is asked to make a decision. "Immediate family member" is defined as (*see note below*);

MCL 168.2: *An individual's father, mother, son, daughter, brother, sister, and spouse and a relative of any degree..*

(b) The planning commission member has a business or financial interest in the property involved in the request or has a business or financial interest in the applicant's company, agency or association;

(c) The planning commission member owns or has a financial interest in neighboring property;

"For the purposes of this section, a neighboring property shall include any property immediately adjoining the property involved in the request.")

(d) There is a reasonable appearance of a conflict of interest, as determined by a majority vote of the remaining members of the planning commission.

Section 6: Compensation

The planning commission members may be compensated for their services as provided by township board resolution. The planning commission may adopt bylaws relative to compensation and expenses of its members for travel when engaged in the performance of activities authorized by the township board, including, but not limited to, attendance at conferences, workshops, educational and training programs and meetings.

Section 7: Officers and Committees

The planning commission shall elect a chairperson and a secretary from its members, and may create and fill other offices as it considers advisable. An ex officio member of the planning commission is not eligible to serve as chairperson. The term of each office shall be 1 year, with opportunity for reelection as specified in the planning commission bylaws. The planning commission may also appoint advisory committees whose members are not members of the planning commission.

Section 8: Bylaws, Meetings and Records

The planning commission shall adopt bylaws for the transaction of business.

The planning commission shall hold at least 2 regular meetings each year, and shall by resolution determine the time and place of the meetings.

Unless otherwise provided in the planning commission's bylaws, a special meeting of the planning commission may be called by the chairperson or by 2 other members, upon written request to the secretary. Unless the bylaws otherwise provide, the secretary shall send written notice of a special meeting to planning commission members at least 48 hours before the meeting.

The business that the planning commission may perform shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261, et seq.

The planning commission shall keep a public record of its resolutions, transactions, findings, and determinations. A writing prepared, owned, used, in the possession of, or retained by a planning commission in the performance of an official function shall be made available to the public in compliance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231, et seq.

Section 9: Annual Report

The planning commission shall make an annual written report to the township board concerning its operations and the status of the planning activities, including recommendations regarding actions by the township board related to planning and development.

Section 10: Authority to Make Master Plan

Under the authority of the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq., and other applicable planning statutes, the planning commission shall make a master plan as a guide for development within the township's planning jurisdiction.

Final authority to approve a master plan or any amendments thereto shall rest with the planning commission unless the township board passes a resolution asserting the right to approve or reject the master plan.

Unless rescinded by the township, any plan adopted or amended under the Township Planning Act, Public Act 168 of 1959, MCL 125.321, et seq., (***OR Municipal Planning Act, Public Act 285 of 1931, MCL 125.31, et seq.***) need not be readopted under the Michigan Planning Enabling Act, Public Act 33 of 2008, MCL 125.3801, et seq.

Section 11: Zoning Powers

All powers, duties, and responsibilities provided for zoning boards or zoning commissions by the Michigan Zoning Enabling Act, Public Act 110 of 2006, MCL 125.3101, et seq., or other applicable zoning statutes are transferred to the Stambaugh Township Planning Commission.

Any existing zoning ordinance shall remain in full force and effect except as otherwise amended or repealed by the township board.

Section 12: Subdivision and Land Division Recommendations

The planning commission may recommend to the township board provisions of an ordinance or rules governing the subdivision of land. Before recommending such an ordinance or rule, the planning commission shall hold a public hearing on the proposed ordinance or rule. The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by publication in a newspaper of general circulation within the township.

The planning commission shall review and make recommendation on a proposed plat before action thereon by the township board under the Land Division Act, Public Act 288 of 1967, MCL 560.101, et seq. Before making its recommendation, the planning commission shall hold a public hearing on the proposed plat. A plat submitted to the planning commission shall contain the name and address of the proprietor or other person to whom notice of a hearing shall be sent. Not less than 15 days before the date of the hearing, notice of the date, time and place of the hearing shall be sent to that person at that address by mail and shall be published in a newspaper of general circulation in the township. Similar notice shall be mailed to the owners of land immediately adjoining the proposed platted land.

Section 13: Severability

The provisions of this ordinance are hereby declared to be severable, and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the ordinance, which shall continue in full force and effect.

Section 14: Repeal

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 15: Effective Date

This ordinance shall take effect 30 days after the ordinance is published by the township board in a newspaper of general circulation in the township.

ARTICLE 19

Board of Appeals

19.1 CREATION AND MEMBERSHIP

There is hereby created a Board of Appeals for Stambaugh Township, which shall consist of five members. The first member of said Board of Appeals shall be the chairperson of the Zoning Board; the second member shall be a member of the Township Board appointed by the Township Board and shall serve a term of 2 years. The third, fourth and fifth members of the Board of Appeals shall be appointed by the Township Board and shall be selected from electors residing in the unincorporated area of the Township. In the Board of Appeals first appointed after adoption of this Ordinance, the third member shall serve 3 years, the fourth member for 2 years and the fifth member for 1 year, to provide that only one new member is appointed each year. Thereafter each newly appointed electorate member shall serve a term of 3 years. No elective officer of the Township nor any employee of the Township Board may serve as the third, fourth, or fifth member of the Board of Appeals. Compensation for the Board of Appeals shall be determined by the Township Board.

19.2 RULES AND PROCEDURES

(1) The Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the Zoning District Map. The Board of Appeals may fix rules and regulations to govern its procedures sitting as a Board of Appeals. It shall hear and decide appeals from and review any order, requirements, decisions or determinations made by an administrative official charged with enforcement of any ordinance adopted pursuant to the provisions of Act 184 (P. A. 1943). The concurring vote of a majority of the members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of any such administrative official, or to decide in favor of the applicant any matter upon which they are required to pass as herein provided or to affect any variation under this Ordinance. Such appeal may be taken from any person aggrieved, by any officer, department, board, or bureau of the Township. The grounds of every determination shall be stated and such determination shall supersede any order or determination from which the appeal is taken.

(2) The Board of Appeals shall keep minutes of its proceedings showing the action of such Board and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of any official action, all of which shall be filed promptly in the office of the Township Clerk and shall be of public record.

(3) The Board of Appeals may call on any other officer or Boards of the Township for assistance in the performance of its duties.

(4) Any appeal shall be taken within such time as shall be prescribed by the Board of Appeals by general rule by the filing with the officer from whom the appeal is taken and with the Board of Appeals of a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. In any appeal involving platted lots or acreage, the appellant shall provide an accurate scale drawing showing property lines, structures located on the property and the location of proposed new structures, additions or alterations.

(5) An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been

filed with him that by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril of life or property, in which case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Appeals or by Circuit Court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.

(6) The Board of Appeals shall provide for four hearings annually. Each hearing shall be held on the third Wednesday of the months of April May, June and July. Time of day for the hearing shall be set by the chairperson of the Board of Appeals. Persons making appeals shall so notify the Chairperson of the Board of Appeals not less than 20 days before any hearing. One notice of each hearing shall be published in a newspaper of general circulation in the Township. Said notice shall include time and place of the hearing and a brief description of each appeal to be heard. An appeal shall not be heard by the Board of Appeals unless said appeal was included in the public notice. In the event that there is no appeal pending for anyone of the scheduled hearings, said hearing shall not be held and no notice will be published. Any appellant may request a Board of Appeals hearing to be held at some time other than a scheduled hearing, provided, however, that said applicant shall be required to pay the compensation for the Board of Appeals members and for the published notice for said hearing.

(7) Upon the day for hearing an application or appeal, the Board of Appeals may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board of Appeals so decides.

19.3 JURISDICTION

The Board of Appeals, in conformity with the provisions of this Ordinance, and of Act 184 of the Public Acts of 1943, as amended, may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers to hear and decide all matters referred to it and upon which it is required to pass under this Ordinance.

19.4 GENERAL

Except as otherwise specified provided by this Ordinance, the Board of Appeals may grant a variance from the provisions or requirements of this Ordinance only if such Board finds from reasonable evidence that all of the following facts and conditions exist:

(1) That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the property that do not apply generally to other properties in the same zoning districts.

(2) That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zone and in the vicinity. The possibility of increased financial return to a business or commercial establishment shall not of itself be deemed sufficient reason to warrant a variance. Financial burden which may accrue to the property owner by not approving a variance shall not of itself be deemed sufficient reason to warrant said variance. The possibility of increased tax base or assessed valuation for the Township shall not be a consideration in approval of a variance.

(3) That authorizing such variance will not be of substantial detriment to adjacent properties, and will not materially impair the intent and purpose of this Ordinance.

(4) That the condition or situation of the piece of property or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

ARTICLE 20

Amendments and Adoption

AMENDMENTS. Amendments or supplements to this Ordinance may be made from time to time in the same manner provided by law for the adoption of this Ordinance, provided that it shall only be necessary to publish the Section or Sections to be amended or added to the Ordinance, provided that any amendment to conform to a decree of court may be adopted and published by the Township Board without referral to any other agency.

(1) The Zoning Board shall be empowered to adopt and file with the Township Board, zone plans; the establishment of zone districts and boundaries; zoning texts and maps; the manner or administering and enforcing the Ordinance; and! or amendments to any existing ordinance.

(2) Before submitting its recommendations to the Township Board the Zoning .Board shall hold at least one public hearing. Two notices of said hearing shall be published as specified by law. Following such hearing the proposed Ordinance should be submitted to the County Zoning Commission, if any, for approval. Approval by the County shall be assumed if no disapproval is noted within 30 days of receipt.

(3) The Township Zoning Board shall submit its recommendations to the Township Board; and jf any further amendments or changes are deemed advisable by the Township Board or if the amendments to an existing ordinance are necessary it shall refer the same to the Zoning Board for recommendation and report.

(4) After said report the Township Board shall grant a hearing to any interested property owner who has filed a written request to be heard and shall request the -presence of the Zoning Board at such hearing.

(5) Thereafter, at any regular meeting of the Township Board, the Ordinance or amendment may be adopted, with or without amendments previously considered by the Zoning Board.

ARTICLE 21

Abatement of Nuisances

Any use of land, dwellings, buildings or structures, including tents and trailers, used, erected, altered, razed or converted in violation of any provisions of this Ordinance or regulation lawfully adopted hereunder, is declared to be a nuisance and the Township Board after resolution duly adopted, or any private citizen, may take action in any court of competent jurisdiction to cause the abatement of such nuisance and such remedy shall be in addition to the imposition of penalty for violation of the term hereof as provided in Article 22.

ARTICLE 22**Penalty For Violation**

(1) Any person, firm, co-partnership or corporation violating or neglecting or refusing to comply with any of the provisions of this Ordinance is responsible for a municipal civil infraction, subject to a fine not less than five hundred (\$500.00) dollars, plus the cost of prosecution and other standards as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended.

(2) Each day the violation of this Ordinance is continued or permitted to exist without compliance shall constitute a separate civil infraction.

ARTICLE 23

All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

ARTICLE 24**Effective Date**

The provisions of this Ordinance shall take effect after thirty (30) days have lapsed after the first publication of this Ordinance.

ADOPTED:

EFFECTIVE:

TOWNSHIP OF STAMBAUGH

By:

Its Supervisor

Its Clerk