

Zoning Ordinance



Adopted:	November 19, 2008
Effective Date:	January 1, 2009
Amended Date:	August 13, 2012
Text Update:	June 9, 2016
Amended Date:	August 31, 2022
Effective Date:	September 12, 2022

Table of Contents

ARTICLE I - ZONING	4
Section 101 - Short Title	4
Section 102 - Designation and Duties of the Planning Commission	4
Section 103 - Effective Date.....	4
Section 104 - Fees	4
Section 105 - Exemptions	5
Section 106 - Severability	5
Section 107 - Violations and Penalties	5
Section 108 - Conflicting Regulations.....	5
Section 109 - Administrative Procedures.....	6
ARTICLE II - DEFINITIONS.....	7
Section 201 - Construction of Language.....	7
Section 202 - Definitions.....	8
ARTICLE III - ZONING DISTRICTS AND MAP.....	23
Section 301 - Zoning Map	23
Section 302 - Replacement of Official Zoning Maps.....	23
Section 303 - Interpretation of the Zoning Map	23
Section 304 - Application of District Regulations.....	24
Section 305 - Establishment of Zoning Districts	24
Section 306 - District Residential One/Two	24
Section 307 - District Rural Residential One/Two.....	25
Section 308 - District Town Development	26
Section 309 - District Lakeshore and River One	27
Section 310 - District Lakeshore and River Two.....	28
Section 311 - District Timber Resource Production	28
Section 312 - District Commercial.....	29
Section 313 - District Manufacturing	30
Section 314 - Recreational Land Uses.....	31
ARTICLE IV - GENERAL REGULATIONS	32
Section 401 - Height, Bulk, and Placement Regulations.....	32
Section 402 - Schedule of Regulations	32
Section 403 - Maximum Lot Coverage.....	32
Section 404 - Waterfront Development.....	32

Section 405 - Riparian Lot Use	33
Section 406 - Right of Way	33
Section 407 - Minimum Building Standards	33
Section 408 - Accessory Buildings and Uses	34
Section 409 – Home Occupation	35
Section 410 – Residential Use	35
Section 411 - Nonconforming Lots.....	35
Section 412 - Allocation and Reduction of Lot Area.....	36
Section 413 - Height Requirements Exceptions.....	36
Section 414 - Off-Street Parking Requirements	37
Section 415 - Required Screenings	38
Section 416 - Wireless Communication Facilities and Attached Wireless Communication Facilities.....	38
Section 417 - Food Trucks	40
Section 418 - Bed and Breakfasts.....	40
Section 419 - Recreational Vehicles	40
Section 420 - Campgrounds.....	40
Section 421 - Short-term Rentals	40
Section 422 - Recreational Structures	40
Section 423 - Agriculture / Hobby Farms.....	40
ARTICLE V - REGULATION OF SIGNS	41
Section 501 - Intent	41
Section 502 - Residential District Sign Regulations.....	41
Section 503 - On Premise Sign Regulations.....	41
Section 504 - Signs for Conditional Use	42
Section 505 - Miscellaneous Signs	42
Section 506 - Lighting of Signs.....	42
Section 507 - Nuisance Signs	42
Section 508 - Nonconforming Signs.....	43
ARTICLE VI - THE ZONING ADMINISTRATOR.....	43
Section 601 - Office of Zoning Administrator	43
Section 602 - Duties of the Zoning Administrator.....	43
ARTICLE VII - ZONING COMPLIANCE PERMITS	44
Section 701 - Intent	44
Section 702 - Procedure	44
Section 703 - Automatic Expiration.....	44

Section 704 - Use of False Information	44
ARTICLE VIII - CONDITIONAL USE PERMITS	45
Section 801 - Intent	45
Section 802 - Basis of Determination / General Standards.....	45
Section 803 - Conditions.....	47
Section 804 - Procedure and Process.....	47
ARTICLE IX - NONCONFORMING USES AND STRUCTURES	48
Section 901 - Intent	48
Section 902 - Provisions for Continued Use of a Nonconforming Structure or Use	48
Section 903 - Procedure for Approval by Planning Commission.....	49
Section 904 - Standards for Review and Approval of Completion, Resumption, Restoration, Reconstruction, Extension or Substitution	49
Section 905 - Provision for Designation of a Nonconforming Structure	50
ARTICLE X - SITE PLAN REVIEW	51
Section 1001 - Intent	51
Section 1002 - Site Plan Required	51
Section 1003 - Site Plan for Single or Two-Family Dwellings, Residential Accessory Uses and Structures, and Recreational Structures	51
Section 1004 - Site Plan for Commercial, Industrial, or Multiple Family Development (all other development) ...	52
Section 1005 - Review Procedures.....	52
Section 1006 - Site Plan Review Standards	52
ARTICLE XI - ZONING BOARD OF APPEALS.....	54
Section 1101 - Establishment of Zoning Board of Appeals.....	54
Section 1102 – Procedures	54
Section 1103 - Duties and Powers.....	54
Section 1104 - Administrative Review	54
Section 1105 - Variance.....	54
Section 1106 - Appeals.....	55
ARTICLE XII - TEXT AND REZONING AMENDMENTS.....	56
Section 1201 - Intent	56
Section 1202 - Required Amendment Information	56
Section 1203 - Procedure.....	56
Section 1204 - Standards for Review of Amendments.....	57

THE TOWNSHIP OF AU TRAIN HEREBY ORDAINS:

An Ordinance to establish zoning districts and regulations governing the development and use of land within Au Train Township, Alger County, Michigan, in accordance with the provisions of the Zoning Enabling Act 110 of 2006, as amended; to provide for regulations governing nonconforming uses and structures; to provide for a Planning Commission and for its powers and duties; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for resolution of conflicts with other ordinances or regulations.

ARTICLE I - ZONING

Section 101 - Short Title

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

Section 102 - Designation and Duties of the Planning Commission

- B. The Au Train Township Planning Commission has carried out the responsibilities of preparing this Ordinance and is the township body most closely associated with planning for the future of Au Train Township. The Au Train Township Planning Commission shall be the permanent zoning board as specified in Section 4 of the Zoning Enabling Act 110 of 2006, as amended.
- C. The Au Train Township Planning Commission shall exercise the duties and responsibilities granted to it by the Michigan Zoning Enabling Act 110 of 2006, as amended.
- D. The Au Train Township Planning Commission shall have the powers and responsibilities granted to it as specified in this Ordinance.
- E. It is determined that the Au Train Township Planning Commission shall provide continuing overall direction in the administration of this Ordinance and shall be the reviewing body of zoning actions most closely associated with planning considerations such as proposed amendments, planned unit developments, conditional use permits, and site plan reviews.

Section 103 - Effective Date

- F. This revised Ordinance shall be effective September 12, 2022.

Section 104 - Fees

- G. The Township Board may, by resolution, establish a schedule of fees for zoning compliance permits, conditional use permits, variances, planned unit developments, amendments, administrative reviews or other administrative activities associated with this Ordinance. Fees, made payable to Au Train Township and collected by the Zoning Administrator, are to be used to help defray the cost of zoning administration.

Section 105 - Exemptions

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

Section 106 - Severability

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

Section 107 - Violations and Penalties

- K. Any person who violates any provision of this Ordinance, or any amendment thereto, or who fails to perform any act required hereunder, or does any prohibited act, shall be responsible for a municipal civil infraction and, upon a finding of responsibility, shall be punishable by a fine of not more than \$500.00, plus court costs, for each offense. Each day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Refer to Zoning Enabling Act, sec 125.3407.
- L. Refer to Zoning Enabling Act, made a part hereof by incorporation by reference.

Section 108 - Conflicting Regulations

- A. Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations than those imposed or required by the provisions of any other law or ordinance, then the provision of this Ordinance shall govern. Whenever the provisions of any other law or ordinance imposes more stringent requirements, regulations, restrictions, or limitations than those imposed or required by the provisions of this Ordinance, then the provision of such law or ordinance shall govern.

Section 109 - Administrative Procedures

- A. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, the Zoning Administrator, Zoning Board of Appeals, or Planning Commission shall make the decision in accordance with the standards in this Ordinance.
- B. When a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals or the Planning Commission shall base their decision upon facts presented at said Public Hearing preceded by notice pursuant to the Zoning Enabling Act 110 of 2006, as amended.
- C. All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Au Train Township Clerk and be open to public inspection.

D.

ARTICLE II - DEFINITIONS

Section 201 - Construction of Language

- A. The following rules of construction shall apply to the text of this Ordinance.
1. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.
 2. The particular shall control the general.
 3. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
 4. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
 5. The word "use" includes the words "structures" and "buildings" associated with such use.
 6. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
 7. The word "building" includes the word "structure", and the word "dwelling" includes any part thereof.
 8. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be occupied.
 9. The legal definition of the words lot, plot, and parcel are interchangeable.
 10. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
 11. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", or "either . . . or", the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
 12. Words in the singular number shall include the plural number and words in the plural number shall include the singular number.
 13. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
 14. Whenever a reference is made to several sections and the section number is connected by the word "to", the reference includes both sections whose numbers are given and all intervening sections.

Section 202 - Definitions

- A. For this Ordinance, the following words shall have the following meaning:
1. Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal structure.
 2. Accessory Use: A use customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.
 3. Acre (Ac.): A measure of land area containing 43,560 square feet.
 4. Adult Entertainment: An establishment consisting of, including, or having the characteristics of any or all the following:
 - a. Adult Bookstore - An establishment having a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
 - b. Adult Cabaret - An establishment devoted to adult entertainment either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas; a cabaret that features topless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers for observation by patrons.
 - c. Adult Motion Picture Theater - An establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or anatomical genital areas.
 5. Adult Foster Care Family Home: A private residence licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive six or fewer adults who are provided with foster care for five or more days a week, and for two or more consecutive weeks, for compensation. The adult foster care home licensee must be a member of the household and an occupant of the residence.
 6. Adult Foster Care Large Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive at least 13 but not more than 20 adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
 7. Adult Foster Care Small Group Home: A facility licensed under P.A. 218 of 1979, as amended, with the approved capacity to receive 12 or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, five or more days a week, and for two or more consecutive weeks, for compensation.
 8. Agriculture: The use of land as a "Farm" as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended.
 9. Agricultural Produce Stand: A structure used for the seasonal sale of items propagated on or off the premises.
 10. Aircraft Landing Areas: Any area used regularly, whether designated or not, for landing or takeoff of airplanes, helicopters, hovercraft, or any other mode of air transportation.

11. Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.
12. Apartment: A dwelling unit in a two-family or multiple family dwelling, as defined herein.
13. Automotive Repair Garage: A facility where the following services may be carried out: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame, or fender straightening and repair; painting, undercoating, and detailing of automobiles.
14. Basement: A space below the first floor, usually partially or all below grade. A basement shall not be counted as a story.
15. Beach: The strip of land between the water level of a lake or pond and the line of partially stabilized vegetated soils which are not affected by wave action; or between that same water level and the toe of a bluff.
16. Bed and Breakfast: A single-family dwelling containing six or fewer sleeping rooms available for rental to transient tenants for fewer than 30 consecutive days which may serve breakfast at no extra charge to lodgers. The structure is also the innkeeper's residence. (Refer to Public Acts 111 thru 115 of 1987.)
17. Berm: A man-made, formed earth mound of definite height, width, and length used for obscuring purposes.
18. Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right of way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.
19. Boat: A waterborne apparatus propelled by paddles, oars, sails, or one or more internal combustion engine(s). A boat shall not be considered as a recreational vehicle even though it has facilities that can serve as living quarters.
20. Boat Launch: An inclined slab, set of pads, rails, planks, or graded slope used for launching boats with trailers or by hand.
21. Boat Livery: A commercial establishment providing boat hauling or launching facilities, rental of covered or uncovered boat slips or dock space or enclosed dry storage space, rental or sale of boats and boat motors, repair and maintenance of boats and boat motors, sale of marine fuel and lubricants, and as accessory service uses, on-shore restaurants, hotels, or motels, and sale of bait and fishing equipment.
22. Breezeway: A covered structure connecting an accessory building with the principal dwelling unit. For purposes of determining yard area requirements, such buildings shall be considered as one integral unit.
23. Buffer Strip: Land area used to visibly separate one use from another, or to shield or block noise, lights, or other nuisances.
24. Buildable Area: The area of a lot remaining after the minimum yard, open space, and buffer strip requirements of the zoning ordinance have been met.
25. Building: Any structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or property.
26. Building Height: The vertical distance measured from the established grade to the highest point of the roof surface for the flat roofs; to the deck line of mansard roofs; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.

27. Building Permit: Written permission issued by the Alger County Building Codes Department for the construction, repair, alteration, or addition of a structure.
28. Building, Principal: A building in which is conducted the main or primary use of the lot on which said building is located.
29. Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.
30. Campground: A tract of land which is divided into sites offered for use by the public, organizations, family, or friends, for the establishment of temporary living quarters consisting of any combination of three or more recreational vehicles, tents or other temporary habitable structures or sites. This tract of land can be offered for use either free of charge or for a fee.
31. Cargo Container: See Shipping Container.
32. Carport: A partially open structure, intended to shelter one or more vehicles, boats, or recreational vehicles. Such a structure shall comply with all yard requirements applicable to private garages.
33. Child Day Care Center: A day care operation located in a structure whose principal use is that of a day care facility and is not the residence of the operator or any other person. Such facilities shall be licensed and regulated under P.A. 116 of 1973.
34. Child Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for seven or fewer children, and which is licensed or registered under P.A. 116 of 1973.
35. Child Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, and subordinate to the residential use, which provides day care services for seven to 14 children, and which is licensed or registered under P.A. 116 of 1973.
36. Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose.
37. Clinic: A place where health care professionals furnish physical or mental health care to persons on an outpatient basis.
38. Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics, or similar activities, but not operated for profit and open only to members and not the public.
39. Commercial Vehicle: A motor vehicle or trailer licensed for commercial use.
40. Comprehensive Plan: A comprehensive, long-range plan intended to guide the growth and development of a community, township, or region, and one that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, and land use.
41. Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a land use upon land, or within a structure or building, specifically identified in the affected Zoning District under Conditional Uses. Conditional uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

42. Condominium: Multiple unit structure(s) having individual ownership of the units and joint ownership of the accompanying land and usually having special covenants.
43. Condominium Unit: As applied to land usage, that portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, and for the purpose of this ordinance shall be interpreted as a lot.
44. Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right of way or easement running through them. Property which is joined at a common point is not considered contiguous property.
45. Convenience Mart: A retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and nonalcoholic beverages and sandwiches and other freshly prepared foods, for both off-site or on-site consumption with limited indoor/outdoor seating, along with the retail sale of fuel and other operating commodities for motor vehicles.
46. Correctional Facility: A facility where prisoners lawfully sentenced by a court are housed for detainment purposes or are detained awaiting adjudication. The facility may be publicly or privately operated.
47. County Road System, Local: Under Section 4 of Act 51 of Public Acts of 1951, as amended, all county roads not included in the County Primary System constitute the County Local Road System. Through the McNitt Act, maintenance of local roads became the responsibility of the County Road Commission in the early 1930's, and while up to 50% of Michigan Transportation Funds can be used to maintain the County Local Road System, major township contributions are often required. Unlike the County Primary Road System which involves three-digit numbered roads, County local roads are coded with two or three letters.
48. County Road System, Primary: The County Primary Road System is composed of roads of "the greatest general importance to the County" under the provision of the Michigan Highway Law, Section 2 of Act 51, Public Acts of 1951, as amended. Primary roads connect principal traffic generating centers, provide collector/distributor routes, and supplement the state truck line system. Primary roads are financed by federal, state, and local resources and are maintained by the County Road Commission using funds from the Michigan Transportation Fund.
49. County Road System, Seasonal: This system may be made up of parts of the County Local or County Primary road systems. The County Road Commission is not required to keep seasonal roads cleared of snow between November 1 and April 30 of any year. Seasonal roads are not permitted to serve as the primary access to any year-round (i.e. nonseasonal) principal use involving a structure.
50. Crematory: A facility to burn a dead body to ashes.
51. Deceleration Lane: A speed-change lane, including taper, for the purpose of enabling a vehicle to leave the through traffic lane at a speed equal to or slightly less than the speed of the traffic in the through lane and to decelerate to a stop or to execute a slow speed turn.
52. Decibel (dB): A unit of sound pressure level for expressing the relative intensity of sounds on a scale of 0 – 130.
53. Density: The number of families, individuals, dwelling units, or housing structures per unit of land.
54. District: A zoning district.

55. Drainage: (1) Surface water runoff; (2) the removal of surface water or groundwater from land by drains, grading or other means which include runoff controls to minimize erosion and sedimentation during and after construction or development; (3) the means for preserving the water supply and the prevention or alleviation of flooding.
56. Driveway: Any entrance or exit used by vehicular traffic to or from land or buildings abutting a road.
57. Dump: A land site used primarily for the disposal by dumping, burial, burning, or other means and for whatever purpose, garbage, sewage, trash, refuse, junk, discarded machinery, vehicles or parts thereof, and other waste, scrap or discarded material of any kind.
58. Dune: A natural topographic feature composed primarily of sand, whether of windblown or other origin which lies within two (2) miles of the ordinary high-water mark of Lake Superior.
59. Dwelling, Principal: A primary or predominant dwelling which is used exclusively for human habitation. An auxiliary structure used as a residence (e.g., a mother-in-law cottage or a caretaker residence) is not a principal dwelling.
60. Dwelling, Multiple-Family: A structure, including condominiums, containing more than two dwelling units, each designed for residential occupancy by one family.
61. Dwelling, Single-Family: A single structure, including a mobile home, designed or used for residential occupancy by one family.
62. Dwelling, Two-Family: A structure containing two dwelling units each designed for residential occupancy by one family.
63. Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking, and sleeping purposes.
64. Easement: A grant of one or more of the property rights by the property owner to, or for the use by, the public, a corporation or another person or entity.
65. Egress: The exit of vehicular traffic from abutting properties to a street or road.
66. Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, communication, telephone, electrical, steam, fuel, or water transmission or distribution systems, collections, supply, or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms, and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.
67. Excavation: Removal or recovery, by any means whatsoever, of soil, rock, minerals, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

68. Family: An individual, or two or more persons related by blood, marriage, or adoption, or parents with their direct lineal descendants and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons not related by blood or marriage living in such a housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or State licensed residential families under P.A. 395 of 1976, as amended.
69. Fence: An artificially constructed barrier of wood, metal, stone, wire, or any manufactured materials erected for separation of yard areas.
70. Filling: The depositing or dumping of any matter into or onto the ground except from common household gardening and general maintenance.
71. Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered), basements, and breezeways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as nursery beds or sales of outdoor equipment.
72. Floor Area Ratio: An intensity measured as a ratio derived by dividing the gross floor area of a building(s) by the lot area.
73. Floor Area, Usable: For the purposes of comprising parking requirements, the area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways, and elevator shafts, or for utilities or sanitary facilities shall be excluded from the computation of "usable floor area".
74. Food Truck/Trailer: A wheeled vehicle or trailer from which food is sold that typically contains cooking facilities where the food is prepared.
75. Forest: Areas or stands of trees which are stocked with forest products of merchantable type and size covering an area greater than one acre; or groves of mature trees regardless of area that consist of substantial numbers of individual specimens.
76. Forest, Commercial: A tract of land containing no material natural resources other than forest growth, no portion of which is used for agricultural, mineral extraction, grazing, industrial, developed recreational, or resort purposes, and upon which the owner proposes to develop, maintain, and actively manage a forest through planting, natural reproduction or other forest practices pursuant to The Commercial Forest Act, Public Act 94 of 1925, as amended.
77. Forest, Noncommercial: A tract of land containing no material natural resources other than forest growth, no portion of which is used for agricultural, mineral extraction, grazing, industrial, developed recreational, or resort purposes not developed, maintained or actively managed pursuant to The Commercial Forest Act, Public Act 94 of 1925, as amended.
78. Forestry: The science and art of cultivating, maintaining, and developing timber tracts, tree farms, forest nurseries and the harvesting of forest products.
79. Freight Container: See Shipping Container.
80. Garage, Residential: An enclosed accessory building, or portion of a principal building, designed or used solely for the storage of noncommercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.

81. Gasoline Fuel Service Station: A structure used for the retail sale of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing, but not including bumping, painting, or refinishing.
82. Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.
83. Grandfathered: A land use, structure or lot which was lawfully established prior to the adoption of this Ordinance, but which is no longer in full compliance with all requirements of this Ordinance. Also known as nonconforming.
84. Gravel Pit: An open land area where sand, gravel, or rock fragments are mined or excavated for sale or off-tract use.
85. Hobby Farm: The use of land as a "Farm" as defined in the Michigan Right to Farm Act, Public Act 93 of 1981, as amended, with the exception that a Hobby Farm is not used for commercial purposes.
86. Home Occupation: A use or occupation conducted on the premises whether within the main residential dwelling or an accessory building, for income production, which is clearly incidental and secondary to residential occupancy.
87. Hotel/Motel: A facility offering temporary lodging accommodations to the public, and which may provide additional services such as restaurants, meeting rooms, and recreational facilities.
88. Incinerator: A furnace, or similar device, for burning trash, waste or soils to ashes.
89. Junk: Any scrap, waste, reclaimable material, or debris, whether stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition.
90. Junkyard: Any land or building used for salvaging, purchasing, storing, keeping, collecting, processing, or baling of paper, rags, scrap metals, or other scrap or discarded materials, or for abandonment, demolition, dismantling, storing, or salvaging of automobiles or vehicles not in normal operating conditions, machinery or parts thereof, occurring within the normal course of business operations for income purposes.
91. Kennel, Private: A place where three or more dogs over six months of age are kept by their owner for no commercial purpose.
92. Kennel, Commercial: A place where one or more dogs or cats of any age are kept for the purpose of selling, boarding, breeding, training, treating or grooming.
93. Light Industry: Uses engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, or distribution of such products. Further, "light industrial" shall mean uses such as the manufacture of electronic instruments, preparation of food products, pharmaceutical manufacturing, research and scientific laboratories, or the like. "Light industrial" shall not include uses such as mining and extracting industries, petrochemical industries, rubber refining, primary metal, or related industries.
94. Loading Space: An off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

95. Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.
96. Lot, Area: The area of land within the boundary of a lot excluding any part under a natural waterway, and, in addition, the area of land bounded by any front lot lines, the right of way line of the roadway on which it fronts, and side lot lines intersecting the front lot line at its end extended to the rear property (lot) lines.
97. Lot, Corner: A lot which has at least two contiguous sides abutting a street for their full length.
98. Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.
99. Lot, Depth: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the sideline of the lot.
100. Lot, Interior: A lot other than a corner lot.
101. Lot Line(s): Any of the lines bounding a lot.
102. Lot Line, Front: In the case of an interior lot, the line separating said lot from the street. In the case of a through lot, each line separating said lot from each street. In the case of a corner lot, both sides abutting the street are considered front yards and, consequently, both have front lot lines, excepting waterfront property where the front lot line is the high-water mark.
103. Lot Line, Rear: That lot line opposite and most distant from the front lot line. In the case of an irregularly shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has an irregular lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
104. Lot Line, Side: Any lot line other than the front or rear lot lines. A side lot line separating a lot from another lot or lots is an interior side lot line.
105. Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
106. Lot, Through: A double frontage lot, not a corner lot, having a street for both front and back lot lines.
107. Lot Width: The horizontal distance between the sidelines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.
108. Marina: A facility for the storing, servicing, fueling, berthing, or securing of boats.
109. Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.
110. Metes and Bounds: A method of describing the limits of property by means of measuring distances and angles from designated landmarks and in relation to adjoining properties.
111. Mine: (1) A cavity in the earth from which minerals or ores are extracted; (2) The act of removing minerals and ores.

112. Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but is not limited to, iron ore, copper, uranium, gypsum, silver, gold, diamonds, and other precious and semi-precious stones.
113. Mini-warehouse: A structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis.
114. Mining: The extraction of minerals including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gas. The term also includes quarrying; well operation; milling, such as crushing, screening, washing, and floatation; and other preparations customarily done at the mine site or as part of a mining activity.
115. Mobile Home: A structure, transportable in one or more sections, which is built on a steel undercarriage and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained in the structure. A mobile home does not include a recreational vehicle or any unit which can be licensed by the Secretary of State or transported by a licensed vehicle as a slide-in camper. Also known as a Manufactured Home.
116. Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents.
117. Modular (Premanufactured) Housing Unit: A dwelling unit constructed solely within a factory, as a single unit, or in various sized modular components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a dwelling unit, and meeting all codes and regulations applicable to conventional home construction.
118. Motor Vehicle: Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets, alleys, or other public ways.
119. Nonconforming Building (Nonconforming Structure): A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or subsequent amendments thereto, that does not conform to one or more provisions of this Ordinance.
120. Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Ordinance, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district in which it is located.
121. Nonconforming Sign: Any sign lawfully existing on the effective date of this Ordinance, or revision or amendment thereto, which renders such sign nonconforming because it does not conform to one or more of the present standards or requirements of this Ordinance.
122. Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendments thereto, that does not conform to one or more provisions of this Ordinance.
123. Nuisance: An unreasonable interference with the enjoyment and use of property.
124. Nursing Home: A facility, licensed by the State of Michigan, other than a hospital, having as its primary function the rendering of nursing care for an extended period of time to persons afflicted with illness, injury, or an infirmity.

125. Open Space Ratio: The ratio between open space on a lot, whether required or not, and the total lot area.
126. Open Space, Required: The yard space of a lot which is established by and between the street or the lot line and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.
127. Park: An open space used primarily for outdoor leisure activities.
128. Parking Lot: An off-street, ground-level open area, usually improved, for the short-term parking of automobiles, constructed in accordance with the requirements of this Ordinance.
129. Park Model Trailer: A recreational unit, used to provide temporary living quarters for recreational or camping use, that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the setup mode, and that is certified by the manufacturer as complying with American National Standards Institute Standard A119.5.
130. Parking Space: A space for the parking of an automobile within a public or private parking area of definite length and width and exclusive of drives, driveways, aisles, or entrances giving access thereto, and fully accessible for the parking of automobiles.
131. Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district and the other provisions of the ordinance.
132. Person: An individual, corporation, partnership, trust, association, or any other similar legal entity.
133. Picnic Area: A place equipped with tables, benches, grills, or trash receptacles for people to assemble, cook, eat, or relax.
134. Planning Commission: The duly designated planning commission of the municipality, county, or region.
135. Premises: A lot as otherwise stated in this Ordinance.
136. Principal Structure: The main structure or building to which the premises are devoted.
137. Principal Use: The main use to which the premises are devoted.
138. Public Hearing: A meeting announced and advertised in advance and open to the public, where the public is given an opportunity to participate.
139. Public Notice: The advertisement of a public hearing in a paper of general circulation in the area, and through other media sources, indicating the time, place, and nature of a public hearing.
140. Public Property: Schools, government offices, libraries, and other public buildings and structures; public parks, playgrounds, trails, paths, and other recreational areas and public open spaces; scenic and historic sites.
141. Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing under federal, state or municipal regulations to the public; gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communications (including radio, telephone, telegraph, television, cable, or fiber optics).
142. Racetrack: A continuous track area used for the purpose of racing, by motorized and nonmotorized vehicles, animals, or humans.

143. Reclamation Plan: A plan for the reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources including, but not limited to, the control of erosion, visual blight, and the prevention of land or rock slides and air and water pollution.
144. Recreational Structure: A cabin, cottage, camp, hunting camp, recreational vehicle, teepee, or yurt used intermittently for recreational or vacation purposes which is not a permanent place of domicile or residency of the owner, his or her agents, lessees, heirs, or assigns.
145. Recreational Use: Enclosed or open premises, public or private, which provide recreational opportunities.
146. Recreational Vehicle: A new or used vehicle that has its own motive power or is towed by a motor vehicle; is primarily designed to provide temporary living quarters for recreational, camping, travel, or seasonal use; complies with all applicable federal vehicle regulations; and does not require a special highway movement permit to be operated or towed on a street or highway. The term includes, but is not limited to, a motor home, travel trailer, park model trailer, or pickup camper.
147. Resort: A facility situated on one or more contiguous parcels offering or advertising transient lodging accommodations to the public but differing from a motel/hotel in that the accommodations are provided in two or more recreational structures or condominiums. Resorts are often located in proximity to amenities such as lakes, rivers, golf courses, or other attractions and may offer additional services such as restaurants, meeting rooms, canoe and boat rental, and retail sales.
148. Resource Production: Includes, but is not limited to, the growing and harvesting of timber, tree farming, the growing and harvesting of landscape vegetation, agriculture, natural resource utilization, and outdoor recreational uses.
149. Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, nightclubs, drive-ins, and any fast food establishment permitting consumption on the premises.
150. Retail Establishment: A place of business where goods and services are offered for sale to the public, and where repair services are incidental and secondary to the sale of such goods.
151. Right of way: (1) A strip of land acquired by deed, reservation, dedication, forced dedication, prescription, condemnation, or McNitt Act (PA 130 of 1931), and occupied or intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses; (2) Generally, the right of one to pass over the property of another.
152. Salvage Yard/Recycling Center: An area, lot, land, parcel, building, structure, or part thereof used to salvage, recycle, or prepare for the recycling of, waste materials.
153. Sand Pit: See "Gravel Pit".
154. Sawmill: A commercial establishment with the machinery and appurtenant structures used for the manufacture of dimensional wood products, including, but not limited to, circular or band saws, planers, debarkers, chippers, and kilns and does not include small "portable" sawmills typically operated by one or two people and capable of being moved from place to place.
155. Screening: A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing or walls.
156. Seasonal Dwelling Unit: A dwelling unit that lacks one (1) or more of the basic amenities or utilities required for all year or all-weather occupancy.

157. Seasonal Use: A use carried on for only a part of the year such as outdoor swimming during the summer months or skiing during the winter months.
158. Self-service Storage Facility: See Mini-warehouse.
159. Setback: The minimum required unoccupied distance between the lot line and the principal and accessory buildings.
160. Setback, Front: The minimum required unoccupied distance, extending the full lot width, between any building or structure and the front lot line.
161. Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between the principal and accessory buildings and the lot line opposite the front lot line.
162. Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between the principal and accessory buildings and the side lot line.
163. Shipping Container: A standardized, reusable shipping vessel used in the transportation of freight and capable of being mounted and moved on a rail car, or mounted on a chassis or bogie for movement by truck trailer, or loaded on a ship.
164. Shooting Range: An area where firearms or archery equipment are discharged for target or recreational purposes, whether the area is open to the public or reserved for club members only.
165. Short-term Rental: A single family dwelling or recreational structure rented for temporary use and accommodation of 14 days or less. A short-term rental is not occupied by the owner or manager of the dwelling during rental periods.
166. Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, facility, structure, service, event attraction, person, institution, organization, or business and which is visible from any street, right of way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or parts of signs.
167. Sign Area: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or uprights on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculating the total area.
168. Sign, Directional: A sign which gives the name, location, and general nature of a specific establishment or attraction and is intended to give directions to that place.
169. Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.
170. Sign, Identification: A sign which pertains to the use of a premise and contains the occupant of the use, the address of the use, or the kind of business or the principal commodity sold on the premise.
171. Sign, Off-Premise: A sign which advertises goods, services, events, and facilities available at a location other than the premises on which the sign has been placed.

172. Sign, On-Premise: A sign which advertises goods, services, events, facilities, or attractions available only on the premises on which the sign is located or identifies the owner or occupant or directs traffic on such premises. All other signs are considered off-premise signs.
173. Site Plan: Refer to definition from ZEA 2006 section, 102R.
174. Solar Power: Energy produced using various arrays which capture the energy of the sun. Solar power sources consist of solar energy panels, monitors, controllers, chargers, batteries, hot water lines or other related improvements necessary for the generation of solar energy.
175. Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose of implementing a comprehensive plan.
176. Stable: An area or facility where more than three horses are kept.
177. Story: That part of a building, except a mezzanine or basement, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling above it.
178. Street: A public or private roadway that affords traffic circulation and principal means of access to abutting property.
179. Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to, buildings, porches, decks, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including fences, driveways, or sidewalks.
180. Tank Farm: An area where petroleum products, LP gas, chemicals, hazardous waste, or any other materials are stored in tanks for distribution or transfer purposes.
181. Teepee: A portable conical tent made of skins, cloth, or canvas on a frame of poles.
182. Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of a predetermined period.
183. Tiny Home: See Park Model Trailer.
184. Township Board: The duly elected board of trustees of Au Train Township.
185. Trailer: A structure standing on wheels, towed or hauled by another vehicle, and used for carrying materials, goods, or objects, or as a temporary office.
186. Vacation Rental: See Short-term Rental.
187. Variance: Permission to depart from the literal requirements of this Ordinance.
188. Variance, Use: A variance granted for a use that is not allowable in the zoning district in which such variance is granted.
189. Variance, Non-Use: A variance granted from any provision of the Zoning Ordinance, other than use.
190. Warehouse: A facility engaged in the storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

191. Wetland: Based upon The Goemaere-Anderson Wetland Protection Act, P.A. 203, 1979, as amended, a wetland area is characterized by the presence of water at a frequency and duration sufficient under normal circumstances to support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:
 - a. Contiguous to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream
 - b. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and more than five (5) acres in size
 - c. Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Department of Natural Resources (DNR) determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the DNR has so notified the owner
192. Wind Turbine: A device that converts the wind's kinetic energy into electrical energy. (Also known as a wind energy converter.)
193. Wireless Communication Facility: All structures and accessory facilities related to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio and television broadcasting or relay towers, wireless or cellular telephone communication receivers and transmitters, telephone devices and exchanges, microwave relay facilities and towers, telephone transmission equipment buildings and public and private and commercial mobile radio service facilities. Not included in this definition are citizen band radio facilities, short wave facilities, ham, amateur radio facilities, satellite dishes and government facilities subject to state or federal laws or regulations which preempt township regulatory authority.
194. Wireless Communication Support Structure: A structure erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles, and guyed towers or other structures which appear to be something other than a mere support structure.
195. Wood Burner (outdoor): A wood-fired boiler, stove or furnace that is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system, meeting EPA emission standards and certification criteria.
196. Wood Yard: A parcel of land where pulpwood or other logs are gathered from various locations and stored for commercial sale or transportation elsewhere.
197. Yard: An open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward, except as may be specifically provided in this Ordinance.
198. Yard, Front: An open space extending the full width of the lot and lying between the front lot line and the nearest line of any building or structure, and measured perpendicular to the building at the closest point to the front lot line.
199. Yard, Rear: An open space extending the full width of the lot and lying between the rear lot line and the nearest line of any building or structure, and measured perpendicular to the building at the closest point to the rear lot line.
200. Yard, Side: An open space between the side lot line and the nearest line of any building or structure, and extending from the front yard to the rear yard, and measured perpendicular from the side lot line to the closest point of the building.

201. Yurt: A portable, round structure with: 1) lattice walls made of wood, bamboo, or some other lightweight material; and 2) a self-supporting roof that is held up under a combination of tension and compression (although a large yurt may have interior posts supporting the roof). Traditionally, yurts are covered with skins or felt; however, modern yurts may be covered with canvas, tarpaulin, or some other similar material.
202. Zone: A specifically delineated area in a municipality within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.
203. Zoning: The dividing of a municipality into districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.
204. Zoning Administrator: The Township Board's authorized representative charged with the responsibility of administering this Ordinance.
205. Zoning Map: The map or maps which are a part of the Zoning Ordinance and delineate the boundaries of zone districts.
206. Zoning Compliance Permit: A document signed by the Zoning Administrator, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which acknowledges that such use, structure, or building complies with the provisions of the municipal zoning or authorized variance therefrom.

ARTICLE III - ZONING DISTRICTS AND MAP

Section 301 - Zoning Map

- A. The boundaries of the respective districts described in this Ordinance are defined and established as depicted on the map entitled "Au Train Township Official Zoning Map," which is an integral part of this Ordinance. This map, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein.
- B. The Au Train Township Official Zoning Map shall be identified by the signature of the Township Supervisor and attested by the Township Clerk. When changes are made in zoning district boundaries, such changes shall be incorporated on the Au Train Township Official Zoning Map and approved by the Township Board in accordance with the procedure described in Section 1203, together with an entry on the Au Train Township Official Zoning Map showing the date and official action taken.
- C. One copy of the Au Train Township Official Zoning Map is to be maintained and kept current by the Township Clerk, accessible to the public, and shall be the final authority as to the current zoning status of properties in Au Train Township.
- D. Historical map and text information shall be maintained by the Township Clerk.

Section 302 - Replacement of Official Zoning Maps

- A. In the event the Au Train Township Official Zoning map becomes damaged, destroyed, lost or difficult to interpret, the Township Board may adopt a new Official Zoning map, which shall supersede the prior Official Zoning map. The Official Zoning Map shall bear the signatures and certification as required in Section 301(B). Unless the original Official Zoning Map has been lost, or has been destroyed, the prior map, or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 303 - Interpretation of the Zoning Map

- B. Where there is any uncertainty, contradiction, or conflict as to the intended location of any zoning district boundary, the Zoning Board of Appeals shall make an interpretation of the map upon request of any person. The Zoning Board of Appeals, in interpreting the zoning map or deciding any appeal, shall apply the following standards:
 - 1. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights of way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
 - 2. Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
 - 3. Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
 - 4. If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in Au Train Township, as well as all other relevant facts.

Section 304 - Application of District Regulations

- A. The regulations established for each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety, and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article XI, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured, and substantial justice done.
- B. The regulations established for Zoning Districts detail the uses permitted within each individual Zoning District. Uses not listed within a particular Zoning District are prohibited in that particular Zoning District, unless there is a successful appeal to the Zoning Board of Appeals.
- C. An approved Zoning Compliance Permit is required prior to the establishment of a Principal Use or an Accessory Use. (See ARTICLE VII - ZONING COMPLIANCE PERMITS.)
- D. An approved Conditional Use Permit is required prior to the establishment of a Conditional Use. (See ARTICLE VIII - CONDITIONAL USE PERMITS.)

Section 305 - Establishment of Zoning Districts

(*Reference Planning Commission in addition with an approved map, and future land use.)

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

R1/R2	Residential One/Two
RR1/RR2	Rural Residential One/Two
TD	Town Development
LS/R1	Lakeshore and River One
LS/R2	Lakeshore and River Two
T/RP	Timber Resource Production
C	Commercial
M	Manufacturing

Section 306 - District Residential One/Two

- B. Intent: The Residential One/Two District is intended for the establishment and preservation of quiet neighborhoods for single-family and two-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this district.
- C. Permitted Principal Uses:
 - 1. Adult foster care family home
 - 2. Bed and breakfast
 - 3. Child day care facility, family
 - 4. Fire hall
 - 5. Home occupation
 - 6. Mobile home
 - 7. Single-family dwelling
 - 8. Recreational structure
 - 9. Solar power

- D. Permitted Accessory Uses:
 1. Accessory structures normally associated with single-family and two-family dwellings such as a garage, shed for yard tools, playhouse, pen, bathhouse, swimming pool, woodshed, sauna, wood burner (outdoor), and satellite dish.
- E. Conditional Uses:
 1. Agriculture
 2. Church
 3. Hobby Farm
 4. Kennel, Private
 5. Public building
 6. Multiple family dwelling
 7. Short-term rental
 8. Two-family dwelling
 9. Water storage tank
 10. Wind turbine

Section 307 - District Rural Residential One/Two

- A. Intent: The Rural Residential One/Two District is established to provide for a transition zone between more densely settled residential areas and the more sparsely developed rural, agricultural, and forested areas of the Township. Such areas are accessible by all-season roads and provide for a mix of moderately intensive compatible uses from surrounding zones. The Rural Residential District is designed to provide rural residential opportunities for those who are willing to assume the costs of providing their own services.
- B. Permitted Principal Uses:
 1. Adult foster care family home
 2. Child day care facility, family
 3. Fire hall
 4. Hobby farm
 5. Home occupation
 6. Horses for personal use of the property owner/resident (5 acres for one horse with 1 acre per additional horse with a maximum of 25 horses.)
 7. Kennel, Private
 8. Mobile home
 9. Recreational structure
 10. Resource production
 11. Single family dwelling
 12. Solar power
- C. Permitted Accessory Uses:
 1. Accessory structures normally associated with residential dwellings such as a garage, shed for yard tools, playhouse, pen, bathhouse, swimming pool, woodshed, sauna, wood burner (outdoor), and satellite dish.
 2. Accessory structures normally associated with agricultural activities, and grazing animals, such as barns, animal shelters, feed or equipment storage.
- D. Conditional Uses:
 1. Agriculture
 2. Agricultural produce stand
 3. Bed and breakfast
 4. Multiple family dwelling
 5. Public building
 6. Resort
 7. Shipping container

8. Short-term rental
9. Tree farm and nursery
10. Wireless communication facility
11. Water storage tank
12. Wind turbine

Section 308 - District Town Development

- A. Intent: The Town Development District is intended to preserve a district for residential, retail, and service establishments, and certain governmental uses that are compatible with a small-town setting, serving residents and tourists. This district is designed for small unincorporated town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.
- B. Permitted Principal Uses:
1. Adult foster care family home
 2. Agricultural produce stand
 3. Auction sales barn
 4. Automotive repair garage
 5. Bed and breakfast
 6. Child day care center
 7. Child day care facility, family
 8. Child day care facility, group
 9. Church
 10. Grocery store
 11. Home occupation
 12. Kennel, Private
 13. Mini-warehouse
 14. Mobile home
 15. Mobile home park
 16. Motel/Hotel
 17. Multiple-family dwelling
 18. Office building
 19. Public building
 20. Recreational structure
 21. Restaurant
 22. Retail or wholesale establishment (with limited production)
 23. Single-family dwelling
 24. Solar power
 25. Two-family dwelling
 26. Veterinarian office and animal clinic/hospital
- C. Permitted Accessory Uses:
1. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pen, boat house, swimming pool, woodshed, sauna, wood burner (outdoor) and satellite dish.
 2. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 3. Signs subject to the regulations established in Section 503.
- D. Conditional Uses:
1. Adult entertainment
 2. Agriculture
 3. Auto salvage yard
 4. Boat livery

5. Campground
6. Cemetery
7. Construction equipment sales and service
8. Contractor yard and shop
9. Facilities for bulk feed, seed, or fertilizer sales, storage or mixing
10. Gasoline station
11. Gravel pit
12. Hobby farm
13. Kennel, Commercial
14. Marina
15. Mobile home sales and service
16. Motor and recreational vehicle sales and service
17. Nursing home
18. Resort
19. Resource production
20. Shipping container
21. Short-term rental
22. Tree farm and nursery
23. Water storage tank
24. Wind turbine
25. Wireless communications

Section 309 - District Lakeshore and River One

- A. Intent: The Lakeshore and River One District is intended for the preservation of existing commercial resort developments and single-family and two-family residential use. Existing state regulations are: PA 451, 1994, and PL 92-500.
- B. Permitted Principal Uses:
 1. Adult foster care family home
 2. Bed and breakfast
 3. Child day care center
 4. Fire hall
 5. Home occupation
 6. Kennel, private
 7. Mobile home
 8. Motel/Hotel
 9. Recreational structure
 10. Single-family dwelling
 11. Solar power
 12. Two-family dwelling
- C. Permitted Accessory Uses:
 1. Accessory structures normally associated with residential dwellings such as garage, shed for yard tools, playhouse, pens, bathhouse, swimming pool, woodshed, sauna, wood burner (outdoor), and satellite dish.
 2. Stairways, landings, and "rustic" fences are permitted within the ordinary high-water mark if there is a bluff.
- D. Conditional Uses:
 1. Cemetery
 2. Boat livery
 3. Campground
 4. Resort

5. Resource production
6. Shipping container
7. Short-term rental
8. Tree farm and nursery
9. Water storage tank
10. Wind turbine

Section 310 - District Lakeshore and River Two

- A. Intent: The Lakeshore and River Two District is intended for the preservation of existing quiet neighborhoods free from other uses except those which are compatible with and convenient to the residents in this district. Existing state regulations are: PA 451, 1994, and PL 92-500.
- B. Permitted Principal Uses:
1. Adult foster care family home
 2. Child day care facility, family
 3. Fire Hall
 4. Home occupation
 5. Recreational structure
 6. Single family dwelling
 7. Solar power
- C. Permitted Accessory Uses:
1. Accessory structures normally associated with residential dwelling such as garage, shed for yard tools, playhouse, pen, bathhouse, swimming pool, woodshed, sauna, wood burner (outdoor), and satellite dish.
 2. Stairways, landings, and "rustic" fences are permitted within the ordinary high-water mark if there is a bluff.
- D. Conditional Uses:
1. Kennel, private
 2. Short-term rental
 3. Wind turbine

Section 311 - District Timber Resource Production

- A. Intent: The Timber Resource Production District is established to maintain low-density rural areas which, because of their rural character and locations, accessibility, natural characteristics, and the potentially high cost of providing public services, are suitable for a wide range of forestry, agriculture, natural resource, and recreational uses.
- B. Permitted Principal Uses:
1. Adult foster care family home
 2. Agriculture
 3. Agricultural produce stand
 4. Bed and breakfast
 5. Cemetery
 6. Child day care facility, family
 7. Commercial horse riding and boarding establishment
 8. Fire hall
 9. Hobby farm
 10. Home occupation
 11. Kennel, private

12. Mobile home
13. Recreational structure
14. Resource production
15. Single-family dwelling
16. Solar power
17. Tree farm and nursery

C. Permitted Accessory Uses:

1. Accessory structures normally associated with residential dwelling structures, such as private garage, shed for yard tools, playhouse, pen, swimming pool, woodshed, generator shed, sauna, wood burner (outdoor), and satellite dish.
2. Agriculture accessory uses and structures.

D. Conditional Uses:

1. Agriculture
2. Aircraft landing area/airport
3. Campground
4. Construction and farm equipment sales and service
5. Gravel pit
6. Kennel, Commercial
7. Mini-warehouse
8. Resort
9. Sawmill
10. Shipping container
11. Short-term rental
12. Storage yard
13. Water storage tank
14. Wind turbine

Section 312 - District Commercial

A. Intent: The Commercial District is intended to establish and preserve areas for commercial or light industrial uses which are more compatible with commercial activity than other industrial uses.

B. Permitted Principal Uses

1. Agricultural produce stand
2. Auction sales barn
3. Automotive repair garage
4. Bulk food processing facility and operation
5. Child day care center
6. Church
7. Construction and farm equipment sales and service
8. Contractor yard and shop
9. Facilities for bulk feed, seed, or fertilizer sales, storage, or mixing
10. Fire hall
11. Fish market
12. Home occupation
13. Hotel/Motel
14. Kennel, Private
15. Mini-warehouse
16. Mobile home sales and service
17. Motor and recreational vehicle sales and service
18. Office building
19. Retail establishment

20. Single-family dwelling
21. Solar power

C. Permitted Accessory Uses:

1. Any structural or mechanical building or use customarily incidental to the permitted use.
2. Signs subject to the regulations established in Section 503.

D. Conditional Uses:

1. Commercial horse riding and boarding establishment
2. Fossil fuel tank farm, bulk propane storage and related activities
3. Gasoline station
4. Gravel pit
5. Kennel, Commercial
6. Light industry
7. Marina
8. Nursing home
9. Public building
10. Resort
11. Sawmill
12. Shipping container
13. Short-term Rental
14. Veterinarian office and animal clinic/hospital
15. Warehouse
16. Wastewater treatment facility
17. Water storage tank
18. Wind turbine
19. Wireless communication facility

Section 313 - District Manufacturing

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

B. Permitted Principal Uses:

1. Automotive repair garage
2. Bulk food processing facility and operation
3. Construction and farm equipment sales and service
4. Contractor yard and shop
5. Fire Hall
6. Fossil fuel tank farm, bulk propane storage and related activities
7. Light industry
8. Manufacturing
9. Mini-warehouse
10. Motor and recreational vehicle sales and service
11. Office building
12. Processing, assembling, and fabrication operation
13. Sawmill
14. Solar power
15. Warehouse
16. Wastewater treatment facility

- C. Permitted Accessory Uses:
 1. Any structural or mechanical building or use customarily incidental to the permitted principal use
 2. Signs subject to the regulations established in Section 503.
- D. Conditional Uses:
 1. Gravel pit
 2. Junkyard
 3. Kennel, Commercial
 4. Resort
 5. Shipping container
 6. Short-term rental
 7. Water storage tank
 8. Wind turbine
 9. Wireless communication facility

Section 314 - Recreational Land Uses

- A. The following recreational uses are either a permitted use or use permitted upon issuance of a Conditional Use Permit in the districts indicated below.

P-Permitted Use C-Conditional Use

LAND USE/DISTRICT	P-Permitted Use		C-Conditional Use					
	R1/R2R	R1/RR2	TD	LS/R1	LS/R2	T/RP	C	M
BOAT LAUNCH		C	C	C	C	C	C	C
COMMUNITY PLAYGROUND	C	C	C	C	C	C	C	
PICNIC AREA	C	C	C	C		C	C	
PASSIVE PARK (NATURE AREA, NON- MOTORIZED TRAIL, WALKWAY)	C	C	C	C	C	C	C	C
FIELDS: SOCCER, ICE HOCKEY, FIELD HOCKEY, BALL FIELD, ICE RINK	C	C	C	C	C	C	C	C
CROSS COUNTRY SKI TRAIL	C	C	C	C	C	C	C	C
HORSEBACK RIDING TRAIL		C	C	C	C	C	C	
INDOOR RECREATION: HANDBALL, GOLF, BOWLING ALLEY, BADMINTON, TENNIS, BASKETBALL, WATERPARK, ARCHERY			C				C	
GOLF DRIVING RANGE			C			C		
GOLF COURSE (9 OR 18 HOLE)	C	C	C			C		
MINI GOLF COURSE			C			C		
TRACKS: ORV, BICYCLE, BMX, MOTOR CROSS, GO CART, SKATEBOARD PARK, SNOWMOBILE, CAR, MIDGET RACING			C			C		
SHOOTING RANGE, SKEET AND TRAP, SPORTING CLAY FIELD	C	C	C	C	C	C	C	C
OFF-ROAD VEHICLE AND SNOWMOBILE TRAIL	C	C	C	C	C	C	C	C
BATHING BEACH			C	C	C	C		
WATERPARK - OUTDOOR				C	C			C
FISHING PIER				C	C	C	C	
GAME FARM							C	

ARTICLE IV - GENERAL REGULATIONS

Section 401 - Height, Bulk, and Placement Regulations

- B. Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent setback distance listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel, but not of their intersection, no rear setback is required. The side setback requirement applies to a side lot line and to any lot line which is neither a front, rear, nor side lot line.

Section 402 - Schedule of Regulations

District	M Minimum Lot Size	Minimum Lot Width (feet)	M Setback (feet)			Maximum Height (feet)
			Front	Side	Rear	
R1/R2	15,000 square feet	100	30	10 (A)	10	50
RR1/RR2	2-½ acres	165	30	10	10	50
TD	15,000 square feet	100	30	10	10	50
LS/R1	40,000 square feet	150	30/50	10	25	50
LS/R2	40,000 square feet	150	30/50	10	25	50
T/RP	5 acres	330	30	25	25	50
C 20	20,000 square feet	100	30	10	10	50
M	20,000 square feet	100	30	10	10	50

Footnotes to the Table:

- (A) An accessory building or structure may be located six feet from a side lot line in the R1/R2 district.
- (B) The front setback shall be measured from the road right of way, except where a parcel abuts a water body. In that case the front setback shall be measured from the ordinary high-water mark. See Section 404 - Waterfront Development for front setbacks for districts LS/R1 and LS/R2.
- (C) Any driveway/private road shall have a minimum clearing width or 14 feet and minimum clearance height of 10 feet.

Section 403 - Maximum Lot Coverage

- A. In all districts, the maximum lot coverage shall not exceed 50% of the lot.

Section 404 - Waterfront Development

- B. All buildings and structures (except piers, boat houses and boat hoists) located on lots or parcels abutting any body of water shall comply with the following setback requirements:
1. For lots abutting Lake Superior, the setback for structures shall be a minimum of fifty (50) feet from the Ordinary High-Water Mark (OHWM). This is also known as the line where vegetation growth is present.

2. For lots abutting inland lakes or river systems, a minimum of thirty (30) feet from the Ordinary High-Water Mark (OHWM) shall be used as a setback for establishing a building or structure.
3. Where lots of record exist along water bodies, the petitioner shall provide the Zoning Administrator with a plot plan of the site. The location of all proposed buildings and structures on lots of record shall be reviewed individually on a case by case basis by the Zoning Administrator.

Section 405 - Riparian Lot Use

- A. The purpose of these regulations is to protect the public health safety and welfare which could be threatened by the over usage of inland lakes, and avoid situations which may create a nuisance, impair important irreparable natural resources, and destroy property values. The regulations shall apply to the following private sites, platted lots, and other lots to be held in common by a subdivision, condominium, association, similar agency or group of individuals; or held in common by virtue of the terms of a plat; or provide for common use under deed restrictions:
 1. Lots created after the effective date of this Ordinance.
 2. Lots of record existing prior to the effective date of this Ordinance that did not provide common use access to a water body (riparian rights to non-riparian landowners) prior to the effective date of this ordinance.
- B. Lots of record which existed prior to the effective date of this Ordinance that provided common use access to a water body may continue to provide riparian rights subject to the marina operating permit requirements of the Michigan Department of Natural Resources under the Michigan Inland Lakes and Streams Act (Public Act 346 of 1972).
- C. Boat launching sites and boat docks within a common use riparian lot shall be permitted in any district as a Conditional Use upon review and approval in accordance with Article VIII.
- D. Waterfront sites dedicated to common use for boat launching and docking shall have a minimum of 100 feet of riparian frontage and a minimum lot depth of 100 feet, measured as the minimum distance between the water's edge and the lot line which is opposite the water's edge.
- E. The deed to such lot or parcel shall specify the non-riparian lots or parcels which shall have rights to its use.

Section 406 - Right of Way

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

Section 407 - Minimum Building Standards

- B. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by the Alger County Building Code, then such federal or state standards or regulations shall apply.
- C. Each dwelling shall be firmly attached to a permanent foundation constructed on a site in accordance with the Alger County Building Code and constructed of such material and type as required in the applicable building code for residential dwellings. In the event that the dwelling is a mobile home, as defined, such dwelling shall, in addition thereto, be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission.

- D. If a dwelling is a mobile home as defined herein, it shall be installed with the wheels and undercarriage removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage, or chassis.
- E. Every dwelling shall be connected to a public sewer and water supply or have such facilities as approved by the local health department.
- F. Every dwelling must comply with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the "Mobile Home Construction and Safety Standards" as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- G. The foregoing shall not apply to mobile homes located in a licensed mobile home park, except to the extent required by state and federal laws, or otherwise specifically required in this Ordinance.

Section 408 - Accessory Buildings and Uses

- A. Where a lot is devoted to a permitted principal use, customary accessory uses and buildings are authorized except as specifically prohibited or by necessary implication by this or any other ordinance. The following special rules are applicable:
 - 1. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
 - 2. An accessory structure shall not be permitted prior to the establishment of a principal structure.
 - 3. A single accessory building with up to 3,500 square feet or the cumulative square footage up to 3,500 square feet of all accessory buildings on a lot is permitted in all districts.
 - 4. A single accessory building greater than 3,500 square feet or the cumulative square footage greater than 3,500 square feet of all accessory buildings on a lot may be permitted by application for and issuance of a Conditional Use Permit.
 - 5. Autos, truck bodies, buses, mobile homes, semi-tractor trailers or similar portable units shall not be used as accessory buildings.
- B. Shipping Containers, as defined in Section 202, are regulated as follows:
 - 1. For construction use only, a Shipping Container may be temporarily placed upon a property in any zoning district for a maximum period of 180 days without an approved Conditional Use Permit. An extension may be approved by the Zoning Administrator.
 - 2. Except as provided in subsection 1, a Shipping Container may be permitted with an approved Conditional Use Permit provided all of the following conditions are satisfied.
The Shipping Container:
 - a. Requires a two (2) acre minimum parcel size.
 - b. Shall meet the minimum setback requirements for the zoning district in which it is to be located.
 - c. Shall be established on a suitable, improved foundation consisting of concrete, asphalt, railroad ties, ground contact treated lumber, or compacted aggregate of grade 21AA, 22A, or 23A.
 - d. Shall not be visible from any public right-of-way during any season of the year.
 - e. Shall be screened from any adjacent property owner by way of a screening or by concealing the container as a residential accessory structure; utilizing siding material, or by applying a paint color complementary to the principal structure.
 - f. Shall not be stacked on another Shipping Container.

Section 409 – Home Occupation

- A. A home occupation shall be regulated in a manner such that the average neighbor, under normal circumstances, will not be aware of its existence. Any resident desiring to conduct a home occupation shall initially apply for and receive a zoning compliance permit from the Zoning Administrator. Any occupation which is customarily, in whole or in part, conducted in a residence or in an accessory structure may be conducted as a home occupation if all the following criteria are met:
1. The occupation must be clearly incidental and subordinate to the use of the dwelling as a residence.
 2. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
 3. Other than a sign as permitted by Article V - Regulation of Signs, there shall be no visible evidence that the residence is being operated as a home occupation.
 4. A maximum of one (1) person other than the members of the immediate family residing in the dwelling shall be employed in the home occupation.
 5. A minimum of two off-street parking stalls shall be provided per dwelling unit.
 6. The occupation shall not generate nuisances such as traffic, on-street parking, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.
 7. The occupation shall be permitted within a dwelling occupied by the proprietor and shall not utilize more than twenty (20) percent of the total floor area of a dwelling. Alternatively, the occupation may be conducted within an accessory building.
 8. No commodity other than what has been produced or processed on the premises shall be sold there.
 9. The home occupation shall not require the use of a vehicle requiring a commercial license.

Section 410 – Residential Use

- A. No more than one principal use may be permitted on a lot, unless specifically provided for elsewhere in this Ordinance.
- B. In the Town Development and the Commercial Districts, a residential use may be permitted with the establishment of a permitted principal use.
- C. Single-family residential use is permitted when incidental to a permitted commercial use. To be considered incidental, the dwelling must be occupied by the business owner or operator.

Section 411 - Nonconforming Lots

- A. Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the Alger County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgment of notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.
- B. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the nonconformity.

Section 412 - Allocation and Reduction of Lot Area

- A. No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of building.
- B. No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established.

Section 413 - Height Requirements Exceptions

- A. The following are exempted from height limit requirements, provided that no portion of the exempted structure may be used for human occupancy:
 - 1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles, and monuments
 - 2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, cooling towers, wind turbines, and solar power
 - 3. Agriculture related structures such as barns, silos, elevators, etc.

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Section 414 - Off-Street Parking Requirements

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

USE	MINIMUM PARKING SPACES REQUIRED
Single and two-family dwelling, recreational structure, rental	2 per dwelling unit
Rooming house, fraternity, sorority, dormitory, convalescent home, and home for the elderly	0.4 times maximum lawful number of occupants
Hotel and Motel	1.2 per room in addition to spaces required for restaurant facilities
Adult Foster Care	1.5 per employee and 0.4 per resident
Apartment and Townhouse	2 per dwelling unit
Church, theater, facility for spectator sports, auditorium, concert hall, banquet hall	0.25 times the seating capacity
Golf Course	7 per hole
Barber shop and beauty parlor	2 plus 1.5 per chair
Bowling Alley	5 per lane in addition to spaces required for restaurant facilities
Child Day Care Facility	2 per dwelling unit plus 0.3 per child
Fast Food take-out establishment, drive-in restaurant	0.01 times floor area and square feet
Restaurant (except drive-in), bar or tavern	1.2 per 1000 square feet of floor space
Furniture and Appliance Stores	1 per 500 square feet of floor space
Household equipment, carpet and hardware store, repair shop including shoe repair, contractor's showroom and others, museum, and gallery	1 per 500 square feet of floor space
Funeral Parlor	1 per 50 square feet of floor space
Gas Station	1 per pump plus per lift (in addition to stopping spaces adjacent to pumps)
Automotive Service Center	1 per employee plus 2 per service bay
Laundromat	0.5 per washing machine
Doctor and Dentist Office	1 per 100 square feet of waiting room area and 1 per doctor or office
Bank	1 per 150 square feet of floor space
Warehouse and Mini-warehouse	1 parking/loading space per unit
Retail Store and Service Establishment	1 per 800 square feet of floor space and outdoor sale space
Office	1 per 400 square feet of floor space
Other business and industrial uses	0.75 times maximum number of employees on premises at any one time

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

- C. Required off-street parking shall be provided on the lot to which it pertains. Access drives may be placed in the required front, side, or rear yards to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.
- D. The use of any required parking space for the storage of any motor vehicle for sale, or for any other purpose other than the parking of motor vehicles is prohibited.
- E. The following minimum design standards shall be observed in laying out off-street spaces and provided access lanes to each space. Layouts requiring vehicles to back out onto roads or streets are prohibited.

<u>Parking Angle in degrees</u>	<u>Stall Width</u>	<u>Aisle Width</u>	<u>Parking Stall Length</u>	<u>Curb To Curb</u>
0 to 15	9'	12'	23'	30'
16 to 37	10'	11'	19'	47'
38 to 57	10'	13'	19'	54'
58 to 74	10'	18'	19'	61'
75 to 90	10'	24'	19'	63'

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

Section 415 - Required Screenings

- A. A screening shall be required in all zoning districts, wherever any nonresidential site improvement (parking lot, trash collection, outdoor storage, storage building, service area, service building, pole building, etc.) is located on property which abuts or is visible from any residential district or residential land use. The screening shall be a minimum six feet in height. In addition, the screening shall be solid in nature (i.e., no chain link or similar fencing) with the finished side facing the residential district or residential land use.

Section 416 - Wireless Communication Facilities and Attached Wireless Communication Facilities

- B. Au Train Township has a clear and identifiable interest in accommodating the communication needs of residents and businesses and has an interest in regulating the location and of such facilities to retain the integrity of neighborhoods and protect the public health, safety, and welfare of the residents.
- C. Recognizing the number of providers authorized to establish and operate wireless communication services and coverage, it is further the purpose and intent of this section to:
 1. Facilitate adequate and efficient provisions for wireless communication facilities.
 2. Ensure that wireless communication facilities are situated in appropriate locations and relationships to other land uses, structures, and buildings.
 3. Limit inappropriate physical and aesthetic overcrowding of land use activities and avoid adverse impact upon existing population, transportation systems, and other public services and facility needs.
 4. Minimize the adverse impacts of abandonment by requiring the removal of such facilities when they are no longer being used.

- D. It is the policy of Au Train Township to minimize the overall number of newly established locations for Wireless Communication Facilities and Wireless Communication Support Structures within the township and encourage the use of existing structures for Attached Wireless Communication Facilities. It is in the Township's interest to the extent reasonable to encourage the cooperative use and co-location of such towers and their associated facilities and structures. All new and modified wireless communication facilities shall be designed and constructed to accommodate co-location.
- E. The location of Wireless Communication Facilities and Attached Wireless Communication Facilities shall be subject to the following conditions and regulations:
1. The applicant must demonstrate that feasible co-location is not available for the coverage area and capacity needs.
 2. The applicant shall demonstrate a justification for the proposed height of the structure and present an evaluation of alternative designs which might result in lower heights. No part of any wireless communication facility shall be constructed, located, or maintained at any time upon any required setback area for the district in which it is located.
 3. The site shall have legal documented access to a public road.
 4. Any support structure must be set back from all lot lines a distance equal to or greater than its height.
 5. Where an attached wireless communication facility is proposed on the roof of a building, it shall be designed, constructed, and maintained to be architecturally compatible with the principal building.
 6. An equipment enclosure may be located within the principal building or may be an accessory building. If proposed as an accessory building, it shall conform to all other zoning requirements for principal buildings, including yard setbacks.
 7. The wireless communication facility may be of a design such as steeple, bell tower, or the form of which is compatible with the existing character of the proposed site, neighborhood, and general area, as approved by the Planning Commission.
 8. All support structures must be certified by a professional engineer licensed in Michigan that the structural design will withstand wind speeds and icing conditions under the worst conditions experienced in the area. All support structures must meet the standards of the Federal Aviation Administration, the Federal Communication Commission, and the state of Michigan and must be certified by a registered, professional engineer under the laws of the State of Michigan to meet or exceed the Telecommunications Industry Association/Electronic Industry Association (TIA/EIA) standards in accordance with TIA/EIA-222-F.
 9. The wireless communication facility shall not be artificially lighted, except as required by the Federal Aviation Administration.
 10. There shall be no display or advertising on the wireless communication facility or other structures, except as required for emergency purposes.
 11. Fencing shall be provided for the protection of the support structure and security from children and unauthorized persons who may access the facility.
 12. Landscaping shall provide screening and aesthetic enhancement for the structure base, buildings and enclosure as needed.
 13. The operator shall comply with applicable federal and state standards relative to the environmental effects of radio frequency emissions. The wireless communication facility shall be located and operated in a manner which does not interfere with radio, television, audio, video, electronic, microwave or other reception in nearby areas.
 14. As a condition of every approval of a wireless communication facility, adequate provisions shall be made for the removal of all wireless communication facilities within six months of being abandoned by all users. Following complete demolition and removal of the structure, the premises shall be restored to an acceptable condition as reasonably determined by the Zoning Administrator. The applicant shall provide a performance bond, issued by an acceptable bonding company authorized to do business in the State of Michigan, for the removal of the wireless communication facilities and restoration of the site.

15. A maintenance plan and any applicable maintenance agreement shall be incorporated as part of the conditional use permit. The maintenance agreement shall indicate measures to ensure the site will be maintained in a neat and orderly fashion and the facility is preserved in a safe condition. The applicant is responsible for preparing the maintenance plan and agreement for review by the Planning Commission.
16. Appropriate measures of Section 802 will be applicable to Conditional Use Permits granted for Wireless Communication Facilities and Attached Wireless Communication Facilities.

Section 417 - Food Trucks

- A. Food trucks shall be allowed to operate on private property within Au Train Township provided they have a current and valid license from the Alger County Health Department (LMAS).

Section 418 - Bed and Breakfasts

- B. The innkeeper, or someone acting in their stead, shall occupy the Bed and Breakfast during the periods that it is being rented.

Section 419 - Recreational Vehicles

- C. A recreational vehicle cannot be occupied for longer than 180 days at any township location other than an approved campground.

Section 420 - Campgrounds

- D. Campgrounds are subject to the following conditions and limitations:
 1. A campground shall be located on a continuous parcel of land not less than ten (10) acres in size.
 2. A campground shall establish a permanent natural buffer strip of at least 50 feet. Development within the buffer strip shall be prohibited.

Section 421 - Short-term Rentals

- A. Short-term rentals are subject to the following conditions and limitations:
 1. Pets shall be secured on the premises or on a lease at all times.
 2. All occupants must practice courtesy to neighbors in regards to noise and activities.

Section 422 - Recreational Structures

- A. A recreational structure cannot be used as a short-term rental without an approved Conditional Use Permit.

Section 423 - Agriculture / Hobby Farms

- B. It is the intent of this Zoning Ordinance to both govern and protect agricultural land, building and structural uses in accordance with the provisions of the Michigan Right to Farm Act, Act 93 of the Public Acts of 1981, as amended (RTFA). All nonconforming, agricultural uses included in the RTFA shall be governed by the provisions of this Zoning Ordinance to the extent that they are not in conflict with the provisions of the RTFA, in which case the provisions of RTFA shall prevail.

- C. Various types of agriculture operations, including new or expanding commercial livestock facilities, may be subject to a nuisance claim if they do not comply with all applicable General Accepted Agricultural and Management Practices (GAAMPS) issued by the Michigan Commission of Agriculture and Rural Development under authority of the RTFA.
- D. The raising or keeping of small animals, such as rabbits, poultry, goats or sheep, for agriculture purposes and the raising or keeping of large livestock, such as hogs, horses or cattle, for agriculture purposes shall be in full compliance with the RTFA and the GAAMPS for the animals in question.

E.

ARTICLE V - REGULATION OF SIGNS

Section 501 - Intent

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

Section 502 - Residential District Sign Regulations

- B. Within all districts allowing residential uses, signs shall be permitted as follows:
 1. One sign, whose area shall not exceed six square feet, may be permitted to announce the sale or rent of property.
 2. Churches shall be permitted a total sign area of 20 square feet.
 3. Each vehicle entrance at a platted subdivision development or mobile home park is permitted one sign not exceeding 32 square feet and eight feet in height.
 4. Multiple family dwellings and nursing homes shall be permitted one identification sign not to exceed 12 square feet and eight feet in height.
 5. A sign advertising a Home Occupation may be attached to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood. The sign shall not be illuminated nor have working parts.
- C. Signs permitted by subsection A are exempt from the setback requirements of Section 402. Signs shall not be located on the right of way and shall not interfere with traffic visibility.

Section 503 - On Premise Sign Regulations

- A. Signs shall be permitted on parcels to advertise goods, services, events, facilities, or attractions on the premise. Free-standing (ground) signs shall be permitted having an area not exceeding six square feet for each 10 feet or fraction of frontage, or 60 square feet for each acre or fraction of area of the developed premises, whichever is larger. There shall be a maximum of 100 square feet of sign area for each developed parcel. Where the premises have more than one occupant, the permitted sign area shall be divided among them in the same proportion as floor space and outdoor sales as occupied by them. Where a premise has more than two occupants and has a name distinct from that of the occupants, an additional two square feet of sign area for each 10 feet or fraction of street frontage, with a maximum of 200 square feet, is permitted only for signs identifying the developed premises.
- B. Signs shall be set back a minimum of five feet when the right of way width from the centerline of the road

to the property line is less than 50 feet. Signs can be located at the lot line when the right of way width from the centerline of the road to the property line is greater than 50 feet. Setback measurement shall be from the right of way to the closest part of the sign, whether it be at or above grade.

- C. The maximum height for a sign shall be 30 feet.

Section 504 - Signs for Conditional Use

- A. In granting a conditional use permit, the Planning Commission shall stipulate the maximum sign area, setback requirements, location, sign height and other requirements of a sign or signs associated with the conditional use.

Section 505 - Miscellaneous Signs

- B. The following signs shall not exceed nine square feet:
 1. Public signs which are intended to advertise a public election, individuals actively participating in such an election, or other public ballot issue, which are permitted on private property with the owner's permission. All political signs must be removed within 10 days after the election date and shall not be located on the public right of way.
 2. Signs which identify or advertise a nonprofit annual or one-time event or occurrence, such as a fair or other event of public interest, which may be posted for a period of not more than two months, provided the sign is not contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of all signs. All signs must be removed no later than 10 days after the end of the event.
 3. Signs which announce no hunting or trespassing.
 4. Signs which identify the name of a farm or farming operation.
 5. Residential identification signs which have an occupant's name or house number.

Section 506 - Lighting of Signs

- A. No lighted sign shall be permitted within the R1/R2, RR1/RR2, or LS/R2 districts.
- B. No lighted sign shall create a traffic hazard, adversely affect neighboring land uses, be lighted to such an intensity that it creates a public nuisance or adversely affects the public health, safety, or general welfare.

Section 507 - Nuisance Signs

- A. The following signs are declared to be a nuisance:
 1. A sign structure which is likely to cause injury
 2. A sign which advertises a closed business, past event, or past political election
 3. A sign which is no longer legible
 4. A sign which is otherwise untimely or unsafe
- B. The cost of removal of a nuisance sign is to be borne by the sign owner or property owner.

Section 508 - Nonconforming Signs

- A. It is the intent and purpose of this section to eliminate nonconforming signs except as otherwise specifically set forth in this section as rapidly as the police power of the Township permits.
- B. Nonconforming signs:
 - 1. Shall not be structurally altered to prolong the life of the signs, nor shall the shape, size, type, or design of the sign structure be altered.
 - 2. Shall not be continued after the activity, business, or usage to which it relates has been discontinued for 30 days or longer.
 - 3. Shall not be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50 percent of the sign value.
 - 4. May not be changed to another nonconforming use.
 - 5. May have their face or message updated but may not be structurally altered.

ARTICLE VI - THE ZONING ADMINISTRATOR

Section 601 - Office of Zoning Administrator

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

Section 602 - Duties of the Zoning Administrator

- B. It shall be the responsibility of the Zoning Administrator to enforce the provisions of this Ordinance and in doing so shall perform the duties which follow. However, in no case shall the Zoning Administrator, or any of his subordinates, waive or vary any of the provisions or standards in this Ordinance.
 - 1. Issue Permits: All applications for zoning compliance permits shall be submitted to the Zoning Administrator who shall issue zoning compliance permits when applicable provisions of the Ordinance have been complied with.
 - 2. Revoke Permits: The Zoning Administrator shall revoke any zoning compliance permit issued under a mistake of fact or contrary to the law or any provision of this Ordinance.
 - 3. Maintain Official Copies: The Zoning Administrator shall maintain copies of all zoning related records (digital and paper files, documents, etc.) including, but not limited to, applications and permits for zoning compliance, variances, conditional uses, and designations of nonconformance, including those issued, denied, or revoked. Such records shall be open for public inspection. Copies shall be provided upon request, in compliance with the Au Train Township Freedom of Information Policy.
 - 4. Conduct Inspections: Upon the application for a zoning permit, the zoning administrator shall be permitted to make inspections of buildings and premises to verify the accuracy of information submitted in the application for zoning permit.
 - 5. Maintain Record of All Complaints: The Zoning Administrator shall keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint. These records shall be public record.
 - 6. File Monthly Report: The Zoning Administrator shall file a monthly report to the Township Board, Planning Commission, and Zoning Board of Appeals, summarizing for the period since the previous report all applications for zoning compliance permits, all complaints of violations, all appeals, variances, and exceptions granted by the Zoning Board of Appeals, and the action taken.

7. Review Site Plans for Completeness: The Zoning Administrator shall review Site Plans in accordance with Article X of this Ordinance.
8. Provide Information: The Zoning Administrator shall present information to the Planning Commission for Conditional Use Permit hearings, and to the Zoning Board of Appeals for variances, interpretations and other matters which are the responsibility of the Zoning Board of Appeals. The Zoning Administrator shall present information to the Planning Commission and Township Board regarding proposed amendments to the Ordinance, including zoning map revisions.
9. Communications: The Zoning Administrator shall report on communications between the Zoning Administrator and the public.
10. Other Duties: The Zoning Administrator may have additional duties and responsibilities, but these additional duties must be closely related to zoning duties.

ARTICLE VII - ZONING COMPLIANCE PERMITS

Section 701 - Intent

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

Section 702 - Procedure

- B. The Zoning Administrator shall issue a zoning compliance permit upon: 1) the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, 2) a finding by the Zoning Administrator that such is the case, and 3) payment of a permit fee when one has been set by the Township Board.
- C. The Zoning Administrator shall respond to a zoning compliance permit request with either an approval, denial, or a request for additional information within seven business days of the receipt of the application request. The Zoning Administrator's response shall be conveyed by the applicant's preferred method of communication of mail or email as indicated by the applicant on the zoning compliance permit application.
- D. No zoning compliance permit shall be issued where it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.

Section 703 - Automatic Expiration

- A. If development authorized by a zoning compliance permit has not commenced within one year from the date of issuance, said permit shall expire automatically. However, the Zoning Administrator may approve, in writing, an extension for one additional year upon request of the applicant.

Section 704 - Use of False Information

- B. Any zoning compliance permit based on any false statement in the application or supporting documents is absolutely void and shall be revoked.

ARTICLE VIII - CONDITIONAL USE PERMITS

Section 801 - Intent

- C. Conditional uses are those uses of land which are essentially compatible with the uses permitted in a zoning district, but possess characteristics or locational qualities which require individual review and restriction in order to avoid incompatibility with the character of the surrounding area, public services and facilities, and adjacent uses of land. The purpose of this Article is to establish equitable procedures and criteria which shall be applied in the determination of requests to establish conditional uses. The criteria for decision and requirements provided for under the provisions of this Article shall be in addition to those required elsewhere in this Ordinance which are applicable to the conditional use under consideration.
- D. No conditional use shall be established in any zoning district except upon permit issued by the Planning Commission, which shall be guided in deciding by the standards set forth in this Ordinance. Any person seeking a conditional use permit shall provide to the Planning Commission such information as may be reasonably required to determine whether the granting of the requested permit is authorized by law.
- E. Conditions may be attached to an approval. Conditions are usually attached only if the review standards would not be met without them.
- F. Upon a transfer of ownership, an approved Conditional Use Permit remains in effect for the property for which it has been approved, i.e., the Conditional Use Permit "runs with the land".
- G. In order to address potential questions and concerns of the Planning Commission, the applicant of a Conditional Use Permit or their representative is encouraged to attend, either in person or remotely, the Planning Commission meeting at which their application is being considered. Failure to do so might result in their application being tabled until the next meeting of the Planning Commission.
- H. The applicant of a Conditional Use Permit should be prepared to explain how the requested conditional use meets each of the standards listed in Section 802 - Basis of Determination / General Standards which are applicable to their request.

Section 802 - Basis of Determination / General Standards

- A. The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards and shall approve a conditional use only upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance:
 - 1. The conditional use shall be designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - 2. The conditional use shall not change the essential character of the surrounding area.
 - 3. The conditional use shall not interfere with the general enjoyment of adjacent property.
 - 4. The conditional use shall represent an improvement to the property under consideration and the surrounding area in general.
 - 5. The conditional use shall not be hazardous to adjacent property, or involve uses, activities, materials, or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes, or glare.
 - 6. The conditional use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed conditional use shall be able to adequately provide for the services and facilities deemed essential to the conditional use under consideration.

7. The conditional use shall not place demands on public services and facilities in excess of current or immediately planned capacity.
 8. The conditional use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any adopted county or township development plan.
- B. The following standards shall be used by the Planning Commission when considering Group Child Day Care Facilities/Adult Foster Care:
1. Is located not closer than 1,500 feet to any of the following:
 - a. A licensed group day-care home
 - b. An adult foster care small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws
 - c. A facility offering substance abuse treatment and rehabilitation service to seven or more people licensed under Article 6 of the public health code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections
 2. Has appropriate fencing for the safety of the children in the group day-care home as determined by the Planning Commission
 3. Maintains the property consistent with the visible characteristics of the neighborhood
 4. Does not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a group day-care home between the hours of 10 p.m. and 6 a.m.
 5. Meets regulations governing signs used by a group day-care home to identify itself
 6. Meets regulations of a group day-care home operator to provide off-street parking accommodations for his employees.
- C. The following standards shall be used by the Planning Commission when considering Commercial Kennels:
1. Sites shall have a minimum lot area of five acres.
 2. All outdoor runs or breeding areas are to be enclosed on all sides by a solid masonry wall not less than 6 feet in height and located at least 25 feet from any property line.
 3. Buildings where dogs are kept, dog runs, and exercise areas shall construct a reasonable sound barrier around the kennel and be at least ½ mile from the nearest residence in all directions or any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear, or side yard setback area.
 4. Such facilities shall be subject to other conditions and requirements necessary to ensure against the occurrence of any possible nuisance such as fencing, soundproofing, or sanitary requirements.
- D. The following standards shall be used by the Planning Commission when considering Horses for the Personal Use of the Property Owner/resident:
1. Five acres for one horse.
 2. Each additional horse shall require one additional acre.
- E. The following standards shall be used by the Planning Commission when considering Shipping Containers:
1. Must be placed on a suitable, improved foundation.
 2. Must not be visible from any public right-of-way during any season of the year.
 3. Must be adequately screened from any adjacent property owner.
- F. The following standards shall be used by the Planning Commission when considering Short-term Rentals:
1. The name, address, telephone number, and email address of at least one local contact person responsible for handling any problems that arise with the rental property shall be prominently displayed in the rental property.
 2. Adequate off-street parking shall exist for tenants' vehicles and trailers (e.g., boat, ATV, snowmobile, RV).

3. The Au Train Township Noise Ordinance shall be prominently displayed in the rental property.
4. Occupancy of the rental shall be limited to not more than 2 persons per bedroom plus 2 persons per occupied finished floor. Example: 4 bedrooms and 2 floors = 8 + 4 = 12 persons.

Section 803 - Conditions

- A. The Planning Commission may deny, approve with conditions, or approve requests for conditional use. The decision on a conditional use shall be incorporated in a written statement of conclusions relative to the use under consideration which specifies the basis for the decision and any conditions.
- B. The Planning Commission may impose conditions prior to the approval of a conditional use which are necessary to ensure compliance with the standards for approval stated in this Article and any other applicable standards contained in this Ordinance. The Planning Commission shall also consider the activity levels of the proposed use and may impose conditions to insure the preservation and protection of property values of adjacent properties. Such conditions shall be considered an integral part of the Conditional Use Permit and shall be enforced by the Zoning Administrator.

Section 804 - Procedure and Process

- A. Every application for a conditional use permit must contain a site plan drawn to a readable scale, and containing the information specified in Section 1003 or 1004, as appropriate.
- B. Upon receipt of an application for a conditional use which requires a decision on discretionary grounds, one notice that a request for conditional use approval has been received shall be published in a newspaper which circulates in the Township. (Reference 125.3103 of ZEA)
- C. Only Conditional Use Permits that are clearly for a temporary use may be issued for a temporary time and shall be renewed in the original manner.
- D. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- E. The Planning Commission may review any Conditional Use Permit to determine if the conditions imposed are being complied with.
- F. The Planning Commission may revoke a Conditional Use Permit. Revocation of a Conditional Use Permit by the Planning Commission shall be made following a public hearing using the same procedures as when granting a Conditional Use Permit. The Planning Commission may revoke a Conditional Use Permit upon finding that the permit was obtained through misrepresentation, or where a use of land has been established or is conducted in a manner that violates or fails to comply with the provisions of this ordinance or a condition of approval, or where the use of land is undertaken in violation of any local, state or federal law which affects the health, safety, peace or general welfare of the public.
- G. A conditional use permit shall be used for the purpose for which it was granted within two years of approval. An extension may be approved in writing by the Zoning Administrator. If said conditional use permit is not used within the allotted time, the permit shall automatically expire.

ARTICLE IX - NONCONFORMING USES AND STRUCTURES

Section 901 - Intent

- A. Legal nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its adoption. It is recognized that those non-conformities which adversely affect the orderly development or the value of nearby property are not permitted to continue without restriction.
- B. The zoning regulations established by this Ordinance are designed to guide the future use of land in Au Train Township by encouraging appropriate groupings of compatible and related uses to promote and protect the public health, safety, and general welfare.
- C. The continued existence of non-conformities is frequently inconsistent with the purpose for which these regulations were established. It is the purpose of this Ordinance to eliminate nonconforming uses and structures as permitted by law without payment of compensation, but not to create an undue hardship to the property owner.
- D. If the use of a dwelling, building, or structure, or of the land is lawful at the time of enactment of this ordinance, or an amendment to this ordinance, then that use may be continued although the use does not conform to the most recent zoning ordinance version or amendment.

Section 902 - Provisions for Continued Use of a Nonconforming Structure or Use

- A. A legal nonconforming use or structure may not be enlarged without the approval of the Zoning Board of Appeals.
- B. If a nonconforming structure is damaged by fire or other casualty and such damage is less than the assessed value of such property, reconstruction or repair may proceed without the approval of the Planning Commission.
- C. If damage caused by fire or other casualty to a nonconforming structure equals or exceeds the assessed value of such property, reconstruction or repair to the structure is not permitted unless the Planning Commission authorizes the continuation of the nonconforming structure. A written application for such authorization must be filed with the Planning Commission within six months of the occurrence of the damage.
- D. Structural alterations to the interior of a nonconforming structure are permitted without the approval of the Planning Commission.
- E. Structural alterations to the exterior of a nonconforming structure as required by local, state, or federal laws or regulations are permitted without the approval of the Planning Commission and subject to code.
- F. A nonconforming use or structure may be moved in whole or in part to any other portion of the lot or parcel occupied by such use or structure subject to the approval of the Planning Commission.
- G. A nonconforming use or structure may be changed to another nonconforming use subject to approval of the Planning Commission.
- H. No nonconforming use or structure shall be resumed if it has been discontinued for a continuous period of 12 months, unless caused by casualty or fire. Reconstruction or repair activities due to casualty or fire must be completed within an 18-month period, unless extended by the Planning Commission.

- I. A nonconforming use or structure shall not be resumed if it has been changed to a conforming use or structure.
- J. In the situation where two or more nonconforming structures are located on the same lot and one structure sustains damage by fire or other casualty, to the extent that the cost of reconstruction or repair exceeds the assessed value of the structure, the damaged structure shall be removed, unless the damaged structure is closer to the street or faces a street. In such a case it may be rebuilt with the approval of the Planning Commission.

Section 903 - Procedure for Approval by Planning Commission

- A. A written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:
 - 1. The name and address of the property owner and applicant, if not same.
 - 2. A legal description of the property or lot.
 - 3. A site plan pursuant to Section 1003 or 1004, as appropriate.
 - 4. An explanation describing the present nonconforming use or structure.
 - 5. An explanation of any proposed addition or alteration to the uses or structures.
 - 6. The time frame for completion of the project.
 - 7. A comparison of the proposed activity to the existing structure or use.
- B. The Planning Commission shall, upon receipt of the application, schedule a public hearing in accordance with the procedures of Section 109. The applicant must demonstrate undue hardship for the expansion of the nonconforming use or structure. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based, pursuant to the standards identifies in Section 904. Conditions may be attached, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this ordinance.

Section 904 - Standards for Review and Approval of Completion, Resumption, Restoration, Reconstruction, Extension or Substitution

- A. In granting its approval, the Planning Commission shall review the particular facts and circumstances of each request in terms of the following standards and shall find adequate evidence showing that:
 - 1. The continuance of the use or structure would not be contrary to the public health, safety and welfare or the spirit of this Ordinance.
 - 2. The use or structure does not, and is not likely to, decrease the value of nearby properties.
 - 3. No useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.
 - 4. The use or structure will be harmonious with and in accordance with the general policies or specific objectives of development plans adopted by Au Train Township.
 - 5. The use or structure will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - 6. The use or structure will not be hazardous or disturbing to existing or foreseeable neighboring uses.
 - 7. The use or structure will not diminish the value of land, buildings, or structures in the district.
 - 8. The use or structure will be served adequately by essential public facilities and services.
 - 9. The use or structure will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

Section 905 - Provision for Designation of a Nonconforming Structure

- A. It is recognized that there exists within the township structures which were lawfully established prior to passage of this Ordinance, but which are not in conformance with this Ordinance.
- B. It is the intent of this section to permit such legal nonconforming structures to be reconstructed as a result of damage by fire or other casualty.
- C. The Planning Commission shall, upon receipt of an application, schedule a public hearing. A written application shall be filed with the Planning Commission which shall include:
 - 1. The name and address of the property owner.
 - 2. A legal description of the property or lot.
 - 3. A site plan pursuant to Section 1003 or 1004, as appropriate.
 - 4. An explanation describing the present nonconforming structure or use.
- D. Upon hearing the facts and information, the Planning Commission shall make its decision in writing as to whether the structure shall be granted a nonconforming designation. The findings and reasons shall be based, pursuant to the standards identified in Section 906.
- E. The conferring of a nonconforming designation on a structure only allows the structure to be rebuilt or reconstructed in the event it is damaged by casualty or fire without obtaining the approval of the Planning Commission.
- F. Should the nonconforming structure or use become a conforming structure or use, the nonconforming designation becomes null and void.
- G. Any nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Violations not corrected shall be reported to the Planning Commission. The Planning Commission shall, upon receipt of said violation, schedule a public hearing. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation of the nonconforming designation in writing and set forth the findings and reasons on which it is based.

ARTICLE X - SITE PLAN REVIEW

Section 1001 - Intent

- A. It is the purpose of this Article to require site plan review approval for all buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels, and the character of future development. The regulations contained herein are intended to provide and promote:
 - 1. The orderly development of the township.
 - 2. The safe and convenient traffic movement, both within a site and in relation to access streets.
 - 3. The stability of land values and investments by preventing the impairment or depreciation of land values and development.

Section 1002 - Site Plan Required

- A. No person shall commence any use or erect or enlarge any structure without first obtaining the approval of a site plan by the Zoning Administrator. All nonresidential uses utilizing more than one (1) acre of land except for timber and agriculture uses shall be required to submit a site plan.
- B. A site plan is required for, and shall accompany the following applications:
 - 1. Zoning Compliance Permits for:
 - a. any proposed construction
 - b. any commencement of a new use
 - c. any proposed change in use
 - 2. Conditional Use Permit
 - 3. Variance
 - 4. Any other request for zoning status
- C. Two hard copies and one digital (PDF) copy of the site plan shall be submitted with the application. The hard copies shall be not less than 8.5" x 11" in size and shall be a fully dimensioned map/drawing, at a scale of 1" = 50' or less, showing all relevant information specified in Section 1003 or 1004, as appropriate.
- D. Included with the site plan shall be a vicinity sketch or location map at a scale of 1" = 500' or less showing all abutting properties, and properties directly across the street(s), up to 500' from the site's property line. The owner names for any such properties shall also be included.

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

- A. The site plan shall include:
 - 1. A legal description of the site.
 - 2. The date.
 - 3. A North arrow.
 - 4. The scale (e.g., 1" = 50').
 - 5. All lot lines and dimensions of the lot.
 - 6. All roads and easements.
 - 7. All buildable setbacks.
 - 8. All existing and proposed buildings fittingly labeled.
 - 9. The proposed use of each building.
 - 10. The distances between buildings and all lot lines.
 - 11. All building dimensions.

12. Natural features affecting development (rock, water, etc.).
13. Well and septic locations.

Section 1004 - Site Plan for Commercial, Industrial, or Multiple Family Development (all other development)

- A. The site plan shall include:
 1. A legal description of the lot including the name, address and telephone number of the owner, developer, and designer.
 2. The date.
 3. A North arrow.
 4. The scale (e.g., 1" = 50').
 5. The actual dimensions of the proposed developed area (as shown by a licensed surveyor, or licensed engineer, with survey stakes visible) showing the relationship of the subject property to abutting properties.
 6. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the site's parcel lines, all fittingly labeled.
 7. The location of all existing and proposed drives and parking areas.
 8. The location and right of way widths of all abutting streets, alleys, and private drives.
 9. The location of proposed planting and screening, fencing, signs, and advertising features.
 10. The height and floor area of all proposed structures.
 11. The size and location of all existing and proposed public and private utilities and required landscaping.
 12. A topographic map with enough detail to show the location of all existing and proposed surface water impoundments, and the surface water drainage pattern.
 13. The location and extent of all earth movement which is planned. Indicate if a sedimentation erosion control permit has been applied for.
 14. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.

Section 1005 - Review Procedures

- A. Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all the required information, and shows compliance with this Ordinance. The Zoning Administrator shall provide a copy of a site plan to the Road Commission, Soil Conservation District, and Health Department. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten business days, approve or deny in writing, setting forth in detail the reasons, which shall be limited to any defect in form or required information, any violation of any provision of this Ordinance, and any changes which would make the plan acceptable.
- B. The proposer may appeal any denial to the Township Zoning Board of Appeals.

Section 1006 - Site Plan Review Standards

- A. The Zoning Administrator and Planning Commission shall use the following standards for site plan approval:
 1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property, and the type and size of the buildings. The site will be so developed as to not impede the normal and orderly development or improvement of surrounding property for uses permitted in the Ordinance.
 2. The landscaping shall be preserved in its natural state as far as practical by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
 3. Special attention shall be given to proper site surface drainage so that removal of storm waters and melting stockpiled snow will not adversely affect neighboring properties.

4. All buildings or groups of buildings shall be arranged to permit emergency vehicle access to all sides.
5. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
6. Screening shall be required per [Section 415 - Required Screenings](#).
7. With the exception of a residential dwelling used exclusively for single-family occupancy, all new, retrofitted or modified outdoor lighting that is installed in Au Train Township shall be the minimum necessary, both in number of fixtures and intensity of light, to achieve the intended purpose of the lighting, and shall meet the following standards:
 - a. All exterior lights and sign illuminations shall be designed, located, installed, and directed in such a manner to:
 1. Prevent glare or light trespass, and
 2. Be shielded to the extent possible to confine the light within the target area.
 - b. In all areas adjacent to residential property, no externally mounted direct light source shall cause light trespass at the property line.
 - c. To reduce off-site glare, lighting fixtures for all parking and pedestrian areas shall be:
 1. Full cut-off type fixtures, or
 2. Fully shielded/recessed fixtures where the lens is recessed or flush with the bottom surface.
 - d. Lighting fixtures for building security or aesthetics and any display purposes shall be:
 1. Top downward (not upward or sideways), and
 2. Full cut off or fully shielded/recessed.
 - e. Lighting for site security shall be configured for motion or infrared sensor operation, except in the case of lighting required by state or federal safety standards.
 - f. Where outdoor playing fields or other special outdoor activity areas are to be illuminated, lighting fixtures shall be specified, mounted, and aimed so that the lighting fixture's beams fall within the primary playing area, immediate surroundings, or other site amenities.
 - g. The height of luminaries, except streetlights in public rights-of-way, shall be the minimum necessary to provide adequate illumination. Luminaries attached to the building shall be limited to the height necessary for illumination of entrances or locations not served by pole lighting.
 - h. All non-security exterior lighting shall be controlled by either a timer or photoelectric switch to be turned off during hours when a business is unoccupied.

ARTICLE XI - ZONING BOARD OF APPEALS

Section 1101 - Establishment of Zoning Board of Appeals

- A. The Zoning Board of Appeals is hereby established in accordance with the ZEA Article VI Sec 125.3601. The Board shall consist of three or five members; one member shall be a member of the Planning Commission. The Board may appoint 2 alternates.

Section 1102 – Procedures

(*Reference ZEA Article VI Sec. 123.3604 and Article VII Sec. 125.3701)

- B. The Zoning Board of Appeals shall fix a reasonable time and date for a hearing. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 109.

Section 1103 - Duties and Powers

- A. The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance. (Refer to ZEA, Article VI Sec. 125.3606.)
- B. The Zoning Board of Appeals shall not have the power to grant a use variance.

Section 1104 - Administrative Review

- A. The Zoning Board of Appeals shall hear and decide appeals from, and review any order, requirements, decision, or determination of, the Zoning Administrator.
- B. The Zoning Board of Appeals shall have the power to:
 - 1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose for this Ordinance.
 - 2. Determine the precise location of the boundary lines between zoning districts in accordance with Section 303.
 - 3. Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 414, or by an analysis of the specific needs.
 - 4. Determine if a use is similar to any expressly permitted use (either by right or conditionally) within a specific district.

Section 1105 - Variance

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

2. The literal interpretation of the provisions of this Ordinance would deprive the applicant of the rights commonly enjoyed by other properties in the same district under the terms of the Ordinance.
 3. The special conditions and circumstances necessitating the variance did not result from the actions of the applicant.
 4. The granting of the variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- C. The Zoning Board of Appeals shall make findings that the applicant has met the requirements of this section.
 - D. The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, structure, or building.
 - E. The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
 - F. In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.
 - G. In exercising the above mentioned powers, the Zoning Board of Appeals may reverse, affirm (wholly or partly), or may modify the order, requirements, decision, or determination appealed, so long as the action is in conformity with the provisions within this Ordinance.
 - H. Each variance granted under the provisions of this Ordinance shall become null and void unless the occupancy of land or building, or the construction authorized by such variance, has commenced within one year after the granting of the variance.
 - I. An extension of one year may be granted by the Zoning Board of Appeals if evidence of effort towards completion of the building, or occupancy of the land or building, has been shown and such request is made within 30 days and not more than 60 days before the expiration date.

Section 1106 - Appeals

- A. All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only by filing an appeal based on the decisions of the Zoning Administrator.
- B. Appeals concerning interpretation and administration of this ordinance shall be made by filing a written notice of appeal specifying the grounds thereof with the Zoning Administrator within a period of thirty (30) days from the date which the Zoning Administrator's report listing the decision being appealed is posted on the township's web site. The Zoning Administrator shall furnish to the Zoning Board of Appeals copies of all papers constituting the record of the decision which is being appealed.
- C. A fee shall be paid to the Township at the time of filing the notice of appeal, per the Au Train Township Fee Schedule.
- D. Any party or parties may appear at the hearing in person or by agent or attorney.
- E. The Zoning Board of Appeals shall decide all matters within ten (10) working days of the public hearing. The Board shall document its decision on an "Au Train Township Zoning Board of Appeals Final Decision" form containing a full record of its finding(s) and determination(s) in the case.

- F. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Alger County, as provided by law.

G.

ARTICLE XII - TEXT AND REZONING AMENDMENTS

Section 1201 - Intent

- A. Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board, by the Planning Commission, by other government agencies, or by an individual, business or organization.

Section 1202 - Required Amendment Information

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

Section 1203 - Procedure

- A. Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, to be referred to the Planning Commission for review at a public hearing held in conformance with Section 109.
- B. Following the public hearing, the Planning Commission shall transmit its recommendation, and a summary of the comments received at the public hearing, to the Central Upper Peninsula Planning and Development Regional Commission (CUPPAD) who shall have 30 days to review and comment.
- C. The Planning Commission shall transmit its recommendation along with a summary of the comments received at the public hearing and the comments from CUPPAD to the Township Board who, if it deems necessary, may hold additional public hearings if it considers necessary.
- D. After receiving the recommended amendment, the Township Board, at a regular meeting or at a special meeting, shall consider the recommendation and vote upon the adoption of the amendment. Any amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change to or departure from the plans, text, or maps as recommended by the Planning Commission unless the proposed change or departure is first submitted to the Planning Commission for its advice or suggestions.
- E. The Planning Commission shall have 30 days from receipt of the proposed change or departure to send its report to the Township Board and shall notify, by personal service or by mail before the hearing, all owners, residents, or managers of property adjacent to or within 600 feet of the property to be directly affected by a zoning decision. Additionally, the notice shall be sent to three property owners in all directions from the affected property. The intent of this provision is to assure that in areas of low-density population, a sufficient

number of individuals and property owners are notified who may reside a distance greater than 600 feet from the affected property.

- F. After receiving the report, the Township Board may grant a hearing on the request prior to the regular meeting at which the proposed amendment is to be considered. The Township Board may then adopt, by a majority vote, the amendment to the zoning ordinance with or without amendments that have been previously considered by the Planning Commission.
- G. Notice of adoption of the amendment shall be published as required by law.
- H. No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.
- I. An amendment shall not be approved unless standards in Section 1204 and other identified facts are affirmatively resolved in terms of the general health, safety, welfare, comfort, and civil divisions, where applicable. Reference to ZEA Act III125.3306.

Section 1204 - Standards for Review of Amendments

- A. In viewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.
- B. The general standards to be considered by the Planning Commission shall include, but are not be limited to, the following:
 - 1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - 2. Whether the requested zoning change is consistent with the Goals and Policies and other elements of the Au Train Township Master Plan.
 - 3. The precedents and the possible effects of such precedents which may result from approval or denial of the petition.
 - 4. The ability of the Township or other government agencies to provide any services, facilities or programs that might be required if the petition is approved.
 - 5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.
 - 6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.

END
57 Pages total