SOO TOWNSHIP

ZONING ORDINANCE

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Zoning Ordinance

Adopted June 12,2002
Effective July 28, 2002

SOO TOWNSHIP
ZONING ORDINANCE

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TABLE OF CONTENTS

ARTICLE I: TITLE

1.01 Title 1
1.02 Preamble 1
1.03 Enacting Clause 2
1.04 Short Title 2

ARTICLE II: DEFINITIONS

2.01 General 3
2.02 Specific Terms 3
2.03 Accessory Building 3
2.04 Accessory Use 3
2.05 Apartment House 3
2.06 Basement 3
2.07 Boarding House 3
2.08 Building 4
2.09 Building Height 4
2.10 Dog Kennel 4
2.11 Dwelling, Single-Family 4
2.12 Dwelling, Two-Family 5
2.13 Dwelling, Multi-Family 5
2.14 Erected 6
2.15 Essential Services 6
2.16 Family 6
2.17 Fence 6
2.18 Fence, Obscuring 6
2.19 Home Occupation 7
2.20 Home Based Business 7
2.21 House Trailer or Mobile Home 8
2.22 House Trailer or Mobile Home Park 8
2.23 House Trailer or Mobile Home Site or Space 8
2.24 Junk 8
2.25 Junkyard 8
2.26 Lot 8
2.27 Lot Area 8
2.28 Lot Corner 9

2.29 Lot, Depth 9
2.30 Lot Interior 9
2.31 Lot, Front Line 9
2.32 Lot, Rear Line 9
2.33 Lot, Side Line 9
2.34 Lot Width 9
2.35 Master Plan 9
2.36 Non-Conforming Uses or Structures 10
2.37 Office 10
2.38 Recreation Vehicle 10
2.39 Set Back 10
2.40 Sign 10
2.41 Special Exception 10
2.42 Structure 10
2.43 Temporary Building or Use 11
2.44 Use 11
2.45 Use, Accessory 11
2.46 Use, Main 11
2.47 Variance 11
2.48 Wall 11
2.49 Yard 11
2.50 Front Yard 11
2.51 Rear Yard 11
2.52 Side Yard 12
2.53 Zones or Zoning District Boundaries 12

ARTICLE III: ZONING DISTRICTS

3.01 Scope 13
3.02 Zoning Map 13
3.03 Zoning Map Amendment 13
3.04 Division of Township 13
3.A01 "AG" Agricultural District 13
3.A02 Permitted Uses 14
3.A03 Special Exception Uses 14
3.R101 "R-1" Residence District 15
3.R102 Statement of Purpose 15
3.R103 Permitted Uses 15
3.R104 Special Exception Uses 15
3.R201 "R-2" Residence District 15
3.R202 Statement of Purpose 15
3.R203 Permitted Uses 16
3.R204 Special Exception Uses 16

3.R301	"R-3" Residence District	16
3.R302	Statement of Purpose	16
3.R303	Permitted Uses	16
3.R304	Special Exception Uses	17
3.R401	"R-4" Residence District	17
3.R402	Statement of Purpose	17
3.R403	Permitted Uses	18
3.R404	Special Exception Uses	18
3.C101	"C-1" Commercial District	18
3.C102	Statement of Purpose	18
3.C103	Permitted Uses	18
3.C104	Special Exception Uses	19
3.C201	"C-2" Commercial District	20
3.C202	Statement of Purpose	20
3.C203	Permitted Uses	20
3.C204	Special Exception Uses	21
3.I101	"I-1" Industrial District	21
3.I102	Statement of Purpose	21
3.I103	Permitted Uses	21
3.I104	Special Exception Uses	22
3.I201	"I-2" Industrial District	22
3.I202	Statement of Purpose	22
3.I203	Permitted Uses	22
3.I204	Special Exception Uses	23
3.I301	"I-3" Industrial District	23
3.I302	Statement of Purpose	23
3.I303	Permitted Uses	23
3.I304	Special Exception Uses	24
3.W101	Waterfront District	24
3.W102	Statement of Purpose	24
3.W103	Property Use	24
3.W104	Minimum Lot Area: Dwellings	25
3.W105	Minimum Yards	25
3.W106	Minimum Floor Area: Dwellings	25
3.W107	Intensive and Extensive Use Areas	25
3.W108	Waterfront District Width	25
3.F101	Forestry/Recreation (F/RC)	25
3.F102	Statement of Purpose	25
3.F103	Property Uses	26
3.F104	Minimum Lot Area: Dwellings	26
3.F105	Front Yards	27
3.F106	Side and Rear Yards	27
3.F107	Minimum Floor Area: Dwellings	27

ARTICLE IV: SCHEDULE OF REGULATIONS

4.01 Setback and Sideline Spaces "A", "R-1","R-2", "R-3", "R-4" 28
4.02 Setback and Sideline Spaces "C-1","C-2", "I-1", "I-2", "I-3" 28
4.03 Setback and Sideline Spaces Equipment and Building 28
4.04 Temporary Toilets 29
4.05 Area Requirements: Private Dwelling 29
4.06 Area Requirements: Private Width 29
4.07 Area Requirements: Habital Floor Area 29
4.08 Front Yards 29
4.09 Side Yards 29
4.10 Rear Yards 29

ARTICLE V: GENERAL PROVISIONS

5.01 Statement of Purpose 30
5.02 Construction: Rules Applying to Text 30
5.03 Home Occupations 30
5.04 Home Based Businesses 31
5.05 Residential Buffer Area 32
5.06 Useable Area 32
5.07 General Lighting and Screening Requirements Scope 32
5.08 Commercial and Industrial Lighting 33
5.09 Review 33
5.10 Tents and Travel Trailers: Mobile Homes 33
5.11 Permit for Temporary Residence: Mobile Home 33
5.12 Miscellaneous Protection Requirements: Water 34
5.13 Miscellaneous Protection Requirements: Toilets 34
5.14 Miscellaneous Protection Requirements: Basements 34
5.15 Miscellaneous Protection Requirements: Garage 34
5.16 Miscellaneous Protection Requirements: Limitations 35
5.17 Miscellaneous Protection Requirements: Domestic Animals 35

ARTICLE VI: NONCONFORMING USES AND STRUCTURES

6.01 Non-Conforming Uses 36
6.02 Scope 36
6.03 Destruction of Non-Conforming Use..... 36
6.04 Abandonment 36
6.05 Change of Non-Conforming Use 36
6.06 Non-Conforming Lots..... 37

ARTICLE VII: SITE PLAN REVIEW

7.01 Purpose 38
7.02 Approval Process..... 38
7.03 Sketch Plan Review 38
7.04 Application Procedure 39
7.05 Contents of Proposes Site Plan 39
7.06 Action on Application and Plans..... 40
7.07 Criteria for Review 41
7.08 Conformity of Approved Site Plan..... 41
7.09 Amendment to Site Plan 42

ARTICLE VII: SPECIAL EXCEPTIONS

8.01 Special Exception Standards..... 43
8.02 Special Exception Procedure..... 43
8.03 Standards for Special Exception Approval..... 45
8.04 Mining and Related Mineral Extraction Business..... 46

ARTICLE IX: MULTIPLE USE DEVELOPMENT

9.01 Special Exception Use 52
9.02 Purpose 52
9.03 General Requirements for Multi-Use Developments 52
9.04 Permitted Uses 53
9.05 Design Requirements 54
9.06 Application for Detailed Site Plan Approval 56

ARTICLE X: OFF-STREET PARKING

10.01 Statement of Purpose..... 58
10.02 Plan 58
10.03 Parking Space Locations..... 58
10.04 Requirements for All Parking Spaces and Parking Lots..... 58
10.05 Minimum Required Parking Spaces..... 59
10.06 Variances 60

ARTICLE XI: SIGNS

11.01 Statement of Purpose 61
11.02 Sign 61
11.03 Sign, Freestanding or Ground 61

11.04 Sign, Identification 61
11.05 Sign, Off Premises 62
11.06 Sign, On Premises 62
11.07 Sign, Outdoor Business or Informational 62
11.08 Sign, Overhanging 62
11.09 Sign, Portable 62
11.10 Sign, Surface 62
11.11 Sign, Wall 63
11.12 Sign, Window 63
11.13 Signs Not Requiring a Sign Permit 63
11.14 Signs Requiring a Sign Permit 64
11.15 Signs Authorized by Zoning District 64
11.16 Size Regulations 64
11.17 Location Regulations 65
11.18 Sign Lighting 66
11.19 Temporary Signs 66
11.20 Sign Maintenance 66
11.21 Non-Conforming Signs 67
11.22 Variances 67

ARTICLE XII: RESERVED

ARTICLE XIII: TELECOMMUNICATION TOWERS

13.01 Purpose 69
13.02 Limitations 69
13.03 Location 70
13.04 Application Requirements 70
13.05 Evidentiary Requirements 72
13.06 Setbacks 75
13.07 Security Fencing 75
13.08 Landscaping 75
13.09 County, State, and Federal Requirements 75
13.10 Monitoring and Evaluation Compliance 76
13.11 Lighting 76
13.12 Tower Height 76
13.13 Codes, Compliance 77
13.14 Signs 77
13.15 Spacing 77
13.16 Abandoned Antennas and Towers: Removal 77

ARTICLE XIV: RESERVED

ARTICLE XV: ZONING BOARD OF APPEALS

15.01 Creation and Membership 80
15.02 Jurisdiction 80
15.03 Meetings 81
15.04 Appeal Procedure 81
15.05 Schedule of Fees 82
15.06 Specific Cases 82
15.07 Notice and Place of Hearing 82
15.08 Decision Process 82
15.09 Granting of Variances 82
15.10 Conditions 83
15.11 Findings of Fact 83
15.12 Orders 83
15.13 Miscellaneous 83
15.14 Validity of Order 83
15.15 Validity of Order: Special Circumstance 84
15.16 Re-Filing for Variance 84
15.17 Final Decision 84

ARTICLE XVI: ADMINISTRATION AND ENFORCEMENT

16.01 Permit 85
16.02 Unlawful Uses 85
16.03 Compliance With Regulations 85
16.04 Issuance of Zoning Permit 85
16.05 Expiration 85
16.06 Revocation 86
Enforcement Provisions 86
16.07 86
16.08 86
16.09 86
16.10 86

ARTICLE XVII: RE-ZONING AND AMENDMENTS

17.01 Statement of Purpose 87
17.02 Who May request an Amendment 87
17.03 Procedure 87
17.04 Planning Commission: Action and Application 88
17.05 Planning Commission: Responsibilities 88
17.06 Standards: Actions 90
17.07 Power of Revocation 92

ARTICLE XVIII: VALIDITY

18.01 Validity 93

ARTICLE XIX: EFFECTIVE DATE

19.01 Effective Date and Repealer..... 94

SOO TOWNSHIP ZONING ORDINANCE

ADOPTED: June 12, 2002

EFFECTIVE: July 28, 2002

ARTICLE 1

1.01 TITLE

An ordinance enacted pursuant to the authority contained in Act 184 of the Public Acts of Michigan for 1943, as amended, known as the "Township Zoning Act" for the establishment of zoning districts in the unincorporated portions of Soo Township, within which districts the use of land for agriculture, forestry, recreation, industry, trade, migratory labor camps, soil conservation, water supply conservation, and additional uses of land may be encouraged, regulated or prohibited; for the adoption for such districts of provisions designating or limiting the location, height, number of stories, and size of dwellings, buildings and structures, including tents and trailer coaches which may hereafter be erected or altered; for the regulation of the area of yards, courts, and other open spaces and the sanitary, safety and protective measures that shall be required for such dwellings, buildings and structures, including tents and trailer coaches; for the designation of the maximum number of families which may be housed in buildings, dwellings and structures, including tents and trailer coaches; to establish a Planning Commission, to grant authority to said board in addition to that expressly provided in said Public Act 184; to provide standards to guide actions and decisions of said board; to provide for the enforcement of the provisions of said ordinance and penalties and other relief for the violation of said ordinance; and to provide for the amendment thereof and the repeal of all ordinances or parts of ordinances in conflict therewith.

1.02 PREAMBLE

In accordance with the authority and intent of Act 184 of the Public Acts of 1943, as amended, Soo Township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, food producers, the natural resources, or energy conservation. Soo Township further desires to assure adequate sites for industry, commerce, food production, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the township; to protect industry, commerce, food producers, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the proper use of land and natural resources for the economic well-being of the township as a whole; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas; to assure that all uses of land and buildings within the township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the township.

1.03 ENACTING CLAUSE

The Township of Soo, County of Chippewa, State of Michigan hereby ordains:

1.04 SHORT TITLE

This ordinance shall be known as the Soo Township Zoning Ordinance.

ARTICLE II

DEFINITIONS

2.01 GENERAL.

When not inconsistent with the context, words used in the present tense include the future tense, words used in the singular number include the plural number and words used in the plural number include the singular. The word "shall" is always mandatory and not merely directory. The word "building" includes the word "structure" and vice versa. Terms not herein defined shall have the meanings customarily assigned to them.

2.02 SPECIFIC TERMS

The following terms shall have the following meanings when used in the within ordinance:

2.03 ACCESSORY BUILDING

Shall mean a building or a portion of a building subordinate to and located on the same lot as a main building and occupied by or devoted exclusively to an accessory use, including, but not limited to, a private garage. An accessory building may be erected prior to the construction of the main building.

2.04 ACCESSORY USE

A use of a building, lot or portion thereof, which is customarily incidental and subordinate to the principal use of a main building or lot.

2.05 APARTMENT HOUSE

A building used and/or arranged for rental occupancy, or cooperatively owned by its occupants, having three or more dwelling units, and with a yard, compound, service or utilities in common.

2.06 BASEMENT

Is that portion of a building which is partially, or wholly below grade but so located that the vertical distance from the average grade to the floor is greater that the versicle distance from the average grade to the ceiling. If the vertical distance fro the grade to the ceiling is over five (5) feet, such basement shall be treated as a first story.

2.07 BOARDINGHOUSE

A use that is subordinate to the principal use of a dwelling as a single-family dwelling unit in which person reside for more than 7 days at a time on a nontransient basis in return for payment.

2.08 BUILDING

A structure erected on site, a mobile home or mobile structure, a pre-manufactured or pre-cut structure, above or below ground, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind.

2.09 BUILDING HEIGHT

The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface.

2.10 DOG KENNEL

A placed used for keeping, raising, grooming, breeding, selling, or boarding of three or more dogs.

2.11 DWELLING, SINGLE-FAMILY

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

1. It complies with the minimum square footage requirements of this ordinance for the zone in which it is located.

2. It has a minimum width across any front, side or rear elevation of 20 feet and complies in all respects with the Michigan State Construction Code under the provisions of 1972 PA 230, as amended and as adopted by Chippewa County, including minimum heights for habitable rooms. 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 Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended and as adopted by Chippewa County, then and in that event such federal or state standard or regulation shall apply.

3. It is firmly attached to a permanent foundation constructed on the site in accordance with the Michigan State Construction Code as promulgated by the Michigan State Construction Commission under the provisions of 1972 PA 230, as amended by Chippewa County. It shall have a wall or skirting of the same perimeter dimensions of the dwelling be installed pursuant to the manufacturer's setup instructions. Further, it shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a perimeter wall as required above.

4. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. Additionally, no dwelling shall have any exposed towing mechanism, undercarriage or chassis.

5. The dwelling is connected to a public sewer and water supply or to such private facilities approved by the local health department.

6. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling, subject to appeal by an aggrieved party to the Planning Commission within a period of 15 days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this definition of "dwelling," as well as the character, design, and appearance of one or more residential dwellings located outside of mobile home parks throughout the Township. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

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

8. The dwelling complies with all pertinent building and fire codes. 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.

9. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.

10. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the Michigan State Construction Code under the provisions of 1972 PA 230, as amended and as adopted by Chippewa County and its provisions and requirements.

2.12 DWELLING, TWO-FAMILY

A building containing not more than two separate dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.11.

2.13 DWELLING, MULTIPLE-FAMILY

A building containing three or more dwelling units designed for residential use and conforming in all other respects to the standards set forth in Section 2.11.

2.~~14~~ 20 ERECTED

Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises required for the construction. Excavation, fill, drainage, installation of utilities, and the like, shall be considered a part of erection.

2.~~15~~ 21 ESSENTIAL SERVICES

The term Essential Services means the erection, construction, alteration or maintenance by public utilities or Township Departments or commissions of underground or overhead gas, electrical, steam or water transmissions or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms boxes, police call boxes, traffic signals, hydrants, towers, telephone exchange and/or repeater buildings, electric substations and substation buildings, gas regulator stations and regulator buildings and other similar equipment and accessories in connection therewith, excluding telecommunication towers, reasonably necessary for the furnishing of adequate service by such public utilities or Township Departments or commissions or for the public health or safety or general welfare.

2.~~16~~ 22 FAMILY

a. An individual or a group of two or more persons related by blood, marriage or adoption, together with foster children and servants of the principal occupants, with not more than one additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or

b. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing non-transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

2.~~17~~ 23 FENCE

A structure of definite height and location that serves a enclosure in carrying out the requirements of this Ordinance.

2.~~18~~ 24 FENCE, OBSCURING

A structure of definite height and location as an obscuring screen in carrying out the requirements of this Ordinance.

2.19 HOME OCCUPATIONS

Occupations engaged in within a dwelling by the resident or residents of the same complying with the following conditions and limitations:

a. Are operated in their entirety within the dwelling and not within any garage or accessory building located upon the premises, except for incidental storage in or use of a residential-type garage upon the premises.

b. Are only conducted by the person or persons occupying the premises as their principal residence a major portion of each month; provided, however, the Planning Commission shall have the authority to permit additional subordinate assistants who do not so reside within said dwelling where the same would not materially impair the residential character of the neighborhood or cause traffic congestion or parking problems. In no event, however, shall such additional assistants exceed three in number.

c. The dwelling has no exterior evidence, other than a permitted sign, to indicate the same is being utilized for any purpose other than that of a dwelling.

d. The occupation conducted therein is clearly incidental and subordinate to the principal use of the premises for residential purposes.

e. No goods are sold from the premises, which are not strictly incidental to the principal home occupation conducted therein.

f. No occupation shall be conducted upon or from the premises, which would constitute a nuisance or annoyance to adjoining residents by reason of noise, smoke, odor, electrical disturbance, night lighting, or the creation of unreasonable traffic to the premises. Noise, smoke, odor, electrical disturbance or the source of lighting shall not be discernible beyond the boundaries of the property from which the occupation is conducted.

2.20 HOME-BASED BUSINESS

A business where the primary activities take place at locations other than the home. The home may serve a location where materials are stored, work is scheduled, and billings are sent out. Business which would be classified as a home based business include, but are not limited to: building contractors, electrical contractors, plumbing contractors, landscaping contractors and similar trades and service type businesses.

Special Approval: The Soo Township Planning Commission is required to operate a home based business.

28
2.21 HOUSE TRAILER OR MOBILE HOME

Any vehicle, whether self-propelled or non-self-propelled, used or adapted to be used or so constructed as to permit its being used as a conveyance upon the public streets or highways and for occupancy as a dwelling or sleeping place for one or more persons, office or other business use, and whether or not the same has a foundation thereunder if said foundation is designed to permit the removal of such house trailer and its readaptation to use upon the public streets or highways.

29
2.22 HOUSE TRAILER PARK OR MOBILE HOME PARK

Any parcel or tract of land which three or more occupied trailer coaches or mobile homes are located, regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used, or intended for use, accessory and incidental to such trailer coaches.

30
2.23 HOUSE TRAILER OR MOBILE HOME SITE OR SPACE

A portion of the mobile home park set aside and clearly marked and designated for occupancy and accommodation of an individual mobile home or trailer coach.

31
2.24 JUNK

Used rags, paper, used bags, used metal, used tires, used car pats, used appliances or any other type of machinery or automobile when such appliance, machinery or automobile is dismantled or stripped for the sale or recycling of used meals or parts

32
2.25 JUNKYARD

A business at a fixed location or locations operated by a person who buys, sells, stores, processes, receives, or recycles used rags, paper, used bags, used metal, used tires used car parts, used appliances or any other type of machinery or automobile for the purpose of dismantling or stripping for the sale or recycling of used metal or parts.

33
2.26 LOT

A parcel of land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance for a lot in the district in which such lot is situated and having the required frontage on a street.

34
2.27 LOT AREA

The total horizontal area included within lot lines. Where the front lot line is the centerline of a street or lies in part or in whole in the street area, the lot area shall not include that part of the lot in use or to be used as the street.

35
2.28 LOT, CORNER

A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of 135 degrees or less as measured on the lot side. The point of intersection of the street lot lines is the "corner." In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.

36
2.29 LOT, DEPTH

The mean horizontal distance from the front lot line to the rear lot line.

37
2.30 LOT INTERIOR

A lot other than a corner lot.

38
2.31 LOT, FRONT LINE

That side of the lot abutting upon a public or private street right-of-way or abutting upon a lake; in the case of a corner lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage.

39
2.32 LOT, REAR LINE

Ordinarily, that lot line which is opposite and most distant from the front lot line as hereinbefore defined. In the case of an irregular-shaped lot, a line 10 feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard set back.

40
2.33 LOT, SIDE LINE

Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an Interior Side Lot Line.

41
2.34 LOT WIDTH

The mean horizontal distance between the side lines as measured at right angles to such side lot lines. Where side lot lines are not parallel, the lot width shall be the average horizontal distance between such side lot lines.

42
2.35 MASTER PLAN

The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development for the township and includes any unit or part of such plan, and any amendment to such plan or parts by the Planning

Commission and/or Township Board.

2.36 NON-CONFORMING USES OR STRUCTURES

A building or structure or the use of a building, structure or land lawfully existing at the time this ordinance became effective but which does not conform with the present use regulations of the district in which it is located.

2.37 OFFICE

A room, suite of rooms, or building in which are located desks, chairs, tables, couches, bookcases (accounting, filing, recording, communication and/or stenographic) equipment for current use in the office business, and personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties, and other similar, related or incidental furniture, equipment or personnel connected or concerned with the performance of a personal service which causes or creates no external disturbance, nuisance, or annoyance beyond the confines of said rooms or building.

2.38 RECREATIONAL VEHICLE

A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self-propelled motor homes, pickup campers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is 40 feet or more in overall length shall be considered a mobile home and shall be subject to all regulations of this ordinance applicable to a mobile home.

2.39 SETBACK

The minimum horizontal distance from a lot line which no building or structure may be erected.

2.40 SIGN

An outdoor sign, display, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform.

2.41 SPECIAL EXCEPTION

An exception to the general rule as granted by the Planning Commission provided for in this ordinance under specified conditions.

2.42 STRUCTURE

Anything constructed or erected, excluding fences, which requires permanent location on the ground or attachment to something having such location.

52
2.43 TEMPORARY BUILDING OR USE

Is A Structure or use permitted by the Planning Commission to exist during periods of construction of the main building or use, or for special events.

56
2.44 USE

Is the purpose for which land or a building is designed, arranged, or intended to be used, or for which land or building is or may be occupied.

57
2.45 USE, ACCESSORY

Is a use subordinate to the main use of a lot and used for the purposes clearly incidental to those of the main use.

58
2.46 USE, MAIN

Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

59
2.47 VARIANCE

A deviation from the terms of this Ordinance granted by the Board as authorized by the Enabling Statute, upon which findings of practical difficulties and unnecessary hardship.

60
2.48 WALL

A completely obscuring masonry structure of definite height and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

61
2.49 YARD

The open spaces on the same lot with the main building or main use, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

62
2.50 FRONT YARD

Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line the main building.

63
2.51 REAR YARD

Is an open space extending the full width of the lot line, the depth os which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

64
2.52 SIDE YARD

Is an open space between a main building and a side lot line, extending from the front yard to the rear yard, with width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

2.53 ZONES OR ZONING DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of any of the districts or zones shown on the zoning map, the following rules shall apply:

a. Zone boundary lines are intended to be parallel or perpendicular to street, alley, or lot lines, unless such zone boundary lines are fixed by dimensions, as shown on said zoning map.

b. Where zone boundaries are indicated as approximately following street or alley lines or proposed street lines, such lines shall be construed to be such boundaries.

c. Where zone boundaries are so indicated that they approximately follow lot lines and are not more than 25 feet distant therefrom, such lot lines shall be such boundaries.

d. If unsubdivided property or where zone boundary divides a lot, the location of any such boundary, unless the same is indicated by dimensions shown on such maps or described in the text of the ordinance, shall be determined by the use of the map scale shown thereon, and scaled to the nearest foot.

e. If all or any portion of any public street, alley, right-of-way, easement or land which is not included in any zone shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of these regulations which apply within the zone immediately adjacent thereto, or within the most restricted of the immediately adjacent zones, if there be more than one.

ARTICLE III

ZONING DISTRICTS

3.01 SCOPE

The location and boundaries of the zones established in the township shall be shown on a map entitled zoning map of Soo Township and said map, section, or portion thereof together with all notations, dimensions and other data shown thereon, are hereby made a part of this ordinance to the same extent as if the information set forth on said map were fully described and incorporated herein.

3.02 ZONING MAP

The official copy of the zoning map, properly attested, shall be in the custody of the Township Clerk.

3.03 ZONING MAP AMENDMENT

Such zoning map may be amended from time to time to reflect changes in zones and the re-zoning of property shown thereon in the same manner as amendments may be made to the text of this zoning ordinance. Such changes shall be recorded to scale on duplicate copies of the original official zoning map and shall be accomplished by written legal descriptions in appropriate amending ordinances.

3.04 DIVISION OF TOWNSHIP

The Township of Soo shall be divided into zoning districts, as hereinafter described, within which districts no buildings or premises shall be used and no building shall hereafter be erected altered, or located except for the uses and purposes hereinafter set forth as "permitted uses" under each separate zoning district classification, or hereinafter set forth as "special exception uses" under each such zoning district classification; subject, however, to such prior approval as is hereinafter required to be obtained from the Planning Commission for such special exception uses.

3.A101 "AG" AGRICULTURAL DISTRICT:

3.A102 DEFINITION OF AGRICULTURAL DISTRICT

Agricultural districts are those open areas of the Township where farming, dairying, forestry operations and other such rural-type activities exist and should be preserved or encouraged. Large vacant areas, fallow land and wooded areas may also be included. Although the demand for other uses in these districts may ultimately out-weigh their use as zoned, any such zoning changes should be made cautiously with the realization that adequate food supply is essential to the health and welfare of the township, county, state and nation.

3.A103 PERMITTED USES

a. Farm dwellings, single family dwellings, barns, stables, silos, housing for farm labor, and accessory buildings, structures and uses customarily incidental to any of the foregoing permitted uses.

b. Agricultural, horticultural, viticultural, dairy farming, cattle raising, poultry raising, livestock raising, farm forestry and other similar bona fide farming or agricultural enterprises excluding, however, rendering plants, commercial fertilizer production or garbage feeding or disposal activities.

c. Greenhouses or nurseries.

d. Markets for the sale of products grown or produced upon the premises together with incidental products related thereto not grown or produced upon the premises but which are an unsubstantial part of said business including an advertising sign not more that eight square feet in area advertising such products.

e. Home occupations and home based businesses as defined in the within ordinance.

f. Churches and parish houses, public schools and educational institutions and other municipal buildings, structures or uses.

g. Community buildings, parks, public recreational areas or golf courses.

h. Essential services, excluding telecommunications towers.

i. Cemeteries.

j. Kennels and animal boarding facilities.

3.A104 SPECIAL EXCEPTION USES

a. Public utility and service buildings.

b. Additional single or two-family homes.

c. Nursing, convalescent homes, or adult foster care homes.

d. Animal feedlots and piggeries.

e. Earth removal, quarrying, gravel processing, mining and related mineral extraction businesses.

f. Telecommunication towers.

g. Home based businesses.
h. Public storage facilities.

3.R101 "R-1" RESIDENCE DISTRICT

3.R102 STATEMENT OF PURPOSE

This district classification is designed to be the most restrictive of the residential districts to encourage an environment of predominantly low-density, single-family dwellings, together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area.

3.R103 PERMITTED USES

a. Private single-family dwellings.

b. Home occupations.

c. Schools, libraries, and other municipal structures and uses.

d. Churches.

e. Licensed family day care homes.

f. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land and not involving the conduct of a business.

3.R104 SPECIAL EXCEPTION USES

a. Private two or three-family dwellings.

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

c. Essential public utility service buildings, or gas or electric regulator stations or buildings and telecommunications towers.

3.R201 "R-2" RESIDENCE DISTRICT

3.R202 STATEMENT OF PURPOSE

This district classification is designed to permit a greater density of residential development than that provided in the "R-1" Residence District classification, together with other residentially related facilities which would serve the inhabitants of the area.

3.R203 PERMITTED USES

a. Any use permitted by right in the "R-1" Residence District.

b. Private two-family dwellings.

3.R204 SPECIAL EXCEPTION USES

a. Private three or four-family dwellings.

b. Day nurseries for not more than six children.

c. Nursing or convalescent homes.

d. Boarding and lodging houses containing not more than six separate units.

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

f. Essential public utility service buildings, gas or electric regulator stations or buildings or telecommunications towers.

g. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto but which will comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

3.R301 "R-3" RESIDENCE DISTRICT

3.R302 STATEMENT OF PURPOSE

This classification is designed to permit the greatest density of residential uses allowed within the township, together with other residentially related facilities designed to service the inhabitants of the area.

3.R303 PERMITTED USES

a. Any use permitted in the "R-2" Residence District.

b. Multiple dwellings, excluding hotels, motels and similar transient residence buildings.

c. Day nurseries.

d. Nursing and convalescent homes.
e. Boarding and lodging houses.

f. Medical clinics and doctor and dentist offices for the treatment of human beings, provided that they are constructed in appearances as a residence.

g. Veterinary Clinics.

3.R304 SPECIAL EXCEPTION USES

a. Hotels, motels and other transient-type residential buildings.

b. Private clubs, fraternities and lodges, excepting those of which the chief activity is a service customarily carried on as a business.

c. Establishments for the retail sale of meals, provided that the same are constructed in appearance as a residence.

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

e. Essential public utility service buildings, gas or electric regulator stations or buildings and telecommunications towers.

f. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

3.R401 "R-4" RESIDENCE DISTRICT

3.R402 STATEMENT OF PURPOSE

In recognition of the growing trend toward mobile homes and mobile home parks and the need for well located and properly developed areas to accommodate them, this district is designed to provide for such use under appropriate construction and development standards to promote the health, safety, and general welfare of the residents of such areas as well as the residents of adjoining premises. The area zoned for such purposes should be able to accommodate the increased traffic generated from such developments as well as the sanitary requirements of the same. Such area should also be suitable for residential use and should be so located as not to impede other more conventional developments in the vicinity.

3.R403 PERMITTED USES

a. Mobile home parks, together with accessory buildings and uses customarily incident thereto, including a residence for the mobile home park owner or operator and his family, but excluding any retail sales of mobile homes unless the same are located upon a developed mobile home site; subject, however, to the following conditions and limitations.

b. Conditions and Limitations for Mobile Home Parks:

1. All mobile home parks shall comply with the requirements imposed by Michigan Public Act 419 of 1976 and any and all amendments thereto and with any and all regulations promulgated thereunder by the Michigan Mobile Home Commission and the Michigan Department of Public Health.

3.R404 SPECIAL EXCEPTION USES

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

b. Essential public utility services; buildings, or gas or electric regulator stations or buildings accessory thereto.

c. Accessory buildings and uses incidental to a mobile home parks such as recreational buildings and facilities, laundry facilities, maintenance garage and storage facilities.

d. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

3.C101 "C-1" COMMERCIAL DISTRICT

3.C102 STATEMENT OF PURPOSE

This district is designed to provide retail sales and commercial service uses catering to the general public as distinguished from industry or general business customers.

3.C103 PERMITTED USES

a. Retail sales businesses where no assembling, treatment or manufacturing is required.

b. Offices and clinics.

c. Banks, building and loan associations, and other lending institutions.

d. Funeral parlors.

e. Restaurants.

f. Essential public utility services.

g. Indoor theaters.

h. Hotels, motels, and apartment houses.

i. Cleaning and laundry service customer stations.

j. Craft or art supply sales.

k. Barber shops and beauty parlors.

l. Shoe repair shops.

m. Churches.

n. Accessory buildings and uses customarily incident to any of the foregoing, not including any manufacturing or treatment activities.

o. Public storage facilities.

3.C104 SPECIAL EXCEPTION USES

a. Automatic dry cleaning or laundry facilities.

b. Bait houses.

c. Gasoline stations.

d. Automobile repair garages.

e. Outdoor automobile sales.

f. Mining operations or sand and/or gravel extraction.

g. Indoor commercial recreation facilities.

h. Any uses allowed as permitted or special uses in any zoning district classification herein before set forth.

i. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

3.C201 "C-2" COMMERCIAL DISTRICT

3.C202 STATEMENT OF PURPOSE

This district is designed to permit commercial uses more extensive that the shopping center variety, occupying greater land areas for each such use and catering to business and industrial customers as well as the general public. The district is designed to also permit the uses specified in the "C-1" Commercial District classification.

3.C203 PERMITTED USES

a. Any use permitted in the "C-1" Commercial District.

b. Any special exception uses permitted in the "C-1" Commercial District without the necessity of prior Planning Commission action, except for mining operations which shall require such prior approval and except also uses designated as "permitted uses" in District Classifications "AG", "R-1", "R-2", "R-3" and "R-4" which shall also require such prior approval.

c. Outdoor theaters.

d. Veterinary hospitals.

e. Kennels and pet shops.

f. Bus terminals.

g. Outdoor commercial recreation facilities.

h. Drive-in eating or fast food establishments.

i. Wholesale sales.

j. Enclosed warehouses.

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

l. Sign shop.

m. Cemeteries.

n. Nursery and greenhouses.

o. Accessory buildings and uses customarily incident to any of the foregoing uses when located on the same lot or parcel of land.

3.C204 SPECIAL EXCEPTION USES

a. Automobile body and automobile paint shops.

b. Lumber yards.

c. Mining operations with incidental gravel processing.

d. Telecommunications towers.

e. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

3.I101 "I-1" INDUSTRIAL DISTRICT

3.I102 STATEMENT OF PURPOSE

This district is designed for manufacturing assembling and fabricating businesses and commercial activities which cause a minimum of adverse effect beyond the boundaries of the site upon which they are located.

3.I103 PERMITTED USES

a. Any use permitted in the "C-2" Commercial District.

b. Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odors, dust, dirt, noxious gases, glare, heat, vibration or psychological ill effects which would be a nuisance or annoyance to owners or occupants or surrounding premises and which are wholly contained within fully enclosed buildings except for the following permissible outdoor activities:

1. Outdoor storage in the rear yard area which must not exceed 20% of the square foot area of the principal building upon the premises and which must be screened from adjoining premises of a higher use district classification and from public streets by a solid fence, wall or natural screening adequate for the purpose.

c. Delivery operations to and from said business.

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

3.1104 SPECIAL EXCEPTION USES

a. Motor freight warehousing businesses.

b. Gasoline and petroleum storage.

c. Ready-mix concrete and asphalt plants.

d. Lumber yards.

e. Mining operations and incidental gravel processing.

f. Auto body and auto paint shops.

g. Such other outdoor storage or activities as may be allowed.

h. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of the ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

3.1201 "I-2" INDUSTRIAL DISTRICT

3.1202 STATEMENT OF PURPOSE

This district is designed for manufacturing, servicing, compounding, assembling and commercial businesses which require greater outdoor storage or activities and which, accordingly, require larger sites and may have a greater adverse effect on adjacent properties and the uses permitted in the preceding classifications.

3.1203 PERMITTED USES

a. Any use permitted in the "I-1" Industrial District.

b. Motor freight warehousing businesses.

c. Gasoline and petroleum storage.

d. Ready-mix concrete and asphalt plants.

e. Lumber yards.

f. Auto body and auto paint shops.

g. Industrial manufacturing operations and operations for the servicing, compounding, assembling or treatment of articles or merchandise which do not emanate noise, smoke, odor, dust, dirt, noxious gases, glare, heat vibration or psychological ill effects to such an extent as will be a nuisance or annoyance to owners or occupants or surrounding premises and which do not involve outdoor storage or activities occupying more than 50% of the square foot area of the principal building located upon the premises.

3.1204 SPECIAL EXCEPTION USES

a. Building material storage yards for new material.

b. Storage yards for machinery, trucks, or equipment in operating condition, provided adequate screening is installed and maintained, screening the same from adjoining premises and public highways.

c. Slaughter houses.

d. Mining operations and incidental gravel processing.

e. A complex or development of a multiple number of "permitted" or designated "special exception" uses which do not comply with all conditions and limitations pertinent thereto but which still comply with the spirit of this ordinance with the approval of the Planning Commission under the procedure and standards specified in the ordinance for special exception uses.

3.1301 "I-3" INDUSTRIAL DISTRICT

3.1302 STATEMENT OF PURPOSE

This district is designed to accommodate those uses not otherwise expressly included in the foregoing district classifications of an industrial and commercial nature and which, by virtue of the lack of conditions and restrictions attached to the operations, should be located in isolated areas or be located on sufficiently large sites to minimize any adverse effect emanating therefrom upon adjacent premises.

3.1303 PERMITTED USES

a. Any use permitted in the "I-2" Industrial District.

b. Any kind of industrial manufacturing operations and operations for the servicing, compounding, assembling, or treatment of articles of merchandise which does not emanate noise, vibration, odor, smoke, dust, dirt, noxious gases, glare, heat or

psychological ill effect to such an extent as would be a nuisance or annoyance to owners or occupants of surrounding premises.

3.I304 SPECIAL EXCEPTION USES

a. Mining operations and incidental mineral processing.

3.W101 WATERFRONT DISTRICT

3.W102 STATEMENT OF PURPOSE

These districts are created to promote the proper use, enjoyment and conservation of water, resources and shoreline property. To facilitate such use, certain commercial and other service uses may be provided by Special Approval.

3.W103 PROPERTY USE

No land shall hereafter be used, and no building or structure erected and used for other than one of the following purposes:

2. Primary Uses:

   a. One-family dwellings, rental cottages, and cabins.

   b. Parks, playgrounds, and picnic areas.

   c. Facilities for sports and outdoor recreation.

   d. Camps and clubs.

3. Uses by Special Approval:

   a. Retail stores and shops.

   b. Recreational establishments other than camps and clubs operated for profit.

   c. Boat liveries, marinas, and launching ramps.

   d. Golf courses, country clubs, including miniature golf.

4. Accessory Uses:

   a. Uses, building, and structures customarily incidental to any Primary Use or Use by Special Approval.

3.W104 MINIMUM LOT AREA: DWELLINGS

Intensive Use Area: Every dwelling (cottages, cabins) hereafter erected shall be located on al at not less than 15,000 square feet in area, and not less than 100 feet in width or a depth of 130 feet. In the event a lot on record at the Chippewa County register of Deeds Office on the effective date of this Ordinance has a width less than required by the provisions of the District wherein located, such lot may be used for erection of a one-family dwelling in the Districts R-1, R-2, R-3, R-4, and A and each side yard reduced to not less than 10% of the width of the lot.

3.W105 MINIMUM YARDS

1. Front Yards: Every dwelling (cottage, cabin) hereafter erected shall be located not less that 30 feet from the front lot line or right-of-way line of any road or public highway upon which the lot abuts in either front or rear, and not less than 30 feet from the known highwater level of any body of water upon which the premises abut.

2. Side Yards: Every dwelling (cottage, cabin) hereafter erected shall be located not less that 10 feet in width, and a rear yard not less than 20 feet in depth. In the event a lot on record at the Chippewa County register of Deeds Office on the effective date of this Ordinance has a width less than required by the provisions of the District wherein located, such lot may be used for erection of a one-family dwelling in the Districts R-1,R-2, R-3, R-4, and A and each side yard reduced to not less than 10% of the width of the lot.

3.W106 MINIMUM FLOOR AREA: DWELLINGS

Every one-family dwelling hereinafter erected shall contain not less than 600 square feet of floor area exclusive of any area in an included garage, open porch, or other attached structure.

3.W107 USE AREAS

Shoreline area along the upper and lower St. Mary's River and Neebish Island.

3.W108 WATERFRONT DISTRICT WIDTH

Waterfront district shall be a minimum of 500 feet in depth, measured from the known high water level, along the entire St. Mary's River and Neebish Island shoreline.

3.F101 FORESTRY/RECREATION (F/RC)

3.F102 STATEMENT OF PURPOSE

these districts are created to promote proper use, enjoyment and conservation of water, animal, land, topographic, and vegetative resources and the economic return of Forest Land and Woodlots. To facilitate such use, certain commercial and other service uses may be provided by Special Approval.

3.F103 PROPERTY USES

No land shall hereafter be used, and no building or structure erected and used for other than one of the following purposes:

1. Primary Uses:

    a. One-family dwellings, rental cottages and cabins.

    b. Parks, playgrounds, and picnic areas.

    c. Facilities for sports and outdoor recreation.

    d. Camps and clubs.

    e. Production of wood products, lumber, and pulpwood.

    f. Hunting, fishing, and trapping.

2. Uses by Special Approval

    a. Retail stores and shops.

    b. Recreational establishments other than camps and clubs operated for profit.

    c. Boat liveries, marinas, and launching ramps.

    d. Golf courses, country clubs, including miniature golf.

    e. Trailer, residential developments.

3. Accessory Uses

    Uses, buildings, and structures customarily incidental to any Primary Use or Use by Special Approval.

3.F104 MINIMUM LOT AREA: DWELLINGS

Every dwelling (cottages, cabins) hereafter erected shall be located on a lot not less than 15,000 square feet in area, and not less than 100 feet in width or a depth of 130 feet. In the event a lot on record at the Chippewa County Register of Deeds Office on the effective date of this Ordinance has a width less than required by the provisions of the District wherein located, such lot may be used for the erection of a one-family dwelling in Districts R-1, R-2, R-3, R-4, F/RC and A and each side yard reduced to not less than 10% of the width of the lot.

3.F105 FRONT YARDS

Every dwelling (cottage, cabin) hereafter erected shall be located not less than 30 feet from the front lot line or right-of-way line of any road or public highway upon which the lot abuts in either front or rear, and not less than 30 feet from the known highwater level of any body of water upon which the premises abuts.

3.F106 SIDE AND REAR YARDS

Every building hereafter erected shall have side yards on each side not less than 10 feet in width, and a rear yard not less than 20 feet in depth. on which the lot abuts in either front or rear, and not less than 30 feet from the known highwater level of any body of water upon which the premises abuts. In the event a lot on record at the Chippewa County Register of Deeds Office on the effective date of this Ordinance has a width less than required by the provisions of the District wherein located, such lot may be used for the erection of a one-family dwelling in Districts R-1, R-2, R-3, R-4, F/RC and A and each side yard reduced to not less than 10% of the width of the lot.

3.F107 MINIMUM FLOOR AREA: DWELLINGS

Every one-family dwelling hereafter erected shall not contain not less than 600 square feet of floor area exclusive of any area in an included garage, open porch, or other attached structure.

ARTICLE IV

SETBACK AND SIDE LINE SPACING

4.01 SETBACK AND SIDELINE SPACING FOR "A", "R-1", "R-2", "R-3" AND "R-4"

In "A" Agricultural Districts, "R-1" Residence Districts, "R-2" Residence Districts, "R-3" Residence Districts and "R-4" Residence Districts there shall be a setback from all street right-of-way lines of not less than 30 feet for all buildings, provided that when 25% or more of all the frontage on one side of a street between two intersecting streets has, at the time of the passage of this ordinance, been built up with permanent residences, the average setback of such residences, but not more that 30 feet, shall be the minimum setback line for that side of such street between such intersecting streets; no building in such districts shall be erected closer than 10 feet to the interior side or rear line of the lot or parcel of property upon which the building is located; provided, however that detached private garages, erected not less than 60 feet from the front street line, may be erected not less than 10 feet from the interior side line. When computing built-up frontage for a permanent residence, there shall be included the dwelling and curtilage thereof.

4.02 SETBACK AND SIDELINE SPACING FOR "C-1", "C-2", "I-1", "I-2", AND "I-3"

In Class "C-1" Commercial Districts, "C-2" Commercial Districts, "I-1" Industrial Districts, "I-2" Industrial Districts and "I-3" Industrial Districts, the minimum setback line for commercial and industrial buildings shall be 75 feet from all street right-of-way lines abutting the property and there shall be a minimum setback line for the parking or storage of automobiles and vehicles outside buildings or structures of not less than 25 feet; provided, however, that in any such districts where there are commercial and industrial buildings (other than private residences or buildings originally constructed private residences) already existing on the effective date of this amending ordinance, on the side of the street between two intersecting streets, the minimum setback for buildings on such side of the street between such intersecting streets shall be to the depth as established by such existing commercial or industrial building which is closest to the street line. In no event, however, shall vehicle parking be allowed on private premises closer than 25 feet to the street right-of-way line abutting such premises except where such parking is presently being conducted on the effective date of this ordinance, and no other parking area on the premises is available which would permit parking beyond said 25-foot setback requirement. There shall be no side or rear line restriction from interior lot lines for commercial and industrial buildings within such commercial and industrial districts unless otherwise specified in this ordinance. Any residential buildings, however, constructed within said district shall be set back not less than five feet from such interior, side and rear lot lines.

4.03 SETBACK ANS SIDELINE SPACING EQUIPMENT AND BUILDINGS

It is further provided that notwithstanding anything herein contained to the contrary, the minimum setback line shall be 15 feet for gasoline pumps, display racks, air pumps, and other equipment; 75 feet for cars, stored or placed upon property used for storage of, or occupancy by, junk cars or used cars for the purpose of sale of parts or junk therefrom; and 25 feet for cars and other vehicles on property used for the sale of used cars. The minimum setback line for poultry or animal shelters, coops, barns, kennels or sheds shall be 75 feet; provided, however, that in platted property

no such structure shall be erected closer than 20 feet to the interior side line of the lot upon which such structure is located.

4.04 TEMPORARY TOILETS

No temporary outside toilets shall be erected closer than 15 feet to the side line of the premises upon which such structure is to be placed; provided, however, that such structure shall not be erected closer than 25 feet to any building being used as a permanent habitation upon adjoining premises.

4.05 AREA REQUIREMENTS: PRIVATE DWELLING

All private dwelling units hereafter constructed containing not more than two bedrooms shall contain not less that 750 square feet of first-floor space as measured around the exterior of said dwelling. All private dwelling units hereafter constructed containing more than two bedrooms shall contain an additional 150 square feet of habitable floor area for each bedroom in excess of two within said dwelling unit; provided, however, that a three-bedroom, single-level private dwelling unit shall contain not less than 900 square feet of first floor space as measured around the exterior of said dwelling.

4.06 AREA REQUIREMENTS: PRIVATE WIDTH

No dwelling shall be less than 24 feet in width as measured along the exterior front elevation of the dwelling.

4.07 AREA REQUIREMENTS: HABITABLE FLOOR AREA

In the event of any controversy concerning what constitutes habitable floor area, the board of appeals is hereby given the authority to determine the same upon application thereto by either the Township Zoning Administrator or by the applicant for a building permit.

4.08 FRONT YARDS

The front line of every building hereafter erected shall be set back not less than 30 feet from the front line of the highway right-of-way line. Where the premises have more than one frontage, the same setback shall be provided on both thoroughfares.

4.09 SIDE YARDS

Every building hereafter erected shall provide side yards on each side not less than 10 feet in width, provided that if side walls are of masonry construction and without openings, no side yard shall be required.

4.10 REAR YARDS

Every building hereafter erected shall be provided with rear yard no less that 10 feet in depth, which shall be maintained open and unobstructed at all times for access by fire-fighting facilities.

ARTICLE V
GENERAL REGULATIONS

5.01 STATEMENT OF PURPOSE

The general provisions of this Article shall apply to all districts, except as noted herein. Where the requirements of a general provision ans a district regulation differ the more restrictive requirement shall prevail.

5.02 CONSTRUCTION: RULES APPLYING TO TEXT

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

1. The particular shall control the general.

2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption, diagram or sketch, the text shall apply.

3. The word "shall" is always mandatory and not discretionary. The word "may" is discretionary

4. Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.

5. A "building" or "structure" includes any part thereof.

6. The word "person" includes a corporation as well as an individual.

7. The words "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended", "arranged", or "designed to be used" or "occupied."

8. Any word at term not defined herein shall be used with a meaning of common or standard utilization.

9. The term "adjoining lots and parcels" is intended to include lots and parcels separated by highways, roads, streets, or rivers.

5.03 HOME OCCUPATIONS

Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.

Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners or the Township as a whole, including, but not limited to:

1. Traffic and delivery or pickup of goods shall not exceed that normally created by residential uses.

2. Any machinery, mechanical devices or equipment employed in the conduct of a Home Occupation shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not associated with the use of the dwelling for residential purposes.

3. The outdoor storage of goods and/or materials of any kind is prohibited.

4. No goods or materials shall be sold that are not associated with the conduct of the Home Occupation.

5. No process chemicals, or materials shall be used which are contrary to any applicable State or Federal laws.

5.04 HOME BASED BUSINESSES

A business where the primary activities take place at locations other than the home. The home may serve as the office where materials are stored, work is scheduled and billings are sent out. Businesses which would be classified as a home based business include landscaping contractors, plumbing contractors, building contractors, electrical contractors and similar trades and service type businesses.

1. A home based business may be permitted as a special use in the agricultural zoning district subject to review and approval by the Planning Commission. Home based businesses will only be allowed on the basis of individual merit. The permit shall be reviewed for compliance with the original permit by the Zoning Administrator on a periodic basis and upon transfer of the property.

2. Home based businesses shall be incidental; and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. There shall be no exterior evidence of such business other than a nameplate not exceeding 10 square feet.

3. A home based business may occupy an accessory building provided the floor area contained withing the accessory building does not exceed 2,400 square feet.

4. The Planning Commission will set a maximum number of hours a Home Based business can be open or it may exclude certain hours of operation that any business would not normally be in operation prior to approval. The Special Approval based upon factors including but not limited to: surrounding uses, expected noise levels, projected traffic levels.

5. The outdoor storage of vehicles, trailers, goods and/or materials of any kind is prohibited unless screened (wood fence, greenbelt buffer, landscaped bean, etc.) From view from neighboring properties and road right-of-ways. The type of screening shall be approved by the Planning Commission.

6. Home based businesses shall not result in the creation of condition that would constitute a nuisance to neighboring property owners or the Township as a whole.

7. Employees or other traffic for the pickup or delivery of goods or equipment shall not exceed that normally created by residential uses. Any machinery, mechanical devises or equipment employed in the conduct of the home based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not associated with the use of the premises for residential purposes.

8. Home bases businesses shall be conducted only by the person(s) residing on the premises. The Planning Commission may allow between 1 and 10 non-resident employees, This number will be determined by the Planning Commission prior to approval of the Special Approval.

9. A "not to exceed" number of vehicles that may be parked on the property at any given time shall be established by the Planning Commission during the review and approval process.

10. The activity will be served adequately by essential public services or facilities.

11. The activity will not create additional public costs and will not be detrimental to the economic welfare of the Township.

5.05 RESIDENTIAL BUFFER AREA

As a result of the lack of zoning prior to the adoption of this ordinance, many residential dwellings have been constructed and located within areas that are now predominately commercial or industrial areas. In order to protect such existing dwellings from new commercial or industrial activities or structures, it is herein provided that no new commercial or industrial activities or structures shall hereafter be located closer than 100 feet to any such existing dwelling which is occupied for dwelling purposes and further such new commercial or industrial structure or activity shall be screened from such adjoining dwelling in accordance with the provisions of Article IV of this Ordinance.

5.06 USEABLE AREA

The foregoing provision shall not, however, operate to reduce the useable area of the adjoining commercial or industrial property under bona fide separate ownership on the effective date of this ordinance below 50%. If the same would cause such a result, this buffer area shall be accordingly reduced to permit such 50% use.

5.07 GENERAL LIGHTING AND SCREENING REQUIREMENTS

All lighting upon any premises, regardless of zone, shall be so arranged that such lighting does not produce any glare which is a nuisance or annoyance to residents or occupants of adjoining premises or to the traveling public on public highways.

5.08 BUSINESS, COMMERCIAL, OR INDUSTRIAL PURPOSES

Except as otherwise provided in this zoning ordinance, all premises used for business, commercial or industrial purposes and located within a "C-1" Commercial District or lower district classification shall be screened from adjoining premises located in an"R-4" Residence District or higher district classification by any of the following:

1. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, not less than four feet in height at the time of planting and maintained in a neat and attractive manner commensurate with the adjoining residential district.

2. An artificial wall or fence of sufficient density or compactness to screen the structures and activities of the business from the view of occupants or adjoining premises, not less that five feet in height and maintained in a neat and attractive manner, commensurate with the adjoining residential district.

3. No such planting area, wall or fence shall be closer than 10 feet from any adjoining street right-of-way line.

5.09 REVIEW

In the event of any controversy as to the adequacy of any proposed or existing screening or the creation of any nuisance or annoyance by artificial lighting, the Planning Commission shall have the right and is hereby given the authority to determine whether the same is in violation of these screening and lighting provisions and the purpose herein sought to be accomplished of the screening of abutting business and residential properties and the prevention of nuisance from artificial lighting.

5.10 TENTS AND TRAVEL TRAILERS: MOBILE HOMES

Tents, travel trailers and/or automobile trailers shall not be used for dwelling purposes within the township limits; provided, however, that travel trailers or automobile trailers may be used for temporary dwellings for a total period of not more than 30 days in any one year when located upon premises having running water and sewage facilities, and provided further that automobile trailers and travel trailers may be occupied for dwelling purposes within duly licensed travel trailer camps and subject to the requirements thereupon imposed.

5.11 PERMIT FOR TEMPORARY RESIDENCE: MOBILE HOME

Mobile homes which do not conform to the standards of Section 2.11 of this ordinance shall not be used for dwelling purposes within the Township unless located within a mobile home park or a mobile home plat zoned for such uses, or unless used for temporary residence purposes as hereinafter provided. A permit may be secured from the Planning Commission to use a mobile home as a temporary residence for a period not to exceed one year provided that the ability and intent to erect a house on the premises is shown; provided that the mobile home is located upon premises having running water and sewage facilities; and provided further than upon expiration of the one-year period, the Planning Commission may renew the permit for an additional period of one year upon sufficient showing that the house construction could not be completed within said one year but has substantially progressed during said period. Said board may require a performance bond conditioned upon the removal of the mobile home from the premises within the time limited in an amount satisfactory to said board.

MISCELLANEOUS PROTECTION REQUIREMENTS

5.12 WATER

Every structure hereafter erected for dwelling purposes shall be provided with running water, adequate inside water closet accommodations and sewage facilities.

5.13 TOILETS

No outside toilets shall hereafter be erected except such as may temporarily be needed during the construction on the premises.

5.14 BASEMENTS

No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Planning Commission for a limited period of two years to permit the construction of the above grade dwelling superstructure as shown on appropriate plans submitted by the applicant and provided said Board is satisfied of the applicant's ability and intent to complete such construction within said period.

5.15 GARAGE

Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the premises and unless it complies with all the provisions of this ordinance relating to buildings for residential purposes.

5.16 LIMITATIONS

Not more than one dwelling shall be constructed on any lot consisting of one-fourth of an acre or less.

5.17 DOMESTIC ANIMALS

The keeping of more than three dogs and/or cats, the keeping of pigeons having free access outside their cages, or the keeping of poultry, pigs, hogs, horses or livestock is prohibited within or upon any platted properties used primarily for residential purposes or within or upon any area located within 100 feet of such aforesaid platted properties unless such latter area is located in a "C-1" Commercial District classification or lower; provided, however, that any litter of dogs or cats which causes the aforesaid limit of three to be exceeded shall not constitute a violation of this provision for a period of 4 months after birth; and provide further, however, that no more than two such litters shall be allowed to so remain on the afore described premises within any consecutive 12-month period. All such poultry, pigs, hogs, horses, livestock or more than three dogs and/or cats shall also be prohibited in any area of the Township if the same become obnoxious by reason of odor or noise. The determination of the Planning Commission or the Zoning Administrator under the Nuisance Ordinance (Ordinance No. 1 of 2001), established under statute and this Ordinance, shall, in the absence of fraud, be conclusive on the questions of whether such are so obnoxious.

ARTICLE VI
NON-CONFORMING USES

6.01 NON-CONFORMING USES

The following regulations shall control lawful non-conforming uses in existence at the time of passage of this ordinance.

6.02 SCOPE

Lawful non-conforming uses or structures in existence at the time of passage of this ordinance may be continued but shall not be extended, added to or altered unless such extension, alterations or additions are in conformity with the provisions of this ordinance.

6.03 DESTRUCTION OF NONCONFORMING USE

If the cost of repair or replacement of a non-conforming use or structure which has been destroyed by reason of windstorm, fire, explosion, act of God, or act of war the public enemy exceeds 50% of the total replacement cost of the use or structure, such use or structure shall not be continued or rebuilt except in conformity with the provisions of this ordinance.

6.04 ABANDONMENT

If a property abandons a nonconforming use of any land or structure and such use is terminated for a continuous period of time exceeding one (1) year or more, such use shall not be re-established and any subsequent use of the property or structure shall comply with the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.

2. Whether the property, buildings, and grounds have fallen into disrepair.

3. Whether signs or other indications of the existence of the nonconforming use have been removed.

4. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.

5. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

6.05 CHANGE OF NON-CONFORMING USE

If a non-conforming use is changed to a permitted or more restrictive use in the district in which it is located, it shall not revert or be changed back to a non-conforming less restrictive use.

6.06 NONCONFORMING LOTS

a. Any lot, as defined in Article II, that exists on the effective date of this ordinance shall be exempt from the minimum width and area requirements as long as such lot has a minimum width of 60 feet and a minimum area of 6,000 square feet.

b. If two (2) or more lots or a combination of lots and portions of lots are contiguous and in single ownership on the effective date of this ordinance or amendments thereto the land involved shall be considered to be a single, undivided lot for the purpose of this ordinance.

c. No portion of any lot shall be used or sold in a manner that diminishes compliance with lot width and area requirements established by this ordinance nor shall any division of any lot be made that creates a lot width or area below the requirements stated in this ordinance.

d. Notwithstanding the foregoing, home located in a zone which does not permit the same may still be altered, expanded and/or rebuilt.

ARTICLE VII

SITE PLAN REVIEW

7.01 PURPOSE

The intent of this section is to provide for consultation and cooperation between the land developer and the Township Planning Commission may accomplish his or her objectives in the utilization of his land within the regulations of this Zoning Ordinance and with minimum adverse effect on the use of adjacent streets and highways and on existing and future uses in the immediate area and vicinity.

7.02 APPROVAL PROCESS

Except as hereinafter set forth, the Zoning Administrator shall not issue a permit for any construction or uses until a site plan, submitted in accordance with this section, shall have been reviewed and approved by the Township Planning Commission:

A. Single or two-family homes under separate ownership on an individual and separate lot for each one.

B. Interior accessory and subordinate buildings requiring no new or additional means of access thereto from adjoining public roads or highways and complying with all zoning ordinance requirements.

C. Projects involving the expansion, remodeling or enlargement of existing buildings which comply with all zoning ordinance requirements and involve no new or additional means of access thereto from adjoining public roads or highways.

D. Special exceptions uses, buildings, and structures where site plan review shall be conducted by the Planning Commission under the standards controlling special exception uses as well as the standards contained in this Site Plan Review Section.

7.03 SKETCH PLAN REVIEW

Preliminary sketches of proposed site and development plans shall be submitted for review to the Township Planning Commission prior to final approval. The purpose of such procedure is to allow discussion between a developer and the Township Planning Commission to better inform the developer of the acceptability of his proposed plans prior to incurring extensive engineering and other costs which might be necessary for final site plan approval. Such sketch plans shall include as a minimum the following:

A. The name and address of the applicant or developer, including the names and addresses of any officers of a corporation or partners of a partnership;

B. As legal description of the property; and

C. Sketch plans, drawn to scale, showing tentative site and development plans.

The Planning Commission shall not be bound by any tentative approval given at this time.

7.04 APPLICATION PROCEDURE

Requests for final site plan review shall be made by filing the following with the Township Clerk:

A. A review fee as determined by resolution of the township Board based upon the cost of processing the review and as shall be on file with the township clerk for public information.

B. Seven (7) copies of the completed application form for site plan review which shall contain as a minimum the following:

1. The name and address of applicant.

2. The legal description of the subject parcel of land.

C. The area of the subject parcel of land stated in acres or, if less than an acre, in square feet.

D. The present zoning classification of the subject parcel.

E. A general description of the proposed development.

7.05 CONTENTS OF PROPOSED SITE PLAN

Seven (7) copies of the proposed site plan which shall include as a minimum, the following:

A scale drawing of the site and proposed development thereon, including the date, name and address of the preparer; the topography of the site and its relationship to adjoining land; existing man-made features; dimensions of setbacks, locations, heights and size of structures and other important features; percentage of land covered by buildings and that reserved for open space; dwelling unit density where pertinent; location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated, or abandoned, including grades and types of drainage, sanitary sewers, storm sewers, and other facilities; fences; landscaping; screening; proposed earth changes; environmental impact of the project; signs and on-site illumination; and any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be demanded by the Township Zoning Administrator and/or the Township Planning Commission.

7.06 ACTION ON APPLICATION AND PLANS

A.. Upon receipt and review of the completed application and plans, the Township Zoning Administrator shall record the date of the receipt thereof and transmit five (5) copies thereof to the Chairman of the Township Planning Commission:

A. In the event that the application is incomplete, the Township Zoning Administrator shall send a letter to the applicant setting forth the deficiencies. If the application is incomplete, the Chairman of the Township Administrator may deny the application as incomplete.

B. A hearing shall be scheduled by the Chairman of the Township Planning Commission for a review of the application and plans as well as the recommendations of the zoning administrator with regard thereto. Members of the Township Planning Commission shall be delivered copies of the same prior to the hearing for their preliminary information and study. The hearing shall be scheduled within not more that 45 days following the date of the receipt of the complete plans and application by the Zoning Administrator.

C. The applicant shall be notified of the date, time and place of the hearing on his application not less than three (3) days prior to such date.

D. Following the hearing, the Township Planning Commission shall have the authority to approve, disapprove, or approve, with conditions, in accordance with the purpose of the site plan review provisions of the Township Zoning Ordinance and criteria therein contained. Any required modification or alteration shall be stated in writing, together with the reasons therefor, and delivered to the applicant. The Township Planning Commission may either approve the plans contingent upon the required alterations or modifications, if any, or may require a further review after the same have been included in the proposed plans for the applicant. The decision of the Township Planning Commission shall be made by said Commission within 10 days of the receipt of the application by the Township Clerk.

E. Two copies of the approved final site plan with any required modifications thereon shall be maintained as part of the Township Records for future review and enforcement. One copy shall be returned to the applicant. Each copy shall be signed and dated with the date of approval by the Chairman of the Planning Commission for identification of the finally approved plans. If any variances from the zoning ordinance have been obtained from the board of appeals, the minutes concerning the variance, duly signed, shall also be filed with the Township Records as a part of the site plan and delivered to the applicant for his information and direction.

7.07 CRITERIA FOR REVIEW

In reviewing the application and site plan and approving, disapproving or modifying the same, the Township Planning Commission shall be governed by the following standards:

A. That there is a proper relationship between the existing streets and highways within the vicinity and proposed deceleration lanes, service drives, entrances and exit driveways and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.

B. That the buildings, structures and entryways thereto proposed to be located upon the premises are so situated and designed as to minimize adverse effects therefrom upon owners and occupants of adjacent properties and the neighborhood.

C. That as many natural features of the landscape shall be retained as possible where they furnish a barrier or buffer between the project and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control erosion or the discharge of storm waters.

D. That any adverse effects of the proposed development and activities emanating therefrom upon adjoining residents or owners shall be minimized by appropriate screening, fencing or landscaping.

E. That all provisions of the Township Zoning Ordinance are complied with unless an appropriate variance therefrom has been granted by the Township Planning Commission or Township Planning Commission.

F. That all buildings and structures are accessible to emergency vehicles.

G. That the proposed site plan is consistent with the Township Master Plan.

7.08 CONFORMITY OF APPROVED SITE PLAN

Property which is the subject of site plan approval shall be developed in strict compliance with the approved site plan and any amendments thereto which have received the approval of the Township Planning Commission. If construction and development does not conform with such approved plan, and after notice has been given and a hearing held, the approval thereof shall be forthwith revoked by the Township Zoning Administrator by written notice of such revocation posted upon the premises involved and mailed to the developer at his last known address. Upon revocation of such approval, all further construction activities shall cease upon the site, other than for the purpose of correcting the violation. However, the Township Planning Commission may, upon proposed application of the developer and after a hearing, approve a modification in the site plan to coincide with the developer's construction provided such construction complies with the criteria contained in the site plan approval provisions and with the spirit, purpose and intent of the Township Zoning Ordinance.

Approval of the site plan shall be valid for a period of one year after the date of approval. If a building permit has not been obtained and on-site development actually commenced within said one year, the site plan approval shall become void and a new application for site plan approval shall be required and new approval shall be required and obtained before any construction or earth change is commenced upon the site. Violation of this section is a civil infraction.

7.09 AMENDMENT TO SITE PLAN

Amendments to an approved site plan shall be permitted only under the following circumstances:

a. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes may be approved by the zoning administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval. Minor changes shall included the following:

1. Reduction of the size of any building and/or sign.

2. Movement of buildings and/or signs by no more than ten (10) fee.

3. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.

4. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the development or increase the amount of required parking.

5. Internal re-arrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design.

6. Changes related to items (1) through (5) above, required or requested by the Township, the County, or other state or federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval.

7. All amendments to a site plan approved the Zoning Administrator shall be in writing. After approval by the Zoning Administrator, the Applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

b. An amendment to an approved site plan that cannot be processed by the Zoning Administrator under subsection (a) above shall be processed in the same manner as the original site plan application.

ARTICLE VIII

SPECIAL EXCEPTION USES

8.01 SPECIAL EXCEPTION STANDARDS:

In order to make this ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the Township, the Planning Commission, in addition to its other functions, is authorized to approve the establishment of certain uses designated as Special Exception Uses within the various zoning classifications set forth in the ordinance.

Such Special Exceptions Uses have been selected because of the unique characteristic of the use which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause it to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

With this is mind, such Special Exception Uses are not permitted to be engaged in within the particular zone in which they are listed unless and until the Planning Commission, in its discretion, and in conformity with state law and the standards set forth in this ordinance, is satisfied that the same, under the conditions, controls, limitations, circumstances and safeguards proposed therefor, and imposed by the Planning Commission. The applicant meets the required standards for approval, would be compatible with the other uses expressly permitted within said district, with the natural environment and the capacities of public services and facilities affected by the land use; would not, in any manner, be detrimental or injurious thereto; would not, in any matter, be detrimental or injurious to the use or development of adjacent properties to the occupants thereof or to the general neighborhood; would promote the public health, safety, morals and general welfare of the community; would encourage the use of lands in accordance with their character and adaptability; and that the standards required by the board for the allowances of such Special Exception Use can and will, in its judgment, be met at all times by the applicant.

8.02 SPECIAL EXCEPTION PROCEDURE:

a. All applications for Special Exception Use Permits shall be filed with the Township Clerk and shall include all pertinent plans, specifications, and other data upon which the applicant intends to rely for a Special Exception Use Permit. An application may be obtained from the Township Clerk and may contain the following information:

b. The Planning Commission shall, upon receipt of the application in proper form, schedule and hold a hearing upon the request preceded by notification to the applicant, the owner of the property proposed for consideration and the owners and occupants of all property within 300 feet of the boundary of the property proposed for consideration as shown by the latest assessment roll. If the name of an occupant is not known, the term "occupant" may be used in the notice. The notice shall be mailed or personally delivered and published in a local newspaper between five and fifteen days prior to the hearing. Notification need not be given to more than one occupant of a structure except that if a structure contains more than one

dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more that four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

All notices shall describe the nature of the special land use request, indicate the property which is the subject of the special land use request, state when and where the special land use request will be considered, and indicate when and where written comments will be received concerning the request.

c. Following such hearing, said board shall either grant, grant with conditions or deny a permit for such Special Exception Use and shall state its reasons for its decision in the matter. All conditions, limitations and requirements upon which any such permit is granted shall be specified in detail by said board in its decision and shall be filed with the Zoning Administrator. Any conditions, limitations or requirements upon which approval is based shall be reasonable and designed to protect natural resources, the health, safely and welfare and the social and economic will being of the owners and occupants of the land in question, of the area adjacent thereto and of the community as a whole; constitute a valid exercise of the police power and be related to the purpose which are effective by the proposed use or activity; by consistent with the intent and purpose of the zoning ordinance; designed to insure compatibility with adjacent uses of land and the natural environment; and designed to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.

d. The Planning Commission shall have the right to limit the duration of a Special Exception Use where the same is of a temporary nature and may reserve the right of annual review of compliance with the conditions and limitations imposed upon such use. Any use failing to comply with such conditions and limitations may by action of said board after a hearing upon application of any aggrieved party.

e. The plot plan and specifications and all conditions, limitations and requirements imposed by the board shall be recorded with the Township and shall be incorporated as a part of the special exception permit. Violations of any of these at any time shall cause revocation of said permit and said special exception use shall cease to be a lawful use.

f. An approved special exception permit shall expire one (1) year following approval by the Planning Commission, unless substantial construction has begun pursuant to the permit prior to the expiration, or the property owner applies to the Planning Commission for an extension prior to the expiration of the special exception permit. The Planning Commission may grant one (1) extension of an approved special exception permit for an additional one (1) year period. If it finds:

i. The property owner presents reasonable evidence that the development has encountered unforeseen difficulties beyond the control of the property owner, and;

ii The requirements and standards for special exception permit approval that are reasonably related to the development have not changed.

g. If the special exception permit expires pursuant to subsection (e) above, no work pursuant to the special exception permit may be undertaken until a new special exception permit is obtained from the Planning Commission following the procedures for a new special exception permit.

h. To insure compliance with the Zoning Ordinance and any conditions, limitations or requirements imposed by the Planning Commission as necessary to protect natural resources or the health, safety and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, the Planning Commission may require a cash deposit, certified check or irrevocable bank letter of credit or surety bond covering the estimated cost of furnishing such condition, limitation or requirement conditioned upon the faithful completion of the required improvement. Such security shall be deposited with the Township Clerk at the time of the issuance of the permit authorizing the commencement of such construction or activity. Where the improvement required will take more than six months to be completed, the Planning Commission may authorize a rebate of any cash deposit in reasonable proportion to the ration of the work completed as the work progresses.

8.03 STANDARDS FOR SPECIAL EXCEPTION APPROVAL

The Planning Commission shall approve, or approve with conditions, an application for a special exception permit only upon a finding that the proposed special exception use complies with all of the following general standards:

1. The property is subject to the application is located in a Zoning District in which the proposed special exception use is allowed.

2. The proposed special exception use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole.

3. The proposed special exception use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on other conforming properties in the area by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap material that can be seen from any public highway or seen from any adjoining land owned by another person.

4. The proposed special exception use will be designed, constructed, operated and maintained so as not to diminish the opportunity for surrounding properties to be

used and developed as zoned.

5. The proposed special exception use will not place demands on fire, police, or other public resources in excess of current capacity.

6. The proposed special exception use will be adequately served by public or private streets, water and sewer facilities, and refuse collection and disposal services.

8.04 MINING AND RELATED MINERAL EXTRACTION BUSINESSES

Earth Removal, Quarrying, Gravel Processing, Mining and Related Mineral Extraction Businesses. Prior to the approval by the Planning Commission of a special exception use for earth removal, quarrying, gravel processing, mining and related mineral extraction businesses in any area of the Township, said Planning Commission shall be satisfied the following conditions and limitations are or shall be, strictly complied with, in addition to any other requirements contained in the Township Zoning Ordinance or in any other Township Ordinance controlling such operations.

A. Location

1. All such operations shall be located on a primary road, as defined by the Chippewa County Road Commission, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, said Planning Commission may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas and preventing the breaking up of existing roads which are not "all weather" roads.

2. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate lateral support for adjacent public and private property. No such excavations operation shall be permitted closer that 150 feet to interior boundary lines of the property or such larger setback as may be required by the Planning Commission to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the Planning Commission may reduce or eliminate the required setback from the interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effective to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the board and adequate lateral support as set forth at all times maintained.

3. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation businesses shall at no time be permitted where adequate lateral support for the maintenance of adjoining lands is not maintained.

4. The permanent processing plant and its accessory structure shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the digging or excavating apparatus and to the stockpiling or loading of materials and to the location of transportation equipment.

5. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the Michigan Water Resources Commission, or such other state commission having jurisdiction thereof. No such mining operations shall interfere with the natural established flow of surface waters to the detriment or damage of adjoining public or private properties.

B. Sight Barriers

1. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

   a. Earth berms constructed to a height of six feet above the mean elevations of The centerline of the adjacent public highway or six feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass, trees or shrubs.

   b. Plantings of evergreens trees or shrubbery in rows parallel to the boundaries of the property, not less than four feet in height at the time of planting and which grow to not less than six feet in height at maturity and sufficiently spaced to provide effective sight barriers when six feet in height.

   c. Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six feet and maintained in good repair.

C. Nuisance Abatement

1. Noise and Vibration. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment.

2. Air Pollution. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the

operations shall have their surface treated to minimize any such nuisance.

3. Hours. The operation shall be restricted to the hours of 7 o'clock a.m. until 7 o'clock p.m. and no operations shall be allowed on Sundays.

4. Fencing. All dangerous excavations, pits, and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

D. Reclamation of Mined Areas

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.

2. The following standards shall control reclamation and rehabilitation:

A. All excavation shall be either to water-producing depth of not less than five feet below the average summer level of water in the excavation, or shall be graded or back-filled with non-noxious, non-flammable and non-combustible solids to insure:

i. That the excavated area shall not collect stagnant water and not permit the same to remain therein; or,

ii That the surface of such area which is not permanently submerged is graded or back-filled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

B. The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one foot vertical to three feet horizontal.

C. Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where streets, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.

D. Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

E. Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan my be retained.

E. Performance Bond.

A performance bond or cash shall be furnished the Township Clerk insuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavation operations. The amount of guarantee shall be an amount determined by the Planning Commission proposed to be mined or excavated in the following 12 months' period and which has previously been mined or excavate during any preceding period and not reclaimed and rehabilitated in accordance with this ordinance and the applicant's filed plan. Mined areas resulting in water depth of five feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one vertical to three horizontal for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Zoning Administrator or the Township Planning Commission.

F. Submission of Operational and Reclamation Plans

A. No earth removal, quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the Township Planning Commission disclosing compliance with all of the provisions of the within ordinance or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

1. A contour map of the tract of land involved in the operations, including dimensions of the same, access thereto abutting public streets, and whether or not the same are "all weather" roads, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.

2. The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.

3. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.

4. The location of the principal processing plant and the distance of any proposed excavation or mining from the boundaries of the site.

5. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by the a professional engineer. The written consent of the owners of adjoining premises and of the Planning Commission shall be required if mining operations shall be closer than specified in the within ordinance to the boundaries of the site.

6. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

G. Hearing.

1. After receiving an application for the grant of a special exception permit for an earth removal, quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the Planning Commission shall hold a public hearing upon such application in the same manner preceded by the same notice as set forth in Section 8.03 of this ordinance pertaining to special exception uses.

2. Opportunity shall be given to all present to be heard at such hearing.

3. Following such hearing, said Planning Commission shall grant or deny the application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in the within ordinance and shall be based, in addition, on a consideration of the following:

   a. The most advantageous use of the land, resources and property.

   b. The character of the area in question and its peculiar suitability, if any, for particular uses.

   c. Conservation of property values, as well as natural resources and the general and appropriate trend and character of development in the subject area.

d. The protection and preservation of the general health, safety and welfare of the Township.

e. The scarcity or value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.

f. Whether or not the operations were previously in existence proper to the adoption of the text provision concerning the same and the extent and character of such previous operations.

g. In making any decision, the Township Planning Commission shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of the adjoining residents and property owners. It may also limit the length of time its special exception permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon the same. It shall be empowered to renew or extend a special exception permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violations forming the basis of such revocation or denial of renewal and not less than 30 days have elapsed to correct the said violation. All permits shall be reviewed by the Planning Commission annually.

h. The operator shall be required to pay an annual fee to cover the cost of by the Township.

H. Liability Insurance.

All operators shall be required to carry personal injury and property damage insurance while any un-reclaimed or un-rehabilitated area exists, in the amount of not less than $100,000 for each person or property injured or damaged and not less than $300,000 for injury or damage to more than one person or one person or one person 5 property arising out of one occurrence. Such insurance shall cover injury or result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Township Clerk.

ARTICLE IV

PLANNED UNIT DEVELOPMENT

9.01 SPECIAL EXCEPTION USE

A multiple use development shall be recognized as a special exception use and controlled by the guidelines thereof. Control of such developments shall be responsibility of the Township Planning Commission, but shall only be permitted as a special exception use in Zones "A", "R-1", "R-2", "R-3", "R-4", "C-1", and "C-2."

9.02 PURPOSE

The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in the development of residential areas that is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities and the preservation of open space for park and recreational use. A permit may be issued for construction and occupancy of a multiple use development subject to compliance with the requirements, standards and procedures forth in this Ordinance.

9.03 GENERAL REQUIREMENTS FOR MULTIPLE USE DEVELOPMENTS

Any application for a special exception permit must meet the following conditions to qualify for consideration as a multiple use development.

1. Minimum area: the minimum area required to qualify for a multiple use development special exception permit shall not be less than 10 contiguous acres of land.

2. Ownership: The tract of land for a project must be either in one ownership or the subject of an application filed jointly by the owners of all properties included (the holder of a written option to purchase land or the holder of an executory land contract shall, for purposes such application, be deemed to be an owner of such land).

3. Location: Multiple use developments shall be allowed only within the "R-1", "R-2" "R-3", "R-4", "C-1", and "C~2" zoning districts and providing the applicant can demonstrate that the proposed character of development will meet the objectives of multiple use developments.

4. Utilities: Public water, sanitary sewage and storm drainage facilities shall be provided as part of the site development. All electric and phone transmission wires shall be placed underground.

5. Approval: Approval by the Planning Commission of a sketch plan and detailed site plan for all multiple use developments is required.

9.04 PERMITTED USES

No structure or part thereof shall be erected, altered, or used and no land shall be used except for one or more of the following regardless of the zoning district in which the same is located:

1. Residential Uses:

   a. Single-family detached dwellings, excluding mobile homes

   b. Two-family dwellings

   c. Apartments

   d. Townhouses

   e. Condominiums

   f. Other multi-family dwellings

2. Commercial Uses Designed and Intended to Serve the Convenience Needs of the People Residing in the Multiple Use Development:

   a. Food Stores

   b. Bakeries (retail only)

   c. Barber or Beauty Shops

   d. Banks and Financial Institutions

   e. Shoe Sales and Repair stores

   f. Florist and Garden Shops

   g. Hardware Stores

   h. Variety Stores

   i. Book and Stationary Stores

   j. Dry Cleaning (pickup or coin operated only)

   k. Wearing Apparel Shops

l. Offices

m. Drug Stores

n. Post Office

o. Full course menu, table top, indoor restaurants conforming in appearance to a residence; providing no "drive-in", "short-order" or "car service" food or drink facility; and where any alcoholic beverages served are incidental to the sale of food

p. Private clubs, excepting those of which the chief activity is a service customarily carried on as a business

6. Accessory and Associated Uses Designed and Intended to Serve the Convenience Needs of the People Residing in the Multiple Use Development:

a. Private Garages

b. Storage Sheds

c. Recreational Play Areas

d. Churches

e. Elementary and Secondary Schools

9.05 DESIGN REQUIREMENTS

Within the multiple use development approved under this section, the requirements hereinafter set forth shall apply in lieu of any conflicting regulations set forth in the district in which the development is located:

1. Number of Dwelling Units Permitted:

The maximum number of dwelling units permitted within the project shall be determined by dividing the new multiple use development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.

2. Application for Sketch Plan Approval:

a. Sketch Plan. In order to allow the Planning Commission and the developer to reach an understanding of basic design requirements prior to detailed site design investment, the developer shall submit a sketch plan of his proposal to the Planning Commission. The sketch plan shall be drawn to

approximate scale and clearly show the following information:

1. Boundaries of the property.

2. Location and height of all buildings.

3. Interior roadway system, parking facilities and all existing rights-of-way and easements, whether public or private.

4. Delineation of the various residential and/or commercial areas indicating for each such area its size, number of buildings and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type, plus a calculation of the new residential density and commercial density.

5. The interior open space system.

6. The overall storm water drainage system.

7. If grades exceed 30% of portions of the site, have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and/or ponding, an overlay outlining the above susceptible soil shall be provided.

8. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.

9. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be recommended.

10. A location map showing uses and ownership of abutting lands.

b. Accompanying Documentation. The following documentation shall accompany the Sketch Plan:

1. Evidence that the proposal is compatible with the objectives of the community's plan.

2. General statement as to how common open space is to be owned and maintained.

3. The Sketch Plan shall show the intended total project. If the development is to be constructed in phases, a general indication of how the sequence of phases is to proceed shall be identified.

c. Public Hearing. The Township Planning Commission shall hold a public hearing or hearings on the application for multiple use development in accordance with the provisions of the ordinance for Special Exception Uses.

d. Decision. Following the public hearing, the Township Planning Commission shall, within 60 days, approve or disapproved the Sketch Plan or make modification thereto and so notify the applicant of its decision.

e. Approval of Sketch Plan. Approval of the Sketch Plan shall not constitute approval of the detailed site plan but shall be deemed an expression of approval of the layout as a guide to the preparation of the detailed plan.

f. Request for Changes in Sketch Plan. If it becomes apparent that certain elements of the Sketch Plan, as it has been approved by the Township Planning Commission, become unfeasible and in need of modification, the applicant shall then resubmit this entire Sketch Plan, as amended, to the Township Planning Commission pursuant to the above procedures.

9.06 APPLICATION FOR DETAILED SITE PLAN APPROVAL

a. After receiving approval from the Planning Commission of a Sketch Plan, the applicant may prepare his detailed site plan and submit it to the Planning Commission for approval. However, if more than six months has elapsed between the time of Sketch Plan approval, the Planning Commission may require a re-submission of the Sketch Plan for further review and possible revision.

b. The detailed site plan shall conform to the Sketch Plan that has been given approval. It should incorporate any revisions or other features that may have been recommended by the Planning Commission at the preliminary review. All such compliances shall be clearly indicated by the applicant on the appropriate submission.

c. The detailed Site Plan shall include the following information:

1. Area Map. An area map showing the applicant's entire holding, that portion of the applicant's property under consideration, and all properties, subdivisions, streets, utilities, and easements within 300 feet of applicant's property.

2. Topographical Map. A topographic map showing contour intervals of not more that four feet of elevation shall be provided.

3. Proposed Uses. A site plan showing location, proposed use, and height of all buildings, location of all parking areas, with access and egress drives thereto, location of outdoor storage, if any; location of all existing or proposed site improvements, including drains, culverts, retaining walls and fences, description of method of water supply and sewage disposal and

location of such facilities; location and size of all signs; location and design of lighting facilities; and the amount of building area proposed for non-residential uses, if any.

4. Overlay. A tracing overlay showing all soil types, their location, and those areas, if any, with moderate to high susceptibility to erosion. For areas with potential erosion problems, the overlay shall also include an outline and description of existing vegetation.

5. Required Standards for Approval. The Planning Commission's review of the detailed Site Plan shall include the following:

   a. Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, channelization, traffic controls and pedestrian movement.

   b. Location, arrangement, appearance, and sufficiency of off-street parking.

   c. Location, arrangement, size and entrances of buildings, walkways and lighting.

   d. Relationship of the various uses to one another.

   e. Adequacy, type and arrangement of trees, shrubs, and other landscaping constituting a visual and/or a noise deterring screen between adjacent uses and adjoining lands.

   f. In the case of residential uses, the adequacy of useable open space for playgrounds and recreation.

   g. Adequacy of water supply, storm water and sanitary waste disposal facilities.

   h. Adequacy of structures, roadways, and landscaping in areas with moderate to high susceptibility to flooding, ponding and/or erosion.

   i. Compliance with all regulations of the township zoning ordinance.

   j. Compatibility of adjoining uses on and off the site and preservation thereof.

ARTICLE X

OFF-STREET PARKING OF MOTOR VEHICLES

10.01 STATEMENT OF PURPOSE

Every property owner shall provide and maintain at all times an adequate number of off-street parking spaces, and the necessary loading and unloading facilities associated thereto in each district for all occupants, employees and patrons of said property.

10.02 PLAN

A plan showing the required parking and loading spaces including the means of access and interior circulation, except for one-family and two-family dwellings, shall be provided at the time of application for a zoning permit for the erection or enlargement of any building.

10.03 PARKING SPACE LOCATIONS

Parking space shall be provided in the manner and locations herein specified.

1. No parking area, parking space or loading space which exists at the time this ordinance becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this ordinance shall thereafter be relinquished or reduced in any manner below the requirements established by this ordinance unless additional parking area or space is provided sufficient for the purpose of complying with the provisions of this ordinance within 300 feet of the proposed or existing uses for which such parking will be available.

2. Parking of motor vehicles in residential zones, except those used for farming, shall be limited to passenger vehicles, and not more than one commercial vehicle of the light delivery type not to exceed one and one half (1.5) tons. The parking of any other type of commercial vehicles, or buses, except for those parked on school property or school buses parked at the driver's home, is prohibited in a residential area.

10.04 REQUIREMENTS FOR ALL PARKING SPACES AND PARKING LOTS

1. Each automobile parking space shall be not less than 200 square feet nor less than 20 feet wide exclusive of driveway and aisle space.

2. All off-street parking facilities shall be drained so as to prevent damage to abutting properties or public streets and shall be constructed of materials which will have a dust-free surface resistant to erosion.

3. Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lots.

4. No parking space shall be closer than five feet from the property line.

5. Off-street parking facilities in non-residential zones shall be effectively screened on any side which adjoins or faces property in any residential zone by a wall, fence or compact planting not less than four feet or more than six (6) feet in height. Plantings shall be maintained in good condition and not encroach on adjoining property. Screening shall not be so placed or maintained as to provide a traffic hazard through obstruction of visibility.

6. All off-street parking areas that make it necessary for vehicles to back out directly into a public road are prohibited, provided that this prohibition shall not apply to off-street parking areas of one or two-family dwellings.

7. Space for all necessary loading and unloading operations for any commercial, industrial or other use must be provided in addition to the required off-street parking space. All loading and unloading operations must be carried on entirely within the lot area of the use it serves and shall not interfere with pedestrian or vehicular movement.

8. Requirements for the provision of parking facilities with respect to two or more property uses of the same or different types may be satisfied by the permanent allocations of the requisite number of spaces for each use in common parking facility, cooperatively established and operated, provided that the number of spaces designated is not less than the sum of individual requirements and provided further that the specifications in regard to location, plan, etc., are complied with.

9. The number of parking spaces required for land or buildings used for two or more purposes shall be the sum of the requirements for the various individual uses, computed in accordance with this section; parking facilities for one use shall not be considered as providing the required parking facilities for any other use.

10.05 MINIMUM REQUIRED PARKING SPACES

1. Apartment houses: Two parking spaces per family unit.

2. Office buildings: One parking space for each 200 feet of floor space utilized for work space for employees.

3. Retail stores, supermarkets, department stores, personal service shops, and shopping centers; one parking space for each 100 square feet area in the basement and on the first floor used for retail sales; one space for each 150 square feet of floor area on the second floor unused for retail sales; one space for each 300 square feet of floor area on the third floor used for retail sales; and one space for each 400 square feet of any additional floor used for retail sales.

4. Manufacturing buildings: One parking space for each three employees on the maximum shift.

5. Libraries, museums and post offices: One parking space for each 100 square feet of floor area.

6. Bowling alleys: Three parking spaced for each alley.

7. Motels and tourist homes: One parking space for each separate unit.

8. Theaters, auditoriums, stadiums and churches: One parking space for each four seats.

9. Dance halls, assembly halls and convention halls without fixed seats: One parking space for each 100 square feet of floor area if to be used for dancing or assembly.

10. Restaurants and night clubs: One parking space for each 100 square feet of area.

11. Roadside stand: Two parking spaces.

12. Schools: One parking space for each employee normally engaged in or about the building or grounds. Senior high schools and institutions of higher learning: One parking space for each employee normally engaged in or about the building or grounds and one additional space for each five students enrolled in the institution.

13. Other uses not specifically mentioned: In the case of buildings which are used for uses not specifically mentioned, those provisions for off-street parking facilities for a use which is so mentioned and to which said use is similar in terms of parking demand shall apply.

14. Mixed uses in the same building: In the case of mixed uses in the same building, the amount of parking space for each use specified shall be provided and the space for one use shall not be considered as providing required spaces for any other use except as to churches and auditoriums incidental to pubic and parochial schools permitted herein.

10.06 VARIANCES

The Planning Commission shall have authority to grant variances from the foregoing pursuant to the requirements set forth in this Ordinance.

ARTICLE XI

SIGNS AND BILLBOARDS

11.01 STATEMENT OF PURPOSE

The purpose and intent of this section is to preserve the desirable character of Soo Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business people. At the same time, Soo Township recognizes the right of residents to be free of advertising that could affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs shall be subject to all federal, state, and local statutes and regulations and regulations of this Ordinance. As a result, these regulations permit signs and other displays that are needed for the purposes of identification or advertising, subject to the following objectives:

1. By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.

2. Sign should enhance the aesthetic appeal of the Township. Thus , these regulations are intended to:

    a. Regulate oversized signs that are out-of-scale with the surrounding buildings and structures.

    b. Prevent an excessive accumulation of signs which cause visual clutter and distraction.

DEFINITIONS

11.02 SIGN

A structure, including its base, foundation and erection supports upon which is displayed any words letters, figures, emblems, symbols, designs, or trademarks by which any message or image is afforded public visibility from out of doors on behalf of and for the benefit of any product, place activity, individual, firm, corporation, institution, profession, association, business or organization.

11.03 SIGN, FREESTANDING OR GROUND

A sign supported by permanent uprights or braces in the ground.

11.04 SIGN, IDENTIFICATION

An on-premise sign whose copy is limited to the name and address of a building, institution, person and/or the activity or occupation being identified.

11.05 SIGN, OFF PREMISES

Any sign relating to subject matter not conducted on the premises on which the sign is located.

11.06 SIGN, ON PREMISES

Any sign relating in this subject matter to the premises on which it is located, or to the products accommodations, services, or activities on the premises.

11.07 SIGN, OUTDOOR BUSINESS OR INFORMAL

A freestanding, overhanging, or wall mounted sign located outside a structure on which is displayed information pertaining to a product, use, occupancy, function, service, or activity located within that structure, on the same property as the sign, or at a location different than the property on which the sign is located.

11.08 SIGN, OVERHANGING

A sign that extends beyond any structure wall and is affixed to the sttucture so that its sign surface is perpendicular to the structure wall.

11.09 SIGN, PORTABLE

A sign that is designed to be transported, including but not limited to signs:

a. With wheels removed.

b. With chassis or support constructed without wheels.

c. Designed to be transported by trailer or wheels.

d. Converted A- or T- frame signs.

e. Attached temporarily to the ground, a structure, or another sign.

f. Mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way, except signs identifying the business for which the vehicle is being used in normal day-to-day operations of that business.

11.10 SIGN SURFACE

That portion of a sign excluding its base, foundation and erection supports on which information pertaining to a product, use, occupancy, function, service, or activity is displayed.

11.11 SIGN, WALL

any sign attached parallel to or painted on the exterior surface of a building or structure wall in such a manner that the sign does not extend beyond the surface of the wall it is attached.

11.12 SIGN, WINDOW

Any sign, picture, symbol, or combination thereof, designed to communicate information about any activity, business, commodity, event, sale, or service that is placed on a window pane or glass so that it is visible from the out-of-doors.

REGULATIONS

11.13 SIGNS NOT REQUIRING A SIGN PERMIT

The following signs may be placed in any zoning district without a sign permit, provided such signs comply with any applicable federal or state law or regulation and are located so as not to cause a nuisance or safety hazard:

1. One (1) non-illuminated identification sign per use, not exceeding two (2) square feet of sign surface.

2. Street name signs, route markers and other traffic control signs erected or approved by state, county, or village agencies when necessary to give proper directions or to otherwise safeguard the public.

3. Non-advertising signs erected by any organization, person, firm, or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to:

    a. Road hazards.

    b. High voltage.

    c. Fire danger.

    d. Explosives.

    e. Severe visibility.

4. Non-advertising signs exclusively devoted to controlling property access(no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum sign limitations in Section 11.16.

5. Non-advertising signs marking an historically significant place, building or area when sanctioned by a national, state, or local historic organization recognized by the Planning Commission, provided the sign surface does not exceed the maximum sign limitations in Section 11.16.

6. Signs that have been approved in conjunction with a valid site plan or zoning permit for an principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.

7. Temporary real estate signs, not exceeding 10 square feet, on individual lots advertising a premise for sale or rent.

8. Signs advertising sales such as garage, estate, auction, moving, and yard sales, which last no more than 7 consecutive days, provided the sign surface does not exceed the maximum size limitations of section 11.16.

9. Political and noncommercial signs, provided the sign surface does not exceed the maximum size limitations of Section 11.16.

11.14 SIGNS REQUIRING A SIGN PERMIT

Except as otherwise provided in Section 11.13 above, no sign shall be erected within any zoning district until a sign permit is issued by the Zoning Administrator. Sign permit fees shall be established by the Township Board as provided in this Ordinance. Before using a d\sign permit, the Zoning administrator shall determine that the proposed sign complies with all requirements of this section.

11.15 SIGNS AUTHORIZED BY ZONING DISTRICT

1. Unless otherwise prohibited in this Ordinance, an outdoor business or informational sign, off-premise sign or temporary sign shall be permitted on property within the "C-1", "C-2", and Planned Unit Development District and on property in any zoning district on which a home occupation is located, if and only if all of the requirements of this section are met.

2. Unless otherwise prohibited in this Ordinance an outdoor business or informational sign, temporary sign, or one identification sign at each entrance to residential subdivisions or developments shall be permitted on property within "R-1", "R-2", "R-3", and "R-4" Districts.

11.16 SIZE REGULATIONS

1. The sign surfaces of all outdoor business or informational signs, off-premise signs, portable signs, and signs expressing noncommercial views shall not exceed the following size limitations:

Zoning District	Maximum Size of Sign Surface
R-1, R-2, R-3, and R-4	Ten square feet
C-1 and PUD	Twenty-four square feet
C-2	Thirty-two square feet

2. All identification signs located at the entrance to residential subdivisions and developments shall be no more that sixteen square feet per sign.

11.17 LOCATION REGULATIONS

The following regulations apply to all signs regardless of the zoning district in which they are located:

1. No off-premise sign shall be permitted in R-1, R-2 R-3, or R-4 zoning districts.

2. No freestanding sign shall exceed a maximum height of twenty (20) feet, as measured from the ground to the top of the sign.

3. Both sides of any freestanding or overhanging sign may be used as a sign surface.

4. Before erecting an overhanging sign above a public right-of-way, the owner of the sign shall receive the written approval of the proper governmental agency having jurisdiction over that right-of-way. An overhanging sign shall not project beyond the structure wall to which it is attached more than five (5) feet and shall be no less than fourteen (14) feet above the public right-of-way.

5. Freestanding signs may be permitted in a front yard, provided the sign is located no less than ten (10) feet from the front line.

6. In no case shall a wall sign or window sign exceed a total on ten percent (10%) of the area of the building wall to which it is attached.

7. No sign shall be placed at any location which obstructs the vision of drivers using a public or private street or alley or which obstructs the vision of drivers using any driveway, parking lot or other route providing ingress or egress to any premise.

8. A commercial use located in any zoning district shall not have more than 2 off-premise signs related to that commercial use and such signs shall be permitted in the C-1 and C-2 zoning districts. Not mote than 1 off-premise sign shall be allowed in the C-1 and C-2 zoning districts per 300 feet of road frontage or 1 off-premise or on-premise sign per lot, whichever allows more signs.

9. No sign shall be located on the roof of any building or structure.

11.18 SIGN LIGHTING

The following regulations apply to all signs regardless of the zoning district in which they are located.

1. Signs may be illuminated, provided the lighting is directed, shaded, or designed so as to not interfere with vision of persons on adjacent highways, streets or properties and is not directed skyward as to unnecessarily illuminate the night sky.

2. Except for time and temperature signs containing flashing, intermittent or moving lights are prohibited.

3. For internally lighted signs, the sign backboard or field shall be opaque. Letters, numerals, logos and similar message elements may be of a transparent material to permit the internal lighting to reveal the message or information on the sign surface.

11.19 TEMPORARY SIGNS

The following regulations apply to all temporary signs regardless of the zoning district in which they are located.

1. Portable signs shall be allowed for a maximum of 30 days within any calendar year.

2. In the case of a special event, which occurs no more than once every 6 month and lasts for a period not to exceed 21 consecutive days, advertising devises such as banners, balloon, flags, pennants, pinwheels, searchlights or other devices wit similar characteristics are permitted for a period of not more than 7 days prior to the special event and not more than 1 day after the completion of the special event.

3. In the case of a special event lasting more than 7 consecutive days that occurs periodically throughout the year, the same times, and for the same duration, advertising such banners, balloons, flags, pennants, pinwheels, searchlights or other devises with similar characteristics are permitted pursuant to an annual zoning permit for a period not more than 72hours prior to the special event and not more than 12 hours after the completion of the special event.

4. Signs advertising sales such as garage, estate, auction, moving, and yard sales, which last no more than 7 consecutive days, shall be permitted no more than 48 hours prior to sale, provided the signs are removed immediately after the sale.

11.20 SIGN MAINTENANCE

A property owner may maintain or improve an existing conforming sign without a sign permit, provided the type, size, shape, height and use remains the same.

11.21 NONCONFORMING SIGNS

any sign lawfully in existence prior to the enactment of this section which does not meet the requirements of this section may continue in use as a nonconforming sign. The maintenance, reconstruction, alteration, discontinuation or change in a nonconforming sign shall be governed by this Ordinance.

11.22 VARIANCES

The Planning Commission shall have the power to authorize upon an appeal, specific variances from the requirements of this section. The request for a variance from the requirements of this section shall be governed by the rules and procedures relating to variances contained in this ordinance.

ARTICLE XII
[RESERVED]

ARTICLE XIII

TELECOMMUNICATION TOWERS

13.01 PURPOSE

The purpose of this Ordinance is to establish general guidelines for the location of wireless telecommunication towers, alternative tower structures and antennas to provide reasonable or adequate coverage. The Township recognizes that it is in the public interest to permit the location of wireless telecommunication towers, alternative tower structures and antennas within the township. The Township also recognizes the need to protect the scenic beauty of Soo Township from unnecessary and unreasonable visual interference, and that wireless telecommunication towers, alternative tower structures and antennas may have negative aesthetic impacts upon adjoining and neighboring uses. As such, this Ordinance seeks to:

a. Protect residential areas from potential adverse impact of towers and antennas such as causing visual pollution, creating safety hazards, or reducing property values on adjacent properties;

b. Encourage the location of towers in nonresidential areas;

c. Minimize the total number of towers throughout the community;

d. Encourage the joint use of new and existing tower sites rather than the construction of additional towers;

e. Encourage developers of towers and antennas to configure them in a way that minimizes their adverse visual impact;

f. Comply with provisions of State and Federal law;

g. Consider the public health and safety of telecommunication towers and alternative tower structures;

h. Avoid potential damage to adjacent property from tower failure;

i. Preserve the scenic rural character and appearance of the township while simultaneously allowing adequate personal wireless services to be developed.

j. Minimize the total number and height of towers throughout the township.

13.02 LIMITATIONS

a. Telecommunication towers and facilities and alternative tower structures, are subject to Article 13 of the Zoning Ordinance.

b. It is the intention of this Ordinance to exempt such essential services as defined in Article 2 from the application of this Ordinance. Telecommunication towers,

alternative tower structures and antennas shall be regulated and permitted to pursuant to this Ordinance and shall not be regulated or permitted as essential services, public utilities or private utilities.

c. In addition to the standards set forth in a particular zone and the standards set forth in Article 13 of this Ordinance, the uses below must meet the additional standards:

13.03 LOCATION

a. Antenna co-located on Telecommunications towers or alternative tower structures which have received Special Approval which included review of the standards set forth in Article 13 of this Ordinance are specifically permitted in any zone.

b. Telecommunication towers shall not be located in any area designated by the Soo Township Master Plan, as amended or revised from time-to-time.

c. No structure more than one hundred fifty feet (150') tall can be built within a diameter of ten thousand feet (10,000') from the airport or within the conical airspace which extends four thousand feet (4,000') beyond that diameter.

d. The use of repeaters to assure adequate coverage, or to fill holes within areas of otherwise adequate coverage, while minimizing the number of towers is permitted and encouraged.

e. An applicant who has received Special Approval may, within thirty (30) days written notice to the Planning Commission and Township Board, install one or more additional repeaters by right.

f. Site plan Review before the Planning Commission shall be required.

g. The Planning Commission shall publish written notice of the public meeting as specified in Article 13 of this Ordinance.

h. The applicant shall detail the number, location, power output and coverage of proposed repeaters in their systems and provide engineering data to justify their use.

13.04 REQUIREMENTS: APPLICATION

The following information shall be provided in support of an application to construct a wireless telecommunication tower:

1. Certification from a Michigan licensed professional engineer as to manner in which the proposed wireless telecommunication tower is designated to collapse.

2. A map depicting the existing and known proposed location of wireless telecommunication facilities, including wireless telecommunication antenna attached to alternative tower structures, within Soo Township as well as within the

proposed service area radius.

3. The name, address, and telephone number of the person to contact regarding site maintenance or other notification purposes. This information shall be periodically updated by the tower owner.

4. A statement which indicates the applicant's intent to allow the co-location of other antenna, provided that the cost of modifying the existing tower is borne by the co-location entity and reasonable compensation is paid by the co-locating entity.

5. The applicant shall provide written documentation for each facility site listed:
   a. Exact location in longitude and latitude to degrees, minutes and seconds.
   b. Ground elevation
   c. Height of tower or structure
   d. Type of antennas
   e. Antenna gain
   f. Height of antennas on tower or structure
   g. Output frequency
   h. Number of channels
   i. Power input
   j. Maximum power output per channel
   k. Potential adjustments to these facility sites, including changes in antenna type, orientation, gain, height or power output.
   l. Radial plots from each of these facility sites, as they exist, and with adjustments as above.

6. Upon submission of an application, the Planning Commission shall recommend that the Township Board hire an independent consultant who services shall be paid for by the applicant. These consultants shall each be qualified professionals with a record of service to municipalities in one of the following fields:
   a. Telecommunications engineering
   b. Structural engineering
   c. Monitoring of electromagnetic fields, and if determined by the Planning Commission,

d. Other consultants

7. The Planning Commission may require the applicant to arrange and fly or raise upon a temporary mast, a three foot diameter, brightly colored balloon at the maximum height and at the location of the proposed tower, in a timely fashion. The balloon shall be flown for at least four (4) consecutive hours sometime between 9:00 a.m. and 5:00 p.m. on the chosen dates.

8. The applicant shall inform the Planning Commission and the Township Board in writing of the dates and times of the test, at least fourteen (14) days in advance of the test.

9. The applicant shall advertise in the local newspaper, the dates (including a second date, in case of poor visibility on the initial date), times and location of this balloon test. The advertisement shall appear seven (7) days and fourteen (14) days in advance of the first date.

13.05 REQUIREMENTS: EVIDENTIARY

1. The applicant must demonstrate that no existing tower, alternative tower structure or alternative technology not requiring the use of towers or alternative tower structures can accommodate the applicant's proposed antenna.

2. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other alternative towers or alternative technology.

3. Evidence submitted to demonstrate that no existing tower, alternative tower structure or alternative technology can accommodate the applicant's proposed antenna shall consist of all of the following:

   a. No existing towers or alternative tower structures are located within the geographical area which meet applicant's engineering requirements.

   b. Existing towers or alternative tower structures are not of sufficient height to meet applicant's engineering requirements.

   c. Existing towers or alternative tower structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

   d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or alternative tower structures, or the antenna on the existing towers or alternative tower structures would cause interference with the applicant's proposed antenna.

   e. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for sharing are unreasonable. Costs exceeding new tower

development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

g. The applicant demonstrates that an alternative technology that does not require the use of towers or alternative tower structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireless system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

4. The applicant must provide an agreement to rent or lease available space on the tower, under the terms of a fair-market lease, without discrimination to other personal wireless service providers.

5. The applicant shall demonstrate that the proposed personal wireless service facility or tower will not have an undue adverse impact on historical resources, scenic views, residential property values, natural or man-made resources.

6. The applicant shall demonstrate that all reasonable measures will be taken to mitigate potential adverse impacts of the facilities.

7. The applicant shall demonstrate that the required monitoring program is in place and will be paid for by the applicant.

8. The Independent Consultant shall prepare a report of the pre-testing monitoring results and submit copies to the Planning Commission, the Township Board, the Health Department, the Township Zoning Administrator and the Township Clerk.

9. After transmission begins, the owner(s) of any personal wireless service facility(s) located on any facility site shall pay for an independent consultant, hired by the Township, to conduct testing and monitoring of EMF radiation emitted from the site.

10. The Independent Consultant shall submit a report of routine annual monitoring which includes the following:

a. Reports of routine annual monitoring of emissions using actual field measurements of radiation, utilizing the monitoring protocol.

b. This monitoring shall measure levels of EMF radiation from the facility site's primary antennas, as well as from repeaters (if any).

c. If any major modifications are made to the existing facility, or any additional permitted channels are activated, then new monitoring shall be conducted.

11. The Independent Consultant shall prepare a report of the annual monitoring results and submit copies to the Planning Commission, the Township Board, the Health Department, the Township Zoning Administrator and the Township Clerk.

12. If the monitoring of a facility site indicates that the site exceeds the FCC 96-326 standard, then the owner(s) of all facilities utilizing this site shall be notified. The owner(s) shall submit a plan or the reduction of emissions to a level that complies with the FCC 96-326 standard within ten (10) business days of notification of non-compliance to the Planning Commission.

13. The plan for reduction of emissions shall reduce emissions to the standard immediately after initial notification of non-compliance.

14. Failure to accomplish this reduction of emission immediately after the initial notification of non-compliance, shall be a violation of Special Approval and subject to the penalties and fines of this Ordinance. Such fines shall be payable by the owner(s) of the facilities with antennas on the facility site until compliance is achieved.

15. Tower owner(s) shall pay for an Independent Consultant (a licensed professional structural engineer), hired by the Township, to conduct inspections of the tower's structural integrity and safety.

16. Guyed towers shall be inspected every three (3) years. Monopoles and non-guyed lattice towers shall be inspected every five (5) years.

17. The Independent Consultant shall prepare a report of the inspections and submit the report to the Planning Commission.

18. Any major modification of the existing facility which includes changes to the tower dimensions, antenna numbers or types of antennas shall require a new structural inspection.

19. If the inspection of any tower reveals any structural defect(s), which in the opinion of the Independent Consultant render(s) that tower unsafe, then the following actions must be taken:

    a. Within ten (10) business days of notification of unsafe structure, the owner(s) of the tower shall submit a plan to remediate the structural defect(s).

    b. This remediation plan shall be initiated within ten (10) days of the submission and completed as soon as reasonably possible.

    c. Failure to accomplish this remediation of structural defect(s) within ten (10) business days of initial notification shall be a violation of the Special Approval and subject to the penalties and fines specified by the Township Board.

    d. Such fines shall be payable by the owner(s) of the tower until compliance is achieved.

13.06 SETBACKS

1. The following setback requirements shall apply to all towers for which Special Approval is required.

2. Towers must be set back a distance equal to at least seventy five percent (75%) of the height of the tower from any adjoining lot line.

3. Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

13.07 FENCING: SECURITY

1. Towers and attendant accessory structures shall be enclosed by security fencing not less than six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.

13.08 LANDSCAPING

1. The following requirements shall govern the landscaping surrounding towers for which Special Approval is required:

   a. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet (5') wide outside the perimeter of the compound.

   b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

   c. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

13.09 REQUIREMENTS: COUNTY, STATE, AND FEDERAL

1. The applicant must demonstrate that the tower meets or exceeds current standards.

2. All towers must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the county, state or federal government with the authority to regulate towers and antennas.

3. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency.

4. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

13.10 COMPLIANCE: MONITORING & EVALUATION

1. Pretesting shall be conducted after the granting of Special Approval and before the Applicant's personal wireless service facilities begin transmission.

2. The applicant shall pay for an Independent Consultant, hired by the Township Board, to monitor background levels of EMF radiation, around the proposed facility site and/or repeater locations to be utilized for the Applicant's personal wireless service facilities.

3. The Independent Consultant shall use monitoring protocol.

4. Applicant shall demonstrate that towers and antennas meet the following requirements:

   a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

   b. At a tower site, the design of the buildings and related structures shall use material, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

   c. Where feasible alternative exists, towers, alternative tower structures and supporting structures shall not utilize a power source which generates noise able to be heard by a person of normal aural acuity and adjoining property lines or public property; however, this section shall not be construed as limiting the use of temporary generators or similar devices used to create power during periods of interruption of the primary power source.

13.11 LIGHTING

1. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the applicant must demonstrate that the lighting alternatives and design chosen cause the least disturbance to the surrounding views.

13.12 TOWER HEIGHT

1. Towers shall meet the following height and usage criteria:

   a. For a single user, up to ninety feet (90') in height.

   b. For two users, up to one hundred-twenty feet (120') in height.

   c. For three or more users, up to one hundred-fifty feet (150') in height.

13.13 CODES: COMPLIANCE

1. The applicant must demonstrate that the antenna and metal towers are grounded for protection against a direct strike by lightening and comply as to electrical connections and wiring and as to structural integrity with all applicable state and local building codes and the applicable standards for towers published by the Electronic Industries Association, as amended from time-to-time.

2. The applicant must demonstrate that the tower shall be located so that it does not interfere with television and radio reception to neighboring residential areas.

13.14 SIGNS

No signs shall be allowed on an antenna or tower; except signs required pursuant to federal, state, or local statute, ordinance or rule.

13.15 SPACING

Towers shall be located no closer than one (1) mile from an existing telecommunication tower or alternative tower structure, as measured in a straight line between the base of the existing tower and the proposed base of the proposed tower.

A tower shall not be located within two hundred feet (200) or three hundred percent (300%) of the height of the tower, whichever is greater, of a single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.

Distance for the purpose of this section shall be measured from the base of the tower structure to the lot line of the single family or multiple family dwelling unit, church, school, or other structure normally used and actually used for the congregation of persons.

13.16 ABANDONED ANTENNAS AND TOWERS: REMOVAL

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Township notifying the owner of such abandonment.

Along with said removal, said owner shall restore the site of said antenna or tower to its original condition prior to location of the antenna or tower subject to reasonable wear and tear.

Failure to remove an abandoned antenna or tower within said ninety (90) days shall be grounds to remove the tower or antenna at the owner's expense.

If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

The Planning Commission must require the applicant to file a bond equal to the reasonable cost of removing the tower, antenna, alternative tower structure or other supporting structure(s) as a condition of Special Approval given pursuant to this section.

ARTICLE XIV

[RESERVED]

ARTICLE XV

ZONING BOARD OF APPEALS

15.01 CREATION AND MEMBERSHIP

There is hereby established a Board of Zoning Appeals, herein referred to as the "Board of Appeals," which shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be observed, public safety secured, and substantial justice done. The Board of Appeals shall consist of five (5) members, as follows:

1. The first member shall be a member of the Township Planning Commission.

2. The remaining members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township.

3. The first member of the Board of Appeals shall serve during his tenure of office on the Planning Commission. The second and third members shall serve for an initial period of three (3) years. The fourth and fifth members shall serve for an initial period of two (2) years. Upon reappointment the terms of the offices for the fourth and fifth members shall be for three (3) years.

4. One member may be a member of the Township Board and his membership term shall be limited to the time he is a member of the Township Board. An elected officer of the Township shall not serve as chairperson of the Board of Appeals. An employee or contractor employed by the Township Board may not serve as a member or an employee of the Board of Appeals.

5. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office, upon filing of written charges and after public hearing before the Township Board. Any vacancy for an unexpired term shall be filled within one month after the vacancy occurred and the new appointee shall fill out the remainder of the unexpired term.

15.02 JURISDICTION

The Board of Appeals shall have all jurisdiction and powers granted by the Zoning Act, all jurisdiction and powers prescribed in other Articles of this Ordinance and the following specific jurisdiction and powers:

a. To hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision or refusal made by any administrative official in carrying out or enforcing any provisions of this Ordinance.

b. To hear and decide in accordance with the provisions of this Ordinance, requests for exceptions, for interpretations of the Zoning Map, and for decisions on special

approval situations on which this Ordinance specifically authorizes the Board of Appeals to pass.

c. To authorize, upon an appeal, a variance from the strict application to the provisions of this Ordinance where by reason of the exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this Ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Ordinance.

The Board of Appeals shall not have the power to alter or change the Zoning District classification of any property, nor to make any change in the terms of this Ordinance nor to permit any use in a district in which it is not permitted.

15.03 MEETINGS OF BOARD OF APPEALS

All meetings of the Board of Appeals shall be held at the call of the Chairman, and at such times as the Board of Appeals may determine. The Board of Appeals shall not conduct business unless three (3) members of the Board of Appeals are present. All meetings of the Board of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member on each questions, or if absent or failing to vote, indicating such fact, and shall keep records of its findings, proceedings at hearings, and other official actions, all of which shall be immediately filed in the office of the Township Clerk and shall be a public record.

The Chairman of the Board of Appeals or in his absence the Acting Chairman shall have the power to compel the attendance of witnesses and administrator oaths.

15.04 APPEAL PROCEDURE

An appeal may be taken to the Board of Appeals by any person, firm or corporation, or by any officer, department, board or bureau affected by a decision of the Zoning Administrator. Such appeals shall be taken within such time as shall be prescribed by the Board of Appeals by general rule, by filing with the Zoning Administrator a notice of appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all of the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Appeals after notice of appeal has been filed with him that by reason of facts tatted in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed, otherwise than by a restraining order, which may be granted by a court of record.

15.05 SCHEDULE OF FEES AMENDMENTS

The Township Board may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Appeals. At the time the notice for appeal is filed said fee shall be paid to the Township Treasurer.

15.06 SPECIFIC CASES

The Board of Appeals shall make no recommendation except in a specific case and after a public hearing conducted. It shall by general rule or in specific cases, determine the interested parties who, in the opinion of the Board of Appeals, may be affected by any matter brought before it, which shall in all cases include all owners of record of property and the occupants of all single-family and two-family dwellings within three hundred (300) feet of the premises in questions, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. If the tenant's name is not known, the term occupant may be used. The Board of Appeals may give such notice to other interested parties as it shall prescribe.

15.07 NOTICE AND PLACE OF HEARING

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties and shall render a decision on the appeal without unreasonable delay. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

15.08 DECISION PROCESS

The majority vote of three (3) members of the Board of Appeals shall be necessary to reverse any order, requirements, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by the Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Soo Township Board, in the manner provided by law.

15.09 GRANTING OF VARIANCES

No variance in the provisions or requirements of this Ordinance shall be authorized by the Board of Appeals unless it is found from the evidence that all of the following conditions exist:

a. There are exceptional or extraordinary circumstances or conditions applying to the property in question which are different than other properties in the same zoning district or the variance would make the property consistent with the majority of other properties in the vicinity;

b. The variance is necessary for the preservation and enjoyment of a substantial property right;

c. Granting the variance will not impair an adequate supply of light and air to adjacent

property or unreasonable increase the congestion in public streets, or increase the danger of fire or endanger the public safety, comfort, morals or welfare of the inhabitants of Soo Township.

15.10 CONDITIONS

In granting a variance the Board of Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this Ordinance.

15.11 OFFICIAL RECORD: FINDINGS OF FACT

Minutes shall be kept of each meeting. The Board of Appeals shall record into the minutes all relevant findings, conditions, facts and other relevant factors, including the vote of each member upon each questions, or if absent or failing to vote, and all of its official actions. To this end the Board of Appeals shall prepare an official record for all appeals and shall base its decision on this record. The official record shall, at a minimum, include the following items:

a. The relevant administrative records and orders issued relating to the appeal;

b. The notice of the appeal;

c. Such documents, exhibits, photographs or written reports as may be submitted to the Board of Appeals for its consideration.

d. The finding of the Board of Appeals, stating the facts of the appeal, the decision, any conditions of the decision and the reasons for reaching such a decision.

15.12 ORDERS

In exercising the above powers, the Board of Appeals may reverse or affirm wholly or partly, or may modify the orders, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator from whom the appeal is taken.

15.13 MISCELLANEOUS

Decisions and orders of the Board of Appeals shall become effective five (5) days after the decision is reached, unless the Board of Appeals shall find immediate effect is necessary to preserve a substantial property right and shall so certify in the record.

15.14 VALIDITY OF ORDER: LENGTH OF TIME

No order of the Board of Appeals permitting the erection of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

15.15 VALIDITY OF ORDER: SPECIAL CIRCUMSTANCE

No order of the Board of Appeals permitting a use of a building or premises shall be valid for a period longer than six (6) months unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

15.16 RE-FILING FOR VARIANCE

No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted within one (1) year from the date of the original filing of an application for the variance, except on grounds of new evidence or proof of changed conditions relating to the reasons for the denial of the original appeal found by the Board of Appeals to be valid.

15.17 FINAL DECISION

The decision of the Board of Appeals shall be final. Appeals from decisions of the Board of Appeals shall be to the Chippewa County Circuit Court, as provided by law.

ARTICLE XVI
ADMINISTRATION AND ENFORCEMENT

ZONING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

16.01 PERMIT

No structure shall be erected, altered, or excavations started until a zoning permit for such erection or alteration shall have been issued.

16.02 UNLAWFUL USES

It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a certificate of zoning compliance has been issued for that premises certifying that the structure or use complies with the provisions of this ordinance. Such certificates of zoning compliance shall be granted or denied within 30 days from the date that a written application is filed with the Township Zoning Administrator.

16.03 COMPLIANCE WITH REGULATIONS

Prior to the issuance of such certificate of zoning compliance, the Township Zoning Administrator shall be satisfied that the building to be erected or that the alterations to be done shall comply in all respects with the health laws and ordinances and the provisions of these regulations. It shall be the duty of the applicant for such certificate of zoning compliance or permit to furnish to the Zoning Administrator such plans or other information as the Zoning Administrator may require in order to be reasonably satisfied that the building to be erected or altered will so comply. Fees shall be charged and paid to the Township Treasurer upon the issuance by the Zoning Administrator of certificates of zoning compliance for all new construction projects, alterations, additions to, or repairs on all existing buildings or structures, to wit: as shall be determined by resolution of the Township Board.

16.04 ISSUANCE OF A ZONING PERMIT

Whenever the information supplied in above is determined to be in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the owner a Permit within 10 days of such determination. In any case, where a Permit is refused, the cause shall be stated in writing to the applicant. A zoning permit is not automatically transferable. A permit to be transferred shall be reviewed by the Zoning Administrator with the proposed recipient to insure a clear understanding of the requirements of the permit.

16.05 EXPIRATION

Any Zoning Permit under which no substantive work has been undertaken within 12 months from the date of issuance shall expire by limitation but shall be renewable upon re-application and payment of appropriate fees as determined by the Township and subject to the provision of all

Ordinances in effect at the time of renewal.

16.06 REVOCATION

The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of this Ordinance, or in the case of false statement or misrepresentation made in the application. The owner or applicant shall be notified of such revocation in writing as shall the Chippewa County Building Inspector.

ENFORCEMENT

16.07

Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.

16.08

Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined in subsection 20.2001 above or who violates or fails to comply with this Ordinance or permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being Sections 600.101-600.9939 of Michigan Complied Laws, and shall be subject to a fine of not more than Five Hundred and 00.100 ($500.00) Dollars. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.

16.09

The Township of Zoning Administrator is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.

16.10

In addition to enforcing this Ordinance through the use of a municipal civil infraction proceeding, the Township may initiate proceedings in the Chippewa County Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

ARTICLE XVII
REZONING AND AMENDMENTS

17.01 STATEMENT OF PURPOSE

Amendments or supplements to this Ordinance may be made from time-to-time in the manner provided by law.

17.02 WHO MAY REQUEST AN AMENDMENT

The following may request an amendment to the Ordinance Text or Map:

1. The Township Board.
2. The Planning Commission.
3. The Zoning Board of Appeals.
4. The Zoning Administrator.
5. The resident of, or owner of land in Soo Township.

17.03 PROCEDURE

The following steps must be followed:

1. A request shall be made upon the filing of a form for an Ordinance Amendment which shall be obtainable from the Township Zoning Administrator or the Township Clerk.

2. This form shall be filled out in its entirety and be accompanied by a non-refundable application fee as specified in the Soo Township schedule of Fees as adopted and amended from time to time by the Township Board.

3. An Application for a rezoning of a parcel of property shall contain, at a minimum, the following information:

   a. The legal description of the premises involved.

   b. The zone in which such premises are presently situated .

   c. The zone into which the applicant desires such premises to be situated.

   d. The name and address of the applicant.

   e. The name and address of the property owner if other than the applicant.

f. Reasons for requesting the rezoning.

4. An application for an amendment tot he text of the Zoning Ordinance shall contain, at a minimum, the following information:

   a. The language requested to be changed, added or deleted.

   b. The reason for the requested change.

   c. The impact, expected or desired result of amending the text of the Ordinance.

   d. The name and address of the applicant.

5. The application and fee shall be submitted to the Zoning Administrator who shall review the submitted application for completeness and accuracy.

6. Upon a determination that all required materials and information has been submitted, the Zoning Administrator shall notify the Secretary of the Planning Commission who shall cause a public hearing to be scheduled.

17.04 PLANNING COMMISSION: ACTION AND APPLICATION

1. Said application shall be scheduled for a public hearing by the Planning Commission at its next meeting following the receipt thereof by the Secretary of the Planning Commission, provided however, that there si adequate and sufficient time for giving all public notices by law.

2. For text amendment requests, the Planning Commission may recommend to the Township Board, modification, rejection, or the adoption of said proposal either in its original or changed form.

3. For the rezoning requests, the planning Commission may recommend the rezoning of all property to be zone requested, a portion of the property to the zone requested or recommend denial of the rezone request.

17.05 PLANNING COMMISSION: RESPONSIBILITIES

1. Before taking any action or making any recommendation on a map or text amendment, the Planning Commission shall hold a minimum of one public hearing.

2. When an application for an Ordinance amendment filed in proper form and with the required data, the Secretary shall immediately place the application upon the calendar for hearing and cause notices stating time, place, and object of the hearing to be served.

3. Notice of the hearing shall be by two publications in a newspaper that circulates the Township, the first to be published not more than 30 days or less than 20 days and the second not more than 8 days before the date of the hearing.

4. If an individual property or several adjacent properties are proposed for rezoning , notices shall be served personally or by mail at least 8 days prior to the day of such hearing, upon the applicant, the property owner, the Zoning Administrator, and all persons assessed for any real property within 300 feet of the premises in question and to the occupants of all structures or dwelling units within 300 feet of the premises in question.

5. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the name of the occupant is unknown, the term Occupant may be used in making notification.

6. Any party may appear at such hearings in person or by agent or by attorney.

7. A notice shall be mailed by first class mail to all utilities operating or having business interests within the Township no less than 20 days prior to the public hearing provided said utility registers its name and mailing address with the Planning Commission for the purpose of receiving such notice.

8. An affidavit of mailing shall be retained on file with the application for text or map amendment.

9. All notices shall contain a summary or complete text or effect of the proposed change, the time, date, and location of the public hearing.

10. In addition, the notice shall state the times and locations where proposed changes as will as currently existing Ordinance can be examined or purchased.

11. Following such public hearing, the Planning Commission shall submit the proposed amendment or supplement, a summary of the contents received as well as the recommendations of the Planning Commission and the rationale supporting the recommendation to the Township Board and to the Chippewa County Planning Commission for its review.

12. The County Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment(s).

13. The Chippewa County Planning Commission shall have 30 days or such additional time as may be allowed by the Township to review and provide comments back to the Township.

14. After the Township Board had received the recommendation of the Planning Commission and the Chippewa County Planning Commission or after 30 days has passed since the Planning Commission submitted their recommendation to the County Planning Commission, the Township Board may take action.

15. The Township Board may hold a public hearing if it so desires or shall hold public hearing if requested by certified mail by a property owner.

16. Should the Township Board hold a public hearing, it shall publish one notice no more than 15 days and not less than 5 days prior to the hearing.

17. Should the Township Board elect to consider changes to the text or map amendment as recommended by the Planning Commission, it shall refer the changes to the Planning Commission and request a report to be submitted back to the Township Board within a specified time period.

18. The Township Board may take action at a regular or specially scheduled meeting called for that purpose, may adopt the amendment(s) by a majority of the full Township Board.

19. Within 15 days after the adoption by the Township Board, the Township Board shall publish the amendment or a summary of the regulatory effect of the amendment along with an effective date of the amendment.

20. Should the Township Board not specify an effective date, the amendment shall take effect 30 days after publication.

21. The publication shall contain the location and hours at which the Ordinance can be reviewed or purchased.

17.06 STANDARDS: ACTIONS

To enable the Planning Commission and the Township Board to objectively determine whether a proposed zoning amendment should be granted, the following issues should be addressed prior to making a decision:

1. Text amendments for the purpose of adding land uses to a zone district classification:

   a. Is the use already provided for in another zone district in the Ordinance?

   b. Is the use compatible with uses already permitted by right and by special land use in that district?

   c. How does the use relate to and is it supported by the Master Plan?

   d. Does the use meet the spirit and purpose of the Ordinance, and with the intent

of the zoning district?

e. Would the use be more appropriately be located in another zone district of this Ordinance?

f. Would the use be more appropriate if permitted as a special land use?

g. Is there a reason or need to add the use to this district?

2. For text amendments to change or add additional regulation or standards:

a. Does the proposed rule, change or addition reinforce or assist in implementing the Master Plan?

b. Is the proposed rule, change, or addition in keeping with the spirit and purpose of the Ordinance, and with the objectives of valid public purpose?

c. Is this the best means to address the issue? Can it be accomplished in another, more appropriate fashion? Does this address a new problem, concern or use that is not currently addressed in this Ordinance?

d. Is the proposed text change endorsable?

3. For rezoning requests to change, create, extend or reduce a mapped a zoning district:

a. Are there substantial reasons why the property cannot be reasonably used as currently zoned?

b. Is the use desired to be established in the new district more appropriately handed as a special land use in the existing district or another district?

c. If the zone changed is proposed, is it supported by the Master Plan?

d. What impact would a change have upon the area? Would a change of present district boundaries be compatible with the existing land uses in the land area? Will it adversely affect property values?

e. Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?

f. Would the rezoning constitute a spot zone granting a special privilege to one landowner not available to others?

g. Was there a mistake in the original zoning classifications?

h. Has there been a change of conditions in this portion of the Township that would

support the proposed rezoning?

i. Would the change severely impact traffic, public facilities, and the natural characteristics if the area, or significantly change population density? Is the change consistent with the [purposes for which zoning is adopted?

j. Is the proposed change out os scale with the needs of the community?

k. If the change is approved, what will be the probable effect on stimulation of similar zoning requests in the vicinity? Would this secondary affect negatively impact community plans and public services?

l. Is the proposed change precedent setting?

m. Is the proposed boundary appropriate?

As a rule, Township concerns regarding a rezoning are embodied in the following question. Is this an appropriate location for all the uses which are permitted under the requested zone district?

17.07 POWER OF REVOCATION

The Township Board shall have the power to revoke or cancel any change of zoning effected fro any failure or neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in the application filed pertaining to rezoning proceedings. This shall be undertaken using the process ser forth above for the original amendment.

ARTICLE XVIII
VALIDITY

18.01 VALIDITY

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

ARTICLE XIX
EFFECTIVE DATE AND REPEALER

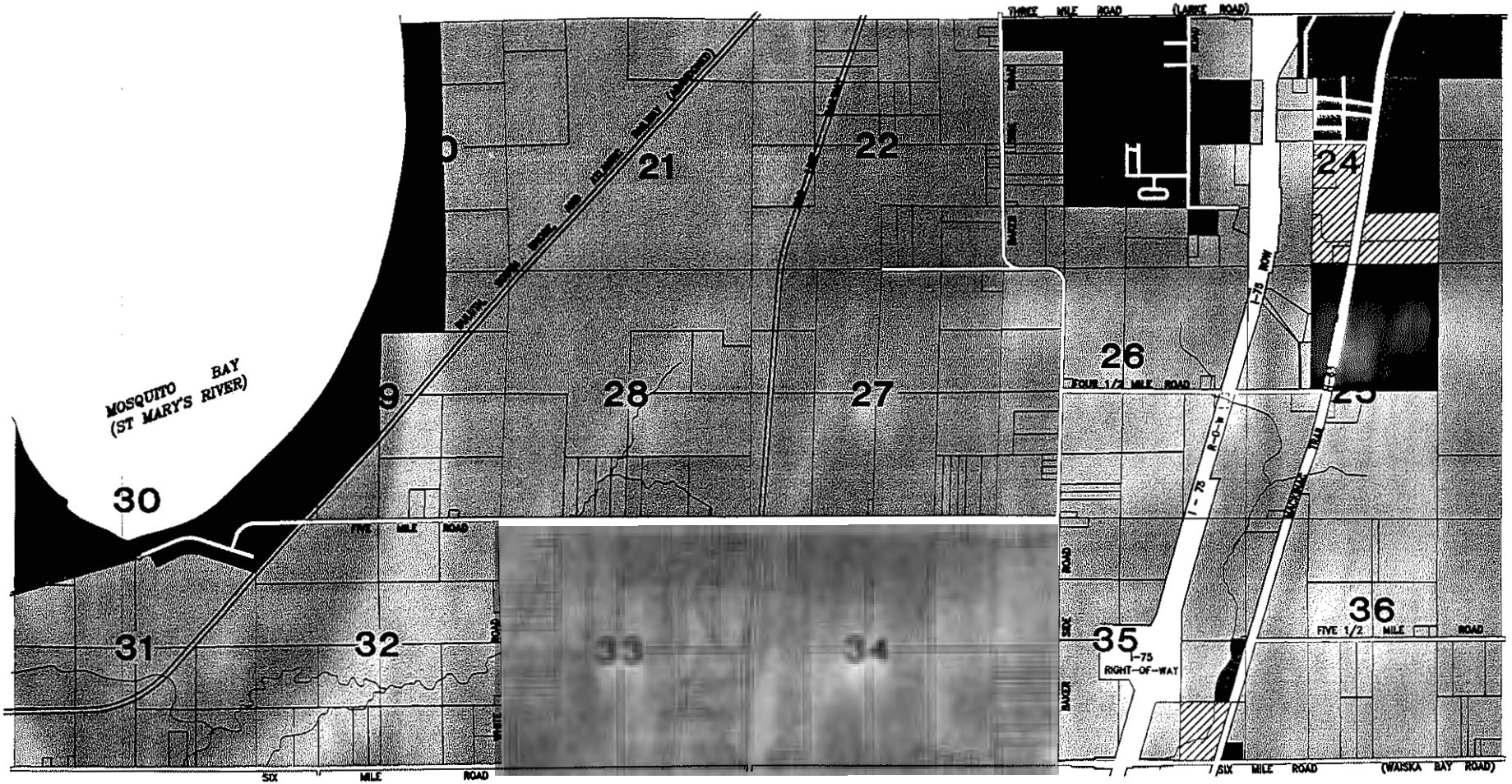
19.01 EFFECTIVE DATE AND REPEALER

This zoning ordinance shall become effective thirty (30) days following its publication of this ordinance or a summary thereof in a newspaper of general publication in the Township. The previous zoning ordinance of Soo Township, dated September 8, 1965, and amended, is hereby repealed.

SOO TOWNSHIP
T47N R1W

Soo Township
Zoning Map

LEGEND
- WATERFRONT RESIDENTIAL
- AGRICULTURAL
- COMMERCIAL
- FOREST/RECREATIONAL
- INDUSTRIAL
- RESIDENTIAL
- INSTITUTIONAL



SOO TOWNSHIP
T47N R1E

Soo Township
Zoning Map

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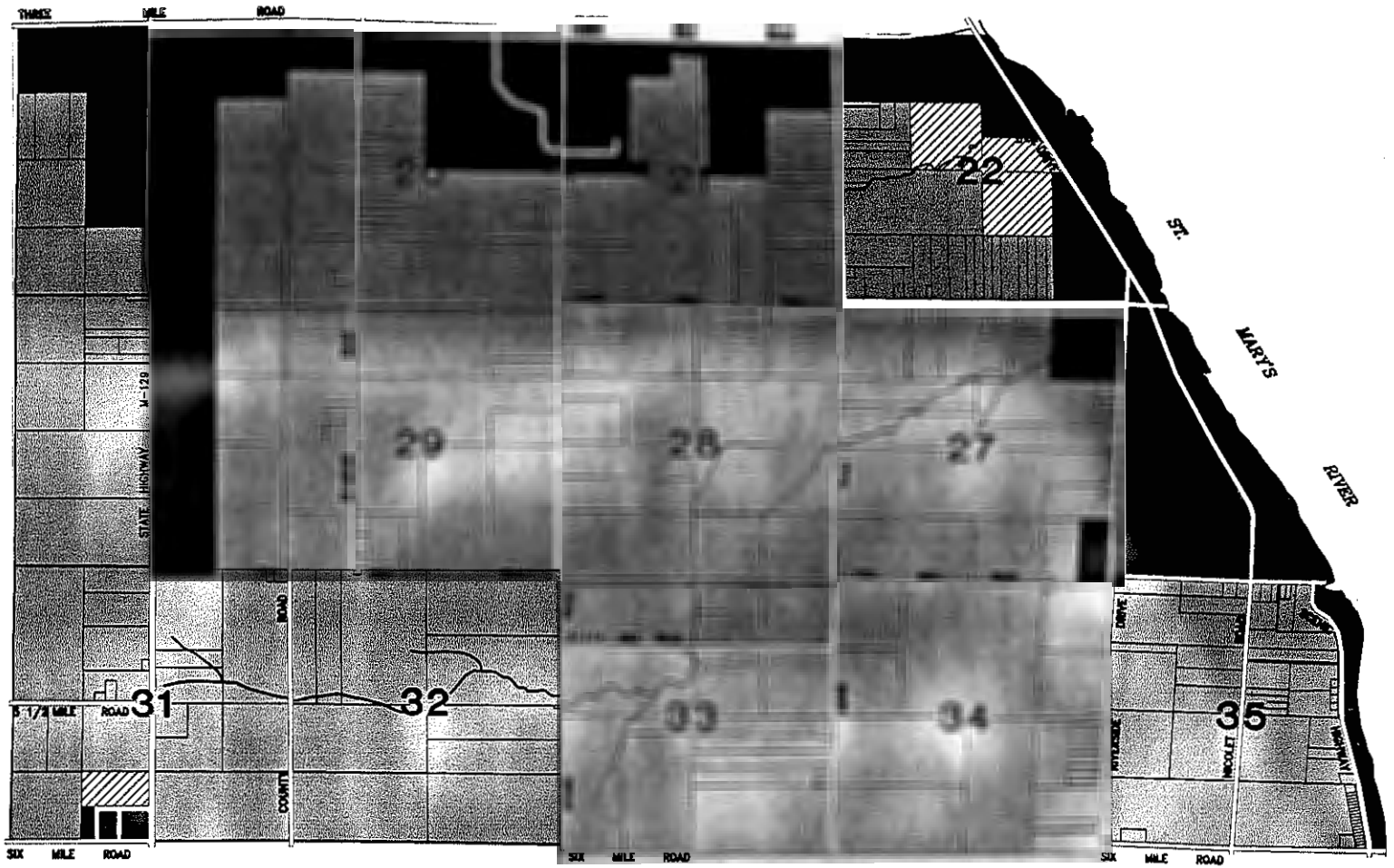
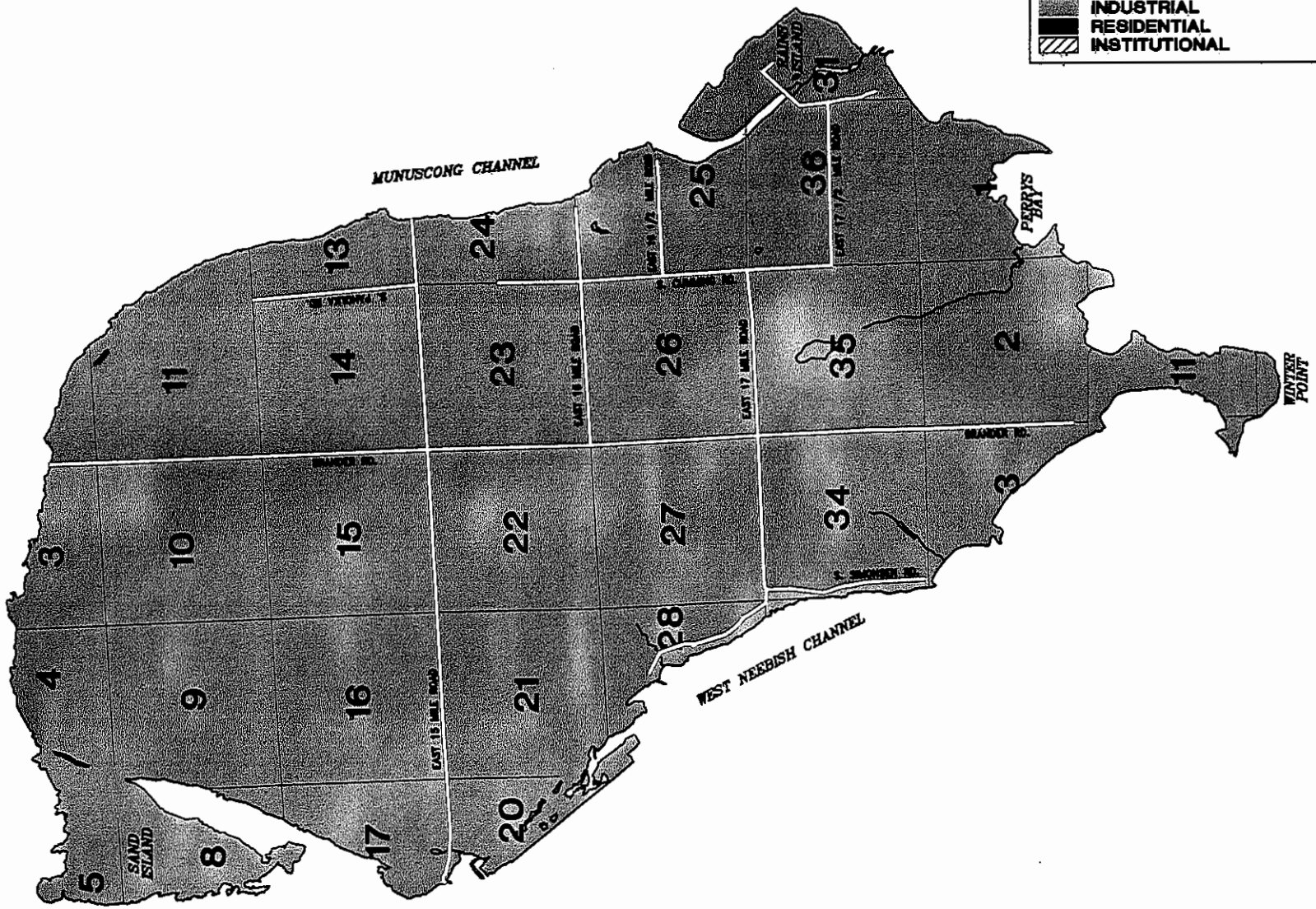


SOO TOWNSHIP
NEEBISH ISLAND

Soo Township
Zoning Map