

**BATES TOWNSHIP ZONING ORDINANCE**

(NOVEMBER, 2008)

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**ZONING ORDINANCE, BATES TOWNSHIP, IRON COUNTY, STATE OF MICHIGAN, ORDINANCE NO. 11**

An ORDINANCE to establish zoning districts and regulations in the unincorporated portions of Bates Township, Iron County, Michigan in accordance with the provisions of Act. No. 184 of the Public Acts of Michigan 1943, the Township Rural Zoning Act, as amended; to provide for current and/or upgrading the future uses of land, buildings and structures; to provide for its administration, including penalties for the violation thereof; to provide for a Board of Appeals, and for amendments.

**THE TOWNSHIP BOARD OF THE TOWNSHIP OF BATES, IRON COUNTY, MICHIGAN, ORDAINS:**

**ARTICLE ONE - PREAMBLE**

**Section 1.01 Name**

This Ordinance shall be known and cited as the BATES TOWNSHIP ZONING ORDINANCE.

**Section 1.02 Purposes**

The fundamental purpose of this Ordinance is to protect the public health, safety, morals and general welfare of the inhabitants of the Township of Bates and the land and resources of the township as authorized under the above mentioned Act.

**Section 1.03 General Procedure**

To achieve the purpose of this Ordinance, the unincorporated portions of the township have been divided into zoning districts of varied shapes, kinds and areas, and regulations adopted for each such district, but with due consideration for the character of each district, its peculiar suitability for particular purposes, the conservation of property values and natural resources, and the general trend and character of land, buildings and population development as authorized under the provisions of the above cited Act.

**Section 1.04 Limitations of Ordinance**

**1.04A Existing Use of Land, Buildings and Structures**

At discretion of the property owner, the lawful use of any dwelling, building, structure or complex, and of any land or premises as existing and lawful and land or lot descriptions recorded in the County Register of Deeds Office on the date of enactment of this Ordinance may be continued, even though such use and/or recorded property size may not be in conformity with the provisions of this Ordinance. Conformity with provisions of this Ordinance as used herein includes buildings and structures as authorized by special approval.

**1.04B Accessory Buildings and Structures**

The provisions of this Ordinance shall apply to the erection or repair of any accessory building or structure, such as barns, sheds, pens, fences and the like, provided however, that no building or structure other than open fences through which there shall be erected or moved to less than ten (10) feet from any abutting highway right-of-way line.

**ARTICLE TWO - ZONING DISTRICTS**

**Section 2.01 Classification of Districts**

To achieve the purposes set forth in the Preamble, the unincorporated area of Bates Township, Iron County, State of Michigan, is hereby divided into the following zoning districts:

- a. Suburban Residential and Restricted Commercial District (R-1)
- b. Agricultural Rural Residential and Restricted Commercial District (R-2)
- c. Lake Areas (L-1) & (L-2)
- d. River Areas (S-1)
- e. Recreation & Forestry (R-F)
- f. Industry (I)
- g. Commercial (C)

**Section 2.02 Zoning Districts Map**

The location of the areas included in each said zoning district are depicted upon the Zoning Map of Bates Township, Iron County, State of Michigan and are available for public inspection in the Township Hall.

**Section 2.03 Areas**

See table for floor space, yards, etc.

***ARTICLE THREE- SUBURBAN RESIDENTIAL AND RESTRICTED COMMERCIAL DISTRICT (R-1)***

**Section 3.01 Purpose**

The purpose of creating Suburban Residential and Restricted Commercial Districts, is to provide areas dedicated primarily to residential uses in which each dwelling is located on an individual lot or premises adequate in size and shape to provide for safe water supply and sewage disposal facilities, to minimize hazards of spreading fires, and to require setback from the public thoroughfare to facilitate safe exit from and entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of such district, and to provide suitable and safe conditions for residential living. Such district is established in conformity with existing residential and commercial developments, including areas in which it appears desirable that further developments take place. Since various other uses of land, buildings and structures for retail stores and shops, commercial enterprises, professional and other services are generally accepted as compatible with residential use, if properly integrated, the inclusion of such uses is provided by Special Approval.

**Section 3.02 Property Uses**

Except as provided by Section 9.03, or as may hereafter be provided by due amendment, no land or premises shall hereafter be used, and no building or structure erected, used or altered for other than the following purposes:

**Section 3.02A Primary Uses (Without Special Approval)**

1. Single Family dwelling, including a private garage
2. Public-owned parks and playgrounds
3. Customary home occupations, such as dressmaking, crafts, hair dressing, real estate and insurance sales, accounting services, or office of a physician, dentist, chiropractor, osteopath, attorney, engineer, architect, and similar recognized professions. Such occupation or profession shall be limited to within the residential dwelling, and shall not be pursued in an accessory building or structure on the premises, without special approval.

**3.02B Uses by Special Approval, as provided by Section 9.09**

1. Nursery Schools, Day Nurseries and Child-Care
2. Schools, Churches, Community Center Buildings, Library and Hotels and Tourist Homes
3. Greenhouses
4. Retail Stores and Shops
5. Multi family dwellings or Residential Complex

**3.02C Allowed Accessory Uses**

1. Accessory buildings, structures and incidental uses which do not alter the primary character of the District, but not including any additional structure for dwelling purposes, either temporarily or otherwise.
2. Keeping of domestic pets in reasonable numbers. No animal or animals shall be kept so as to constitute a nuisance to the neighborhood by reason of noise, odor, sanitary conditions or trespass.
3. Storage of not more than one unoccupied trailer coach or one boat and trailer parked in a rear yard with due regard to yard requirements. The one boat and trailer restriction does not apply to small fishing craft normally used on small inland lakes

***ARTICLE FOUR - AGRICULTURAL RURAL RESIDENTIAL AND RESTRICTED COMMERCIAL DISTRICT (R-2)***

**Section 4.01 Purpose**

The purpose of creating Agricultural Rural Residential and Restricted Commercial Districts is to provide areas, other than lake properties, as indicated on Zoning Map of Bates Township, dedicated primarily to Agricultural Rural Residential uses. As in other Districts, provision is also made by Special Approval for inclusion of certain commercial enterprises and other activities having special problems or conditions.

#### **Section 4.02 Property Uses**

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

##### **4.02A Primary Uses (Without Special Approval):**

1. Any use allowed in the R1 District
2. Mobile Homes
3. Lodging and tourist facilities
4. Primary and secondary schools
5. Churches and other buildings of a religious nature, but not including tents or other temporary structures.
6. Retail stores and shops including antique shops, when conducted primarily within buildings having four walls and a roof.
7. Personal service shops, such as beauty parlors, barber shops, tailor shops, shoe repair, and the like.
8. Professional offices, such as doctors, lawyers, dentists, engineers, and architects
9. Restaurants, food and drink services, but not including drive-ins
10. Recreational facilities, but not including drive-ins
11. Public buildings
12. Civic, social and fraternal buildings

##### **4.02B Uses by Special Approval, as provided by Section 9.09:**

1. Gasoline stations, garages, motor vehicle and repair shops
2. Parking lots, used-car lots
3. Drive-in establishments
4. Trailer coach and mobile home parks
5. Veterinary services and hospitals, but not including dog kennels
6. Dry cleaning, self-service laundries
7. Dance halls
8. Transformer stations and substations, including service or storage yards
9. Warehouses, storage building
10. Manufacturing and assembly plants, lumber and mill operations including applicable storage yards
11. Multi family dwellings or Residential Complex

##### **4.02C Accessory Uses Allowed:**

Accessory buildings, structures and uses customarily incidental to any Permitted Use or Approved Use, but not including any building or structure for dwelling purposes.

#### ***ARTICLE FIVE - LAKE AREAS (L-1), (L-2), RIVER AREAS (S-1), (S-2) AND RESTRICTED COMMERCIAL DISTRICT***

The following provisions shall apply to all Lake and River Areas:

##### **Section 5.01 Purpose**

It is the intent of this section to promote the integrity of the lakes and rivers within Bates Township while preserving the quality of recreational use of the inland waters; to protect the quality of the lakes by discouraging excess uses; to promote the ecological balance of the waters by limiting incompatible land use, protection of wetlands associated with the waters; to maintain the natural beauty of the lakes and streams by minimizing man-made adjustments to the established shorelines, and to prevent all funneling type waterfront developments. Nothing in this ordinance shall be construed to limit access to lakes or waterways by the general public by way of a public park or public access site provided or maintained by any unit of state, county, or local government.

In any zoning district where a parcel of land is contiguous to a lake or river, such parcel of land may not be used as access property or as common open space held in common by a subdivision, association, or any similar agency; or held in common by virtue of the terms of a plat of record; or provided for common use under deed covenants or restrictions of record; or owned by two or more dwelling units located on or away from the waterfront.

Any waterfront parcel of land shall contain a minimum of 150 lineal feet of L-1 lake frontage, and 200 lineal feet in the case of L-2 lake frontage and S-1 river frontage, as measured along the normal high water mark line of the lake or river. Minimum waterfront lot depths shall meet the requirements found in Sections 5.01 and 9.01; a minimum of 300 feet in depth for any lots or parcels on lakes and rivers.

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

#### **5.01A Lake Areas (L-1) in South ¼ of Bates Township**

Except for properties presently containing lesser lot sizes on descriptions recorded in the County register of Deeds Office on the date of adoption of this Ordinance, all lake property lots shall consist of a minimum of one hundred and fifty (150) feet of lake frontage (side lines of lot should be one hundred and fifty (150) feet apart at lake front) with a minimum depth of three hundred (300) feet. Such minimums shall be determined in accordance with Michigan standards of survey. Provide for a 25 foot strip from lake's edge, within which natural plant succession shall not be disturbed. Trees and shrubs in a space thirty (30') feet wide may be trimmed and/or pruned through the native strip for a view of the fronting waters and for access. All boat docks require a DEQ permit.

#### **5.01B River Areas & Lake Areas (S-1) & (L-2)**

This category provides that, unless presently described as lesser lot sizes on property descriptions recorded in the County Register of Deeds Office, all properties shall consist of a minimum of two hundred (200) feet of S-1 river frontage or L-2 lake frontage, with a minimum lot depth of three hundred (300) feet.

1. River zones indicated on zoning map
2. Paint River beginning where it enters Bates Township in Section 6, Township 44N Range 34W, continuing to where it leaves Bates Township in Section 36, Township 44N, Range 34W  
Net River beginning where it enters Bates Township in Section 5, Township 4, Range 34W, continuing to where it empties into the Paint River in Section 7, Township 44N, Range 34W.  
Hemlock River beginning where it enters Bates Township in Section 13, Township 44N, Range 34W, continuing to where it empties into the Paint River in Section 13, Township 44N, Range 34W.  
Hereafter distance from river's edge to be defined as the horizontal distance at the points perpendicular to nearest water at the mean water level.
3. Setback requirements for activities or buildings within zone:
  - a. 100 feet from river's edge
  - b. 300 feet for all commercial or industrial uses, including mining and drilling for oil or gas, or out of sight of river, whichever is greater.
4. Every use in the (L-2) & (S-1) Districts shall establish and maintain a fifty (50) foot greenbelt on the waterfront. Said greenbelt to be maintained in its natural tree and shrub condition. Trees and shrubs in a space thirty (30) feet wide may be trimmed and/or pruned through the native strip for a view of the fronting waters and for access.
5. Farm Management - Cropping or stock rearing and fencing shall not be permitted in an area within 200 feet of river's edge
6. Flood Areas and Ground Water Protection - No dwelling may be constructed on lands which are subject to flooding or on land with less than 6 feet between the finished grade level of the ground surface and the high ground water table. Land filling may be permitted to meet the minimum requirements under the following conditions:
  - a. All necessary permitting must be secured from the Department of Natural Resources under any applicable regulations.
  - b. The 50 foot native vegetation protective strip is maintained
  - c. No material is allowed to enter the river either by erosion or mechanical means
  - d. Fill material is of a type recommended by Department of Health or Soil Conservation Service or other approved agency.
  - e. Filled areas shall be planted and maintained with native perennial vegetation

- f. Sanitary Waste Systems - Disposal fields and septic tanks shall be no closer than 100 feet to the river's edge. The bottom of the disposal field shall be at least four feet above the high water table. The above to be greater if called for by applicable laws or ordinances.
- g. Access Roads or Trails for Motorized Travel - No access roads or trails will be built within 200 feet of the river's edge. However, access roads to cottages are permitted.

**Section 5.02 Property Uses (Applies to all of Article 5)**

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

**5.02A Primary Uses (Without Special Approval) (L-1 Lake areas)**

- 1. All R-1 uses not requiring special approval.
- 2. Public-owned parks and playgrounds
- 3. Home occupations and professional offices, as provided by Paragraph 3 of Subsection 3.02A

**5.02B Primary Uses (Without Special Approval) (L-2 & S-1 River areas)**

- 1. All R-1 uses not requiring special approval.
- 2. Hunting, fishing and trapping, and other recreational activities.
- 3. Harvesting of any native or wild crop permitted by law, such as marsh hay, berries and seed

**5.02C Use by Special Approval, as provided by Section 9.09**

- 1. Resorts, including cabins and complexes
- 2. Yacht Clubs
- 3. Marinas
- 4. Youth Camps
- 5. Supper Clubs
- 6. Caretaker or guest house - not for rent or lease

**5.02D Accessory Uses:**

Accessory buildings, structures and uses customarily incidental to any Primary Use, or Approved Use, but not including any structure for dwelling purposes

**ARTICLE SIX - RECREATION & FORESTRY (R-F)**

**Section 6.01 Purpose**

These districts are designed to promote the proper use, enjoyment and conservation of the forest, water, land, topographic, geologic, historic, and other resources of the Township, peculiarly adapted to recreational uses and/or forest industries. To facilitate such uses, certain commercial and other services may be permitted by Special Approval.

**Section 6.02 Property Uses**

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

**6.02A Primary Uses (Without Special Approval):**

- 1. Hunting, fishing and trapping, including cabin for seasonal use, and other recreational activities
- 2. Archery and shooting ranges
- 3. Production of forest products
- 4. Harvesting of any native or wild crop permitted by law, such as marsh hay, berries, and seeds

**6.02B Use by Special Approval, as provided by Section 9.09:**

- 1. Hydroelectric plants, dams, and flowage areas
- 2. Borrow pits and/or gravel pits. Permit from Iron Soil & Water Conservation District is also required.
- 3. Mining exploration and subsequent mining

**6.02C Accessory Uses:**

Accessory buildings, structures and uses customarily incidental to any Primary Use or Approved Use, but not including any structure for dwelling purposes

**ARTICLE SEVEN - INDUSTRY (I)**

**Section 7.01 Primary Intended Use**

This zone district is intended primarily for all industrial uses which conform to the Performance Standards of Section 7.4

**Section 7.02 Prohibited Uses**

Within any area zoned as (I) District, no building, structure or premises shall be used and no building or structure shall be constructed or altered which is intended or designed to be used in whole or in part for any of the following type of uses:

1. Residential construction, conversion or use of any kind, including hotels, motels, or the use of trailers as dwelling units.
2. Schools, hospitals, and other institutions for educational purposes or for human care, except when incidental to a permitted or principal use.
3. Retail businesses and junk or salvage yards.
4. Every use which does not or would not conform to the Performance Standards of this Ordinance. It is not intended that the following types of industrial use should be permitted, provided that the Board may permit such uses under such bond as may be determined by the Board as sufficient to insure full compliance with the Performance Standards in actual operation:
  - a. The manufacture or bulk storage of chemicals
  - b. The processing of fish or animal offal or the refining of potash
  - c. The storage of bulk petroleum products
  - d. Cement packaging, metal reduction or smelting, steel furnace, blooming or rolling mill operations
  - e. The incineration or reduction of dead animals, offal, or garbage or other waste.

**Section 7.03 Required Conditions**

The following conditions are required:

1. Adequate Off-street parking shall be provided
2. Signs and billboards shall meet the provisions of Section 9.08
3. All operation or servicing shall be conducted wholly within the confines of a building, provided that the outdoor storage of equipment and material may utilize required side yard and rear yard space if surrounded by a 6-foot uniformly painted or colored solid fence or wall, kept in good condition.

**Section 7.04 Performance Standards**

Before the issuance of any building or occupancy permit in this Zone, the applicant shall sign an agreement that the use of the property will meet the following Performance Standards, or that any violation of these standards in subsequent operation will be corrected, the costs of inspection by experts for compliance to be borne by the applicant:

1. Fire and Explosion Hazards - All activities shall be carried on only in the buildings classified as fireproof by the Building Code, and the operation shall be carried on in such a manner and with such precaution against fire and explosion hazards, as to produce no fire or explosion hazards, as determined by State or Federal authority. Flammable liquids or other fuels used for heating, shall be stored in an entirely closed building which shall be used for no other purpose, or in underground tanks, provided said storage building or tank is not closer than 100 feet to any building occupied by one or more humans.
2. Deleterious Effects - Every use which by reason of odor, fumes, dust, smoke, air pollution, vibration, noise, waste disposal, electrical interference, disturbance or glare; or the hazard of fire, explosion, or other form of activity, that is or would be dangerous, injurious, noxious, annoying or otherwise deleterious to other lawful use of property, in the Township.
3. Liquid or Solid Waste - No industrial operations shall directly discharge industrial waste of any kind into any existing reservoir, pond, stream, river or lake. All methods of sewage or industrial waste storage, treatment or disposal, shall be approved by the Township and the Michigan Department of Environmental Quality, or other agency.
4. Glare - There shall be no direct or sky-reflected glare exceeding 1.5 foot candles measured at the property line of the lot occupied by such use. This regulation shall not apply to lights used at the entrances or exits of service drives leading to a parking lot.

### **Section 7.05 Height and Area**

The following Height and area regulations shall apply:

1. Height: No building or structure shall exceed a maximum of 40 feet in height
2. Front yard: There shall be a front yard of not less than 100 feet from any highway right of way line. If any portion of the front yard is used for parking, the front 10 feet shall be planted and landscaped except for necessary entrance drives.
3. Side yard: There shall be two side yards and no side yard shall be less than 50 feet. Where the side yard is the side street, the front yard setback and provisions shall apply.
4. Rear yard: There shall be a rear yard of at least 50 feet.

### **ARTICLE EIGHT - COMMERCIAL (C)**

#### **Section 8.01 Permitted Uses**

The (C) District is intended primarily for shopping and merchandising activities. The following uses are permitted unless specifically prohibited. All other commercial uses are by special approval and / or special use permit:

1. Retail commercial sales and services including, but not limited to the following types of uses.
  - Bakery
  - Bank or Other Financial Establishment
  - Hotel, Motel
  - Personal Services
  - Professional Offices
  - Restaurant
  - Retail Store
  - Any use allowed in the R1 District
2. Residential use of a building, premises, or a portion thereof, if the building conforms to the Fire Ordinance
3. Accessory uses that are necessary and incidental to any principal use permitted under Section 8.01 are hereby permitted, including necessary, incidental manufacturing, processing, or the indoor storage of goods for sale.

#### **Section 8.02 Prohibited Uses**

Within any Commercial District, no building, structure or premises shall be used and no building or structure shall be erected or altered which is intended or designed to be used in whole or in part for any of the following prohibited used:

1. Manufacturing, processing, industrial storage, or other industrial use, except when permitted as an accessory use.
2. Any use not similar to or inconsistent with the use listed in, or approved under Section 8.01

#### **Section 8.03 Required Conditions**

The following conditions are required:

1. All business, service or processing shall be conducted wholly within the confines of a building, except the sale of automotive fuel, lubricants and accessories, billboards and signboards, the sale of produce and plants in semi-open structures, automobile or trailer display or sales, off-street parking and off-street loading.
2. Off -street parking shall be located on the same premises as the building
3. Signs and billboards shall meet the provisions of Section 9.08

#### **Section 8.04 Height and Area**

The following Height and Area regulations shall apply:

1. Height: No building shall exceed a maximum of two (2) stories or 40 feet in height, whichever is the lesser.
2. Front yard: There shall be a front yard of not less than 50 feet from the highway right of way line; provided, that where an existing setback line has been established by existing commercial buildings occupying 50 percent or more of the frontage within the same block, such established setback may apply. Off-street parking as required, is permitted in the front yard.
3. Side yard: Two side yards of at least 25 feet each shall be provided, except that where a side yard adjoins a side street, a 25 foot yard is required.

4. Rear yard: There shall be a rear yard of at least 25 feet.

**ARTICLE NINE - GENERAL PROVISIONS**

**Section 9.01 Land, Yard, and Floor Requirements**

Every building hereafter erected shall be located on a lot or premises in conformity with minimum or maximum limitations as specified in the limitations chart below: (Limitations Chart – Schedule 9.01A):

**LIMITATIONS CHART - SCHEDULE 9.01A:**

Zoning District	Type of Structure	Minimum Front Setback	Minimum Side Yard	Minimum Rear Yard	Minimum Lot Area	Minimum Lot Width
Suburban Residential and Restricted Commercial District (R-1)	Dwellings	25 feet	25 feet	25 feet	15,000 Sq. Ft.	100 feet
	Non-Dwellings	25 feet	15 feet	15 feet		
	Accessory Bldgs.	25 feet	15 feet	15 feet		
Agricultural Rural Residential and Restricted Commercial District (R-2)	Dwellings	25 feet	25 feet	25 feet	20,000 Sq. Ft.	100 feet
	Non-Dwellings	25 feet	15 feet	15 feet		
	Accessory Bldgs.	25 feet	15 feet	15 feet		
Lake Areas (L-1)	Dwellings	100 feet	25 feet	25 feet	45,000 Sq. Ft.	150 feet
	Non-Dwellings	100 feet	25 feet	25 feet		
	Accessory Bldgs.	100 feet	25 feet	25 feet		
River Areas (S-1) & (L-2)	Dwellings	100 feet	25 feet	25 feet	60,000 Sq. Ft.	200 feet
	Non-Dwellings	100 feet	25 feet	25 feet		
	Accessory Bldgs.	100 feet	25 feet	25 feet		
Recreation & Forestry (R-F)	Dwellings	100 feet	25 feet	25 feet	60,000 Sq. Ft.	200 feet
	Non-Dwellings	50 feet	25 feet	25 feet		
	Accessory Bldgs	50 feet	25 feet	25 feet		
Industry (I)	Primary Building(s)	100 feet	50 feet	50 feet	60,000 Sq. Ft.	300 feet
	Accessory Structures.	100 feet	50 feet	50 feet		
Commercial (C)	Primary Building(s)	50 feet	25 feet	25 feet	15,000 Sq. Ft.	100 feet
	Accessory Structures.	50 feet	25 feet	25 feet		

The combined total area of all above structures in each listed classification shall not exceed fifty percent (50%) of lot coverage.

The minimum front setback specified for the L-1, L-2, and S-1 Zoning Districts, refers to the setback from the waterfront.

No structure or use is allowed within 500 feet of any Township water well or water tank, without special approval. No structure(s) are allowed within 10 feet of any Township water or sewer line.

## **Section 9.02 Supplementary Land and Yard Provisions**

### **Section 9.02A Lots of Record**

Every dwelling, including permanent mobile home hereafter placed, erected or altered shall be located on a lot or premises, the description of the boundaries of which are on record at the office of the County Register of Deeds, or in the case of a land contract, on file and satisfactory to the Zoning Administrator as identifying the location of the premises.

### **9.02B Substandard Lots**

If the area or width of any lot on public record on the date of enactment of this Ordinance is less than the minimum required, the lot may be used for a one-family dwelling and the required width of each side yard reduced not more than fifty (50) percent of the requirement, but not less than five (5) feet in any instance.

### **9.02C Use of Yard Space**

No yard encompassing a dwelling shall hereafter be used for the accumulation and/or abandonment, of any disused, discarded, or dismantled vehicle, machinery, apparatus, implement, furniture, appliance, junk, or similar property.

### **9.02D Road or Highway Intersection**

No building, structure, accessory building, or obstruction shall be erected, planted or maintained less than twenty-five (25) feet from the intersection of the right-of-way lines of any public road or highway with that of any other public road or highway.

### **9.02E Accessory Buildings**

All attached accessory buildings and structures, including garages, open porches and breezeways, shall be considered a part of the main building in determining yard requirements (but not floor area). All unattached buildings shall be located not less than that specified on Schedule 9.01 A from any side lot line, and not less than the required setback of the main building on the premises

## **Section 9.03 Non-Conforming Uses**

### **9.03A Discontinuance**

A non-conforming use of land, building or structure which is discontinued through vacancy, lack of operation and upkeep, or otherwise, for a period of twelve (12) months or more shall be construed as abandonment, following which any further use thereof shall conform to this Ordinance.

### **9.03B Change**

No non-conforming use shall be changed to other than a conforming use. No conforming use shall be changed or reverted to a former nonconforming use, after such use has been changed to a conforming use.

## **Section 9.04 Non-Conforming Buildings and Structures**

### **9.04A Discontinuance of Use**

Discontinued use of a non-conforming building or structure for a period of twelve (12) months or more shall be construed as abandonment following which no further use shall maintain until the same has been brought into conformity with the provisions of this Ordinance

### **9.04B Minor Repairs**

Nothing in this Ordinance shall prevent such minor repairs of a non-conforming building, existing on the date of enactment of this Ordinance, as may be reasonably necessary to secure advantageous use thereof during its natural life, provided, that no such repair shall result in change or enlargement of use, and provided further, that the owner obtain a Certificate of Approval therefore, as hereinafter provided.

#### **9.04C Reconstruction of Damaged Non-Conforming buildings**

Notwithstanding the following, nothing in this Section shall be construed to prohibit rebuilding or improving of structures on sub-standard size lots. No non-conforming building(s) or structure(s) damaged by fire, explosion, storm, earthquake or similar uncontrollable cause exceeding fifty (50) percent of its usable space immediately prior thereto shall be restored except to conformity with the provisions of this Ordinance. If damaged to a lesser extent, such building(s) may be repaired and restored to previous use on issuance of a Certificate of Approval as hereinafter provided, and such repair is completed and use resumed within nine (12) months from the date of damage.

Commercial buildings including resorts, considered to be in non-conforming use, on lot(s) of record prior to enactment of this ordinance, may be improved, repaired or rebuilt and restored to former use on issuance of a building permit.

### **Section 9.05 Trailer Coaches**

#### **9.05A General Limitations**

The location and occupancy of trailer coaches and similar portable facilities shall be limited to licensed trailer courts and camping grounds, except that such facilities may be utilized for seasonal dwelling purposes without such limitations when located in District R-F (6.01), L-2 (5.01) and S-1 (5.01)

#### **9.05B Use of Trailer Coach during Construction of Dwelling**

A property owner in any District may be permitted to erect or move not more than one trailer coach upon any premises which qualifies for a dwelling, and occupy the same for dwelling purposes during the actual construction of his dwelling thereon, but not exceeding a period of twelve (12) months from date of issuance of a Certificate of Compliance for such construction, granting of which shall be contingent upon compliance with the following conditions:

1. Installation of water supply and sewage disposal facilities in conformity with requirements of Section 9.06.
2. In a space provided on a copy of the Certificate of Compliance retained for filing, the applicant shall affix his signature indicating he has full knowledge of the limitation of the Certificate, including penalties that may be imposed in violation of the terms thereof

### **Section 9.06 Water Supply and Sewage Disposal**

#### **9.06A General Standards**

Unless connected with the sanitary and/or water supply facilities, every building or structure hereafter erected on any premises and used in whole or in part for human occupancy or frequency shall be provided with a safe and sanitary water supply, a septic tank system of sewage disposal, and a system of waste disposal maintained in accordance with the standards of material and installation recommended by the Dickinson-Iron Health District, except that an outside privy may be erected and maintained in accordance with such Health District standards in Recreation and Forestry District, R-F.

#### **9.06B Inadequate Soil Conditions**

Where land or soil conditions are inadequate for the erection and maintenance of a safe sewage disposal system, a special means by owner shall be provided to safeguard health conditions, which means shall be approved by Dickinson-Iron Health District.

### **Section 9.07 Junkyards, Salvage Yards or Recycling facilities**

Junkyards, salvage yards or recycling facilities are allowed only by Township Board approval.

#### **9.07A Minimum Land Area for Junkyards, Salvage Yards or Recycling facilities**

No junkyard, salvage yard or recycling facility shall be located on property containing less than ten (10) acres, nor shall it be visible from other property in the vicinity of the junkyard, nor from right-of-way such as roads, streets, highways, and waterways.

#### **9.07B Fencing for Junkyards, Salvage Yards or Recycling facilities**

Except for gates and main building, the entire premises shall be completely enclosed by a tight, uniformly finished wood, brick, or metal wall not less than eight (8) feet in height, or by an evergreen hedge not less than fifteen (15) feet wide to the same height, maintained in good condition at all times. All access gates to the premises shall swing inward and shall be closed when the premises are not open for business.

**9.07C Setback for Junkyards, Salvage Yards or Recycling facilities**

All buildings shall be set back not less than one hundred (100) feet from the front property line, or highway right-of-way line, as the case may be, and fifty (50) feet from any other property line.

**9.07D Glare from Junkyards, Salvage Yards or Recycling facilities**

Glare from any process, such as acetylene torch cutting, shall not be visible or constitute a hazard or nuisance beyond property lines of the premises.

**9.07E Burning at Junkyards, Salvage Yards or Recycling facilities**

All burning shall at all times be prohibited. Emission of smoke or offensive odor beyond the boundaries of the premises shall at all times be prohibited.

**Section 9.08 Outdoor Signs**

The erection and use of all outdoor advertising, announcement and informational signs and media shall conform to the requirements of the Public Acts and or Statutes of the State of Michigan.

**9.08A Location of Outdoor Signs**

No sign shall be located in a position constituting a traffic hazard. Cluttering of signs is prohibited. The erection, posting, painting, or otherwise affixing signs to walls, trees, fences, or similar support is prohibited. The limitation in the use of walls shall not apply to commercial or industrial buildings, or to other buildings such as hospitals schools, churches, libraries, community center buildings, and similar structures. Such exemption shall not apply to dwellings, tourist lodgings, boarding homes, summer cottages, and the like, including applicable accessory buildings.

**9.08B Use of Light - Outdoor Signs**

The use of all flashing, rotating, oscillating and glaring signs is prohibited.

**9.08C Setback - Outdoor Signs**

No sign shall be located within less than seventy-five (75) percent of the required setback for buildings on the premises.

**9.08D Size Limitations for Outdoor Signs**

The maximum area of signs shall be limited as follows:

1. Advertising lodging, boarding or tourist homes, home occupations, professional offices, four (4) square feet on the premises.
2. Bulletin boards, announcement signs for religious institutions, signs pertaining to hire of services, lease or sale of a building or premises; twenty (20) square feet.
3. Commercial signs: fifty (50) square feet, provided, however, that signs exceeding fifty (50) square feet may be approved by the Township Board.

**9.08E Non-Conforming Signs**

No non-conforming sign shall hereafter be substantially altered or replaced without approval of the Zoning Administrator.

**Section 9.09 Uses by Special Approval**

**9.09A General Requirements**

Uses by Special Approval where required, shall be subject to the provisions of the Zoning District wherein located in addition to the provisions of this Section to prevent conflict with or impairment of the primary uses of the District. Each such use shall be considered as an individual case.

**9.09B Specific Requirements:**

1. Written application addressed to the Township Zoning Board shall be made through the office of the Zoning Administrator, and shall include the following:
  - a. Name of applicant and owner of premises
  - b. Legally recorded description of premises
  - c. Description of proposed use, including parking facilities, if required; and any exceptional traffic situation that the use may occasion
  - d. Sketch drawn to approximate scale showing size of building or structure and location on premises
  - e. Sewage and waste disposal and water supply facilities, existent or proposed for installation
  - f. Use of premises on all adjacent properties
  - g. A statement by applicant appraising the effect of proposed use on adjacent properties and general development of the neighborhood
2. The Zoning Administrator shall file his recommendations with the Zoning Board, which shall then make determination. The Board may hold a public hearing upon the application. In reaching its determination, the Board shall consider the following among other things:
  - a. Whether the sewage disposal facilities and water supply will be safe and adequate
  - b. Whether the location, use and nature of the operation will be in conflict with the primary permitted uses of District or neighborhood
  - c. Whether the use will be objectionable to adjacent or nearby properties and not compatible with the primary uses of the District
  - d. Whether the use will discourage, hinder or down-grade the development and use of adjacent premises and neighborhood
  - e. Whether the use will create a major traffic problem or hazard.

#### **Section 9.10 Unlisted Property Uses and Buildings**

The Township Zoning Board shall have the power, on written request of a property owner, to classify a use or building not specifically listed in any District with a comparable permitted or prohibited use specified in the Ordinance, giving due consideration to the purposes of this Ordinance as expressed by Section 1.02. When found incomparable, or incompatible, such use may be approved, but only by special use permit authorized by the Township Board.

#### **Section 9.11 Essential Services**

The erection, construction, alteration or maintenance of facilities including necessary structures by public utilities including railroads, municipal departments and commissions necessary for the furnishings of adequate service for the public health, safety or general welfare, shall be permitted as authorized and regulated by this ordinance and other ordinances of the Township of Bates, Iron County, State of Michigan.

#### **Section 9.12 Public Utility Buildings and Public Buildings**

The Township Zoning Board shall have the power to permit the erection and use in any Zoning District, except in Residential section, of a publicly owned building or public utility building, if the Board finds such building and use reasonably necessary for the public convenience and service.

#### **Section 9.13 Excessive Noise**

No person, firm or corporation shall cause or create any unreasonable or improper noise or disturbance injurious to the health, peace or quiet, or the residents and property owners of Bates Township. This includes, but is not limited to disturbances caused by people, machinery, audio equipment, animals, vehicles, engines or any other type device, condition or instrumentality which creates improper noise or unreasonable disturbance. Upon written notice from any authorized township official, a violator shall cease and desist from such activity, and is subject to the violation and enforcement provisions of Article 12.

#### **Section 9.14 Prevention of Health Hazards**

No private property in the Township shall be kept or maintained in a condition which contributes to or creates a public nuisance, health or safety hazard. The Township Zoning Administrator is hereby empowered to order a property owner to take such reasonable steps as necessary to correct or abate conditions on real property presenting a nuisance, health or safety hazard.

#### **9.15 Use of Outdoor Burners**

The words “outdoor burner” or “outdoor burner designed for structural heat” shall mean, but is not limited to, any device, appliance, equipment apparatus or structure that is designed, intended or used to provide heat or hot water to any associated structure, and operates by burning wood or any other solid fuel, and is not located in the structure to be heated. Outdoor burners and associated installation shall be subject to inspection by the Zoning Administrator at any reasonable time, to insure compliance with the terms hereof. No outdoor burner, furnace or boiler may be installed or used unless the following conditions are met:

1. A permit is obtained from the Zoning Administrator, upon the furnishing of the following:
  - a. A location drawing providing and identifying all the information necessary to insure compliance herewith.
  - b. Manufacturer’s specifications for the outdoor burner.
2. Outdoor burners shall be installed according to the manufacturer’s specifications and requirements.
3. Outdoor burners shall not be placed less than 15 feet from any other structure.
4. Outdoor burners shall not be placed less than 100 feet from the occupied building of another property owner.
5. Any wood, wood piles or other fuel shall be located a safe distance from the outdoor burner, as to avoid any fire hazard.
6. No fuel other than natural wood, wood pellets or natural seeds may be burned.
7. Exhaust stacks are to be of adequate height, so as to prevent emissions from interfering with any person’s use or enjoyment of property. The zoning administrator may require conditions of operation, alterations to any exhaust stack, and other reasonable measures or restrictions, in order to prevent interference with any person’s safety, use or enjoyment of property.
8. No outdoor burner shall be located, used or operated in any manner that creates a substantial risk to, or interferes with any person’s safety, use or enjoyment of property, whether public or private.

## **ARTICLE TEN - ADMINISTRATION**

### **Section 10.01 Zoning Administrator**

The provisions of the Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Township Board for such term and subject to such conditions as the Township Board for such term and subject to such conditions as the Township Board deems desirable to carry out the provisions of the Ordinance. He shall hold office at the pleasure of the Board, and receive such compensation as shall be determined by the Board.

### **Section 10.02 Certificate of Approval**

A Zoning Certificate of Approval shall be required as follows:

#### **10.02A Application for Certificate**

Before proceeding with the erection, moving, or use of any building, structure or premises subject to provisions of this Ordinance, the owner of the premises shall first apply for a Certificate of Approval from the Zoning Administrator. Application shall be made in duplicate upon forms provided by the Township, and shall be accompanied by an acceptable description of the location of the premises, by evidence of ownership of all property to be covered by the Certificate, and by a blueprint or pen-and-ink sketch to approximately scale showing:

1. The shape, area, dimensions, and intended use of the premises.
2. The type, dimensions, height and location of the building or structure to be erected or moved on the premises, including all yard dimensions and accessory buildings if any.
3. The location and type of sewage disposal system and water supply facilities.
4. All applicable setback distances.

#### **10.02B Issuance and Limitation of Certificates**

1. If the Zoning Administrator finds the application conforms to the requirements of the Ordinance and other applicable law, he shall mark both copies approved over his signature, including the date. One copy shall be filed in his office. The other shall be delivered to the applicant together with a card stating the terms of the Certificate, which card shall be displayed and remain on the premises during the progress of any construction authorized.
2. Any Certificate under which no work has been done within twelve (12) months of issue shall expire by limitation, but shall be renewable upon reapplication and payment of one-half of the original fee, subject, however, to the provisions of any Ordinance then in effect.

3. The Zoning Administrator shall have the power to revoke or cancel any Certificate in case of failure or neglect to comply with the provisions of this Ordinance, or in the case of false statements or misrepresentation made in the application. The owner shall be given reasonable notice in writing, of liability for voiding action, prior to revocation.
4. All applicable electrical, plumbing, building, construction, fire safety or other applicable state or federal codes, are enforced by agencies other than the Township. Compliance therewith, including obtaining any required permits or certificates, is the responsibility of the owner, and required prior to commencement.

#### **10.02C Inspections**

The erection of every building or structure may be subject to inspections:

1. When excavating for foundation is complete, and building lines established.
2. On completion of the construction.
3. At any other time deemed necessary to insure compliance with this ordinance, or other applicable code or requirements.

Failure of owner or builder to give proper notification shall automatically cancel the Certificate and require issuance of a new Certificate before construction may proceed or occupancy be permitted.

#### **10.02D Fees**

For each permit application, a fee shall be paid to the Township Treasurer, who shall place the same in a Zoning Fund to be used solely for the costs of administering this Ordinance, as directed by the Township Board. No permit application shall be valid until the required fee is paid. The schedule for all fees required by this Ordinance shall be established from time to time by the Township Board.

### ***ARTICLE ELEVEN - ZONING BOARD OF APPEALS***

#### **Section 11.01 Creation and Membership**

There is hereby established a Zoning Board of Appeals, as proscribed by the Public Acts and Statutes of the State of Michigan. There shall be a four member Zoning Board of Appeals, appointed by the Township Board.

#### **Section 11.02 Powers**

The duties and powers of the Board of Appeals shall include the following:

- A. Hear and decide upon appeals made from determinations of Zoning Administrator, or other agent acting under the terms of the Ordinance.
- B. Hear and decide upon request for interpretation of provisions of the Ordinance.
- C. Hear and decide to grant or deny a variance, on written appeal, respecting any provision of the Ordinance, upon a showing the same causes practical difficulties or undue hardship, in conforming to the strict letter of the Ordinance, to the end that the spirit of the Ordinance is observed, equity achieved, and substantial justice done; provided, however that this provision shall not be construed as permitting the Board of Appeals to amend the Ordinance, or change any use of property under guise of a variance.

#### **Section 11.03 Proceedings**

##### **11.03A Adoption**

The Board of Appeals shall adopt proceedings in accordance with the provisions of Sections 20 to 23 inclusive of the Township Rural Zoning Act, Public Act 184, 1943 as amended.

##### **11.03B Written Requests**

All requests for variances, appeals, or special exceptions shall be in writing and filed with the Township Clerk, accompanied by a fee to be deposited in the Zoning Fund, which fee shall be fixed by the Township Board.

##### **11.03C Limitations**

All appeals shall be made to the Board of Appeals, within thirty (30) days after the date of any decision constituting the basis for the appeal. The Board of Appeals shall return a decision, within thirty (30) days after a request or appeal has been filed and heard unless additional time is requested by the board, or agreed upon by all parties concerned.

### **11.03D Re-Submissions**

No application for variances or special exceptions which have been denied shall be re-submitted within twelve (12) months from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.

## ***ARTICLE 12 - VIOLATIONS AND ENFORCEMENT***

### **Section 12.01 Violations**

Buildings and structures erected, altered, moved or converted, or any use of land or premises, carried on in violation of any provisions of this Ordinance, are declared to be a nuisance per se. The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the owner of the premises of all conditions found to be in violation.

### **Section 12.02 Correction**

All violations shall be corrected within sixty (60) days following issuance of written notice to correct. If not corrected, they shall be brought before the Township Board for further action or civil prosecution.

### **Section 12.03 Penalties**

Any person, firm or corporation who violates, neglects, omits or refuses to comply with any provision of this Ordinance, or any permit or exception granted hereunder, or any lawful requirement of the Zoning Administrator, shall be subject to a civil forfeiture of not less than twenty five (\$25) dollars not more than two hundred (\$200) dollars, together with all costs of enforcement, civil action, or other lawful action taken by the Township. The Township shall bill the owner(s) of the premises therefore, and any unpaid amounts shall become a lien against the property, by tax roll. All actions are civil enforcement actions with civil penalties or costs. To promote compliance with the provisions of this Ordinance, each day that a violation maintains or continues shall be deemed a separate violation.

### **Section 12.04 Proceedings**

The Zoning Administrator, Township Board, or any owner of real estate may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, correct or remove any unlawful erection, alteration, maintenance, condition of property or violation. The rights and remedies provided herein are cumulative in addition to all other remedies provided by law.

## ***ARTICLE THIRTEEN - DEFINITIONS***

### **Section 13.01 Accessory Building or Structure**

A supplemental building or structure on the same premises as the main building occupied by, or devoted exclusively to an accessory use but not including dwelling, garages, lodging, or sleeping quarters.

### **Section 13.02 Dwelling**

Any building or part thereof occupied as the home, residence or sleeping place of one or more persons either permanently or temporarily, but not including trailer coaches, motels, garage homes or boat house, basement homes, tents or similar unconventional structures.

### **Section 13.03 Erected**

Includes built, constructed, reconstructed, moved upon or any physical operation on the premises intended or required for a building or structure. Excavation, fill drainage, land-clearing, and general property improvements shall not be considered as an erection

### **Section 13.04 Highway**

Any public thoroughfare, including roads and streets.

### **Section 13.05 Junk**

Includes any personal property which is or may be salvaged for reuse, resale, reduction or similar use or disposition or which is accumulated, dismantled or assorted for any such reasons. Without limiting the definition of junk, the term shall include used or salvaged metals, used or salvaged rope, bags, paper, glass, rubber and similar articles, and motor vehicles which are parked, or possessed for the purpose of dismantling or salvaging any part thereof.

**Section 13.06 Junkyard**

Any place at which a person engaged in the handling, purchase, exchange, accumulation, storage, sale or disposition of any article which may reasonably be defined as junk, except this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

**Section 13.07 Lot or Premises**

The parcel of land occupied or to be occupied by a building and its accessory buildings or structures together with such open spaces, minimum areas, and width required by this Ordinance for the District in which located.

**Section 13.08 Sign**

Any construction, device, or portion thereof upon which words, numerals, terms, figures, trade-marks, or similar representations are employed for the purpose of conveying information to the public. This includes outdoor advertising media, bulletin boards, sale and rental signs, and the like.

**Section 13.09 Structure**

Anything constructed, the use of which requires permanent location on the ground or attachment to an object having permanent location on the ground. The term shall include fences, advertising devices, tents, trailer coaches, and similar structures.

**Section 13.10 Mobile Home**

For the purpose of this Zoning Ordinance, a mobile home is defined as a single-family dwelling unit suitable for year-round occupancy or occasional dwelling which, if occupied outside a mobile home park, shall be placed on a foundation and connected to utilities and assessable as Real Property. The dimension of said mobile home shall have a minimum of at least six hundred (600) square feet of floor space or the equivalent manufacturer's rating, except in the R-F District where a minimum of four hundred (400) square feet of floor space is permitted.

**Section 13.11 Trailer Coach**

Any structure designed and constructed for sleeping, living, business, or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which may be equipped with wheels or other devices for transporting the structure from place to place, whether by its own motile power or other means and licensable by the State to travel upon highways.

**Section 13.12 Dwelling, Multi-Family**

A dwelling or group of dwellings on one plot, containing separate living units for two or more families, but which may have joint services or facilities for both.

**Section 13.13 Yard**

A space open to the sky between a building and the lot or property lines of the parcel of land on which located, unoccupied or unobstructed by any encroachment or structure except as otherwise provided by this Ordinance

**13.13A Yard - Front**

A yard across the full width of the lot or parcel of land extending from the front line of the principal building to the front lot line or highway right-of-way, as the case may be.

**13.13B Yard - Rear**

A yard extending across the full width of the lot or parcel of land extending from the rear line of the principal building to the rear lot line.

**13.13C Yard - Side**

A yard extending between the side lot line and the nearest side line of any building.

**Section 13.14 Seasonal Use**

Any period of occupancy or use, that is not twelve (12) consecutive months.

***ARTICLE FOURTEEN - AMENDMENTS***

Amendments of supplements to this Ordinance may be adopted from time to time in the same manner as provided by the Township Rural Zoning Act, Public Act 184, 1943 as amended, MCLA 125.271.

**Section 14.01 Initiation**

Proposal for amendment or supplements may originate with the Township Board, the Bates Township Zoning Board, or by written petition signed by no less than six (6) property owners in the Township. Petition by property owners shall show the address of each signer and the location of his property in the Township, including the Zoning District wherein located.

**Section 14.02 Action of the Township Zoning Board**

All amendments or supplements shall be referred to the Township Zoning Board for study, recommendation and such action as provided by Sections 11 and 14 of the Township Rural Zoning Act, Public Act 184, 1943 as amended. Only the Township Board shall have power to amend or supplement any provisions of the Ordinance.

**Section 14.03 Publication and Effective Date**

This Ordinance shall take effect immediately upon its publication as provided by law.

**THIS UPDATED AND REVISED ZONING ORDINANCE WAS ADOPTED AND APPROVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF BATES, IRON COUNTY, MICHIGAN, THIS 12TH DAY OF NOVEMBER 2008.**

Ernest Schmidt, Bates Township Supervisor

Barbara Moncivias, Bates Township Clerk