

Public Hearing 6/15/78

SUMMERFIELD TOWNSHIP ZONING ORDINANCE

Prepared for

Summerfield Township
Clare County, Michigan

By

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**PROPOSED ZONING ORDINANCE
TOWNSHIP OF SUMMERFIELD
CLARE COUNTY, MICHIGAN**

TITLE

AN ORDINANCE to regulate and restrict the use of land and buildings by dividing the Township of Summerfield into districts; defining certain terms used therein; imposing regulations, prohibitions and restrictions governing the erection, construction, or reconstruction of structures and buildings and lands to be used for the purposes of agriculture, residence, commerce, industry and other specified purposes; regulating and limiting the height and bulk of buildings and other structures; regulating and limiting lot occupancy and the size of yards and other open spaces; establishing the boundaries of districts; creating a Board of Zoning Appeals, defining and limiting the powers and duties of said Board, and setting standards to guide actions of said Board, and providing the means of enforcing said Ordinance and providing a penalty for violation of said Ordinance.

PREAMBLE

In accordance with the authority and intent of Act 184, of the Public Acts of 1943, as amended, the Township of Summerfield desires to provide for the orderly development of the Township, which is essential to the well-being of the community, and which will place no undue burden upon developers, industry, commerce, or residents. The Township further desires to promote the proper use of land and natural resources for the economic well-being for the Township as a whole; to assure the provision of adequate space for parking of vehicles of customers using commercial, retail and industrial areas; and that all uses of land and buildings within the Township of Summerfield be so related as to provide for economy in government and mutual support. The result of such purposes of this Ordinance, which relates to the Township's Land Use Plan will promote and protect the public health, safety, comfort, convenience, and general welfare of the residents, shoppers, and workers in the Township of Summerfield.

ENACTING CLAUSE

THE TOWNSHIP OF SUMMERFIELD , COUNTY OF CLARE, STATE OF MICHIGAN ORDAINS:

ARTICLE I

Section 1.01. This Ordinance shall be known as the Zoning Ordinance of the Township of Summerfield .

ARTICLE II

DEFINITIONS

Section 2.01. For the purpose of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The term "person" shall mean an individual, partnership, corporation or other associations or their agents. Terms not herein defined shall have the meanings customarily assigned to them.

ACCESSORY BUILDING. A building or portion of a building subordinate to a main building on the same lot occupied by or devoted exclusively to an accessory use. An accessory building must conform to all setback requirements of the primary use, except as detailed in Section 4.09.

ACCESSORY USE. A use naturally and normally incidental and subordinate to the use of the premises.

ALTERATION. Any change, addition or modification in construction of type of occupancy; any change in structural members of a building, such as walls, any partitions, columns, beams, girders or any change which may be referred to herein as "altered" or "reconstructed".

BASEMENT. A basement is that portion of a building wholly or partly below grade but so constructed that the vertical distance from the average grade to the basement floor is greater than the vertical distance from the grade to the basement ceiling. A basement shall not be included as a story for height measurement, nor counted as floor area.

BILLBOARD. Any construction or portion thereof upon which a sign or advertisement used as an outdoor display for the purpose of making anything known to the general public, but not including bulletin boards used to display official court or public office notices.

BOARD OF ZONING APPEALS. The term "Board of Zoning Appeals" shall mean the Board of Zoning Appeals of the Township of Summerfield, Clare County, State of Michigan.

BUILDABLE AREA. The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

BUILDING. A structure, either temporary or permanent, having a roof supported by columns, or walls for the shelter, support or enclosure of persons, or chattels, is a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

BUILDING HEIGHT. The building height is the vertical distance measured from the established grade to the highest point of the roof surface.

BUILDING, MAIN OR PRINCIPAL. A building in which is conducted the principal use of the lot.

BUILDING LINE. A line established, in general, parallel to the front street line between which and the front street line no part of a building shall project, except as otherwise provided by the Ordinance.

CERTIFICATE OF COMPLIANCE. A statement signed by the Zoning Administrator setting forth either that a building or structure complies with the Zoning Ordinance or that a building, structure or parcel of land may lawfully be utilized for specific uses, or both.

DISTRICT. A portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

DWELLING UNIT. A dwelling unit is any house or portion thereof having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall an automobile chassis, tent or portable building be considered a dwelling. In case of mixed occupancy, where a building is occupied in part as a dwelling unit, the part so occupied shall be deemed a dwelling unit for the purpose of this Ordinance and shall comply with the provisions thereof relative to dwellings. Garage space, attached or detached, shall not be deemed a part of a dwelling for area requirements.

DWELLING, SINGLE FAMILY. A detached dwelling, designed for or occupied exclusively by one (1) family.

ERECTED. The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage, and the like shall be considered a part of erection.

ESSENTIAL SERVICES. The phrase "essential services" means the erection, construction, alteration, maintenance by public utilities, authorities or commissions of underground, surface or overhead gas, electrical, steam, or water transmission or distribution systems, collections, communication, supply disposal system, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles and other similar equipment, and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or authorities or commissions for the public health or safety or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

FLOOR AREA, USABLE. Usable floor area is any floor area within outside walls of a building exclusive of areas in cellars, basements, utility areas, unfinished attics, garages, open porches, and accessory buildings. Usable floor area, for the purpose of computing parking, is net floor area used for or intended to be used principally for the storage of merchandise or for utilities shall be excluded from this computation of "usable floor area".

HOME OCCUPATION. Any use customarily conducted entirely within the dwelling and carried on entirely by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes. Provided further, that no article or service is sold, displayed or offered for sale on the premises, except such as is produced by such occupations; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. No signs may be attached to the building or placed on the premises other than on (1) non-illuminated nameplate which is not more than five (5) square feet in area. In order to clarify the nature of legitimate home occupations, clinics, hospitals, barber shops, beauty shops, tea rooms, tourist homes, animal hospitals, kennels, millinery shops, real estate offices, and child care day nurseries, among others, shall not be deemed to be home occupations.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this Ordinance. The owner of any number of contiguous lots may have as many of said contiguous lots considered as a single lot for the purpose of this Ordinance as he so elects and in such case the outside perimeter of said group of lots shall constitute the front, rear, and side lot lines thereof.

LOT AREA. The term "lot area" means the total horizontal area within the lot lines, as defined, of a lot. For lots fronting or lying adjacent to private roads, lot area shall be interpreted to mean that area within lot lines separating the lot from the private road and not the centerline of said private road.

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

LOT LINES. The property lines bounding the lot. The Front Line shall be the line separating the lot from the road right-of-way or easement line; the Rear Lot Line shall be opposite the front lot line; the Side Lot Lines are those lines separating the lot from adjacent lots or a side street.

LOT OF RECORD. A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the accuracy of which is attested to by a Professional Engineer or Land Surveyor (registered in the State of Michigan), the description of which has been so recorded in the Office of the Register of Deeds for Clare County.

LOT WIDTH. The horizontal distance between the side lot lines, measured at the two (2) points where the building line, or setback line, intersects the side lot lines.

MOBILE HOME. A detached single-family dwelling unit designed to be transportable after fabrication on its own wheels or on a flatbed or other trailer, suitable for year-round occupancy and containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, plumbing and electrical connections provided for attachment to appropriate external systems. Mobile homes shall have a minimum gross floor area of six hundred and seventy (670) square feet.

MOBILE HOME SITE. Means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

MOBILE HOME PARK. Means a parcel of land which has been planned and improved for the placement of mobile homes for residential use.

OCCUPIED. The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

PARKING SPACE. An area of not less than nine (9) feet wide by twenty (20) feet long for each automobile or motor vehicle, such space being exclusive of necessary drives, aisles, entrances, or exits and being fully accessible for the storage or parking of permitted vehicles.

PUBLIC UTILITY. Any person, firm, corporation, municipal department, board or commission duly authorized to furnish and furnishing, under Federal, State or municipal regulations, to the public, electricity, gas, steam, communications, television, telegraph, transportation, water services or sewage disposal.

RESORT HOUSING. Homes and cottages for seasonal residency meeting all requirements for permanent housing as established by the Clare County Health Department and the provisions of the Summerfield Township Zoning Ordinance.

SETBACK. The minimum horizontal distance between a structure, excluding steps and unenclosed porches, and the front lot line.

STRUCTURE. Anything constructed or erected which requires permanent location on the ground or attached to something having such location.

TOWNSHIP PLANNING COMMISSION. The term "Township Planning Commission" shall be the officially established Township Planning Commission of Summerfield Township as authorized under the Township Planning Commission Act, Act 168, P.A. 1959, as amended.

TRAVEL TRAILER. A portable vehicular unit primarily designed for travel and/or recreational usage, which is so designated on the State registration certificate. This term also includes folding campers and truck-mounted campers but not mobile homes.

TRAVEL TRAILER PARK. A family recreation-oriented facility for the overnight or short-term (not to exceed fifteen (15) days consecutively) parking of travel trailers or tents. May also be known as a campground.

USE. The purpose for which land or premises of a building thereon is designed, arranged, or intended, or for which it is occupied, or maintained, let, or leased.

VARIANCE. A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

YARD, FRONT. A yard 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 of the main building.

YARD, REAR. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.

YARD, SIDE. A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line to the nearest point of the main building.

ZONING ADMINISTRATOR. The administrative official appointed by the Township Board who is responsible for the enforcement of this Ordinance.

ARTICLE III

MAPPED DISTRICTS

Section 3.01. DISTRICTS. The unincorporated area of Summerfield Township is hereby divided into zones or districts as shown on the Official Zoning Map and shall include the following:

F, Forestry
R, Residential
RR, Rural Residential
C, Commercial

Section 3.02. ZONING MAP. The boundaries of these districts are shown upon the map attached hereto and made a part of this Ordinance, which map is designated as the Official Zoning Map of the Township of Summerfield. The Zoning Map shall be maintained and kept on file with the Township Clerk, and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if fully set forth or described herein.

Section 3.03. ZONING BOUNDARIES. Unless otherwise provided in the Ordinance, the boundaries of zoning districts shall be interpreted as following along section lines, or lines of customary subdivisions of sections; or the boundaries of recorded subdivisions; or the center-line of highways, streets, alleys, rivers, power lines, or open spaces; or property lines on record at the office of the Register of Deeds of Clare County on the date of the enactment of this Ordinance; or the extension of any said lines.

Section 3.04. INTERPRETATION OF BOUNDARIES. Questions concerning the exact location of boundary lines shall be determined by the Board of Zoning Appeals according to rules and regulations which may be adopted by it.

ARTICLE IV

GENERAL PROVISIONS

Except as hereinafter specifically provided, the following general regulations shall apply:

Section 4.01. CONFLICTING REGULATIONS. Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, the provisions of this Ordinance shall govern.

Section 4.02. SCOPE. No building or structure, or part thereof, shall hereinafter be erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of the Ordinance.

Section 4.03. ESSENTIAL PUBLIC SERVICE FACILITIES. Essential public service facilities shall be permitted as authorized and regulated by law and other ordinances of the Township of Summerfield in any use district, it being the intention hereof to exempt such erection, construction, alteration and maintenance from the application of this Ordinance. The Board of Zoning Appeals shall have the power to permit the erection and use of a building, or an addition to an existing building, of a public service corporation or for public utility purposes, in any permitted district to a greater height or of larger area than the district requirements herein established, and permit the location in any use district of a public utility building, structure or use if the Board of Zoning Appeals shall find such use, height, area, building or structure reasonably necessary for the public convenience and service.

Section 4.04. LOT LIMITATIONS. In the R and RR Districts, only one principal building shall be placed on a lot of record with the exception of parcels of record described and designated as "out lots", which may be so arranged or subdivided as to provide for one or more principal buildings when the land area allocated to each building is equal to or greater than the lot area required for the district and there is compliance with all requirements of the State Subdivision Control Act, Act 288, P.A. 1967, as amended.

Section 4.05. STORAGE OF UNLICENSED MOTOR VEHICLES. Shall be subject to the Clare County Nuisance Abatement Ordinance.

Section 4.06. COMMERCIAL BULK STORAGE OF FLAMMABLE SUBSTANCE. Commercial bulk storage of gasoline, flammable liquids, or other hazardous substances shall comply with the State of Michigan Flammable and Combustible Liquids Code (pursuant to Act 154, P.A. 1974, as amended, and Section 1910.106, Federal Register) and requirements of the State Fire Marshall.

Section 4.07. REQUIRED STREET FRONTAGE. Any parcel of land which is to be occupied by a use or building, other than an accessory use or building, shall have frontage on and direct access to a public street right-of-way or private road which meets one of the following conditions:

- a. A public street or road which has been accepted for maintenance by Clare County, or
- b. A permanent and unobstructed private easement of record having a width of at least thirty (30) feet, except where an access easement of record of less width existed prior to the adoption of the Ordinance, with a roadway meeting standards of the Clare County Road Commission for vehicular traffic, leading to a public street as defined under item (a) above.

Section 4.08. DWELLINGS IN NON-RESIDENTIAL DISTRICTS. No dwelling shall be erected in a Commercial District. However, the sleeping quarters of a watchman or a caretaker may be permitted in said districts.

Section 4.09. ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS. In R and RR Districts, accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

- a. Where the accessory building is structurally attached to a main building, it shall be subject to and must conform to all regulations of this Ordinance applicable to main buildings. Detached accessory buildings shall not be erected in any required front yard.
- b. An accessory building may occupy not more than twenty-five (25) percent of a required rear yard; provided, that in no instance shall the accessory building exceed the ground floor area of the main building, except that barns may be permitted of any size if located at least twenty-five (25) feet from any property line and located not closer than one hundred (100) feet from any dwelling.
- c. No detached accessory building shall be located closer than ten (10) feet to any side or rear lot line.

Section 4.10. BUILDINGS TO BE MOVED. No permits shall be granted for the moving of buildings or structures from outside or within the limits of the Township, unless the building or structure fully complies with the County Building Code and other codes regulating the health, safety and general welfare of the Township. A performance bond as established by the Township Board of sufficient amount to insure cost of completing building for occupancy within a period of not less than six (6) months from date of permit shall be furnished before permit is issued.

Section 4.11. RESTORING UNSAFE BUILDINGS. Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator, or required to comply with his lawful order.

Section 4.12. APPROVAL OF PLATS. No proposed plat of a new or redesigned subdivision shall hereafter be approved by the Township Board unless the lots within such plat equal or exceed the minimum size and width requirements set forth in the various districts of this Ordinance, and unless such a plat fully conforms with the State Subdivision Control Act, Act 288, P.A. 1967, as amended, and Subdivision Regulations of the Township as may be adopted.

Section 4.13. PRIVATE SWIMMING POOLS.

- a. For permanent above and below ground swimming pools, and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit must be obtained for its alteration, erection and construction. Any information affecting construction and safety features deemed necessary by the Township or the Clare County Health Department shall be submitted.
- b. No portion of the swimming pool or associated structures shall be permitted to encroach upon any easement or right-of-way which has been granted for public utility use.
- c. Minimum side yard setback shall comply with required side yard spaces specified in the zoning district wherein the pool is located.

Section 4.14. STORAGE OF MANURE. Manure shall not be stored within one hundred (100) feet of any dwelling unit.

Section 4.15. WETLAND REGULATIONS. Intent and Purpose. The regulations contained in this section governing the development and use of wetlands are established pursuant to Section 52 of the State of Michigan's Constitution. Specific purposes of these regulations are as follows:

- To protect soils capable of providing necessary infiltration for the maintenance of stable ground and aquifer levels.
 - To prevent damage caused in bodies of water by erosion, scarification, sedimentation, turbidity, siltation or other forms of pollution.
 - To protect wildlife habitats and natural vegetation.
- a. Designation of Wetland Areas.
 1. The Township Planning Commission shall develop, with aid of technically qualified persons, an official wetland map for the Township of Summerfield designating those areas which are to be considered and treated as wetlands, which map shall be kept on file with the Township Planning Commission.
 2. The official wetlands map shall designate as wetlands only those land areas possessing all of the following characteristics:
 - (a) Not less than ten (10) contiguous acres.
 - (b) Surface or sub-surface soil characteristics which either contribute to the replenishment of sub-surface water supply, or are self-contained water resources relating directly to wildlife, fish or other beneficial aquatic organisms, vegetation or to the natural habitat thereof.
 - (c) Designated wetlands may include, but shall not be limited to, those areas commonly referred to as bogs, marshes and swamps.

- (d) All lands determined to be in wetlands shall be subject to the procedures and regulations established in this section. However, nothing contained herein shall prohibit the application of these regulations to lands which can be demonstrated by competent engineering survey to lie within any wetland area. Conversely, any lands which can be demonstrated by competent engineering survey to lie beyond a wetland shall not be subject to these regulations.

b. Permitted Uses.

Only the following uses are permitted in wetlands regardless of the regulations of any zone established by this Ordinance; however, such uses are not exempt from the design standards established in this Ordinance.

1. Agriculture, including crop farming and gardening (not to include related buildings).
2. Parks, public and/or private, and playgrounds.
3. Nature preserves and arboretums.
4. Bridle trails and nature paths.
5. State of Michigan land or State Department of Natural Resources land.
6. Public open land.

Any development or subdivision plat proposed in wetlands, other than those uses noted above permitted, shall (1) be limited to those land uses and structures permitted in the zoning classification applicable to said property, and (2) be subject to site plan review by the Township Planning Commission prior to issuance of a building permit or plat approval. Applicant for such approval shall submit to the Township plans, specifications and design data at legible scale in three (3) copies.

c. Requirements and Restrictions.

Any permitted use provided for shall be subject to the following provisions:

1. Where there is dumping, backfilling, or excavation, in any manner, adequate site plans and engineering drawings shall be submitted to effectively show the final results of such action.
2. In addition to the provisions of this section, as they apply to the wetland, the regulations for the zone in which such land is located shall continue in full force and effect, as well as any other Federal, State or local regulations relative thereto, including the State Soil Erosion and Sedimentation Control Act, Act 347, P.A. 1972, as amended; the Natural River Act, Act 231, P.A. 1970, as amended; the Coastal Beach Erosion Act, Act 44, P.A. 1952, as amended; and the Inland Lakes and Streams Act, Act 346, P.A. 1972, as amended.

Section 4.16. FENCES, WALLS AND OTHER PROTECTIVE BARRIERS. All fences of any type or description shall conform to the following regulations:

- a. The erection, construction or alteration of any fence, wall or other type of protective barrier shall be approved by the Zoning Administrator as to their conforming to the requirements of the zoning districts wherein they are located.
- b. All fences hereafter erected shall be of an ornamental nature except in the F, Forestry District. Barbed wire, spikes, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fence is prohibited, except in the F, Forestry District. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary by the Zoning Administrator in the interests of public safety.

ARTICLE V

NON-CONFORMING LOTS, NON-CONFORMING USES OF LAND, NON-CONFORMING STRUCTURES, NON-CONFORMING USES OF STRUCTURES AND PREMISES, AND NON-CONFORMING CHARACTERISTICS OF USE

Section 5.01. NON-CONFORMANCE. Within the districts established by this Ordinance there exist:

- a. Lots
- b. Structures
- c. Uses of land and structures, and
- d. Characteristics of use

which were lawful prior to adoption of this Ordinance. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 5.02. NON-CONFORMING STRUCTURES. Where a lawful structure exists at the effective date of adoption of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. Alterations. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity.
- b. Reconstruction. Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it may be reconstructed to a character similar to the original structure without increasing any non-conformity.
- c. Relocation. Should such structures be moved for any reason whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 5.03. NON-CONFORMING USES OF LAND. Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful provided:

- a. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance except that a single-family property may be expanded, increased or enlarged to an area not to exceed fifty (50) percent of its land area at the time of the effective date of this Ordinance.

- b. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

Section 5.04. NON-CONFORMING USES OF STRUCTURES. If lawful use involving individual structures with a State Equalized Valuation of \$500 or more, or of structure and premises in combination exists at the effective date of adoption of this Ordinance that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- b. If no structural alterations are made, any non-conforming use of a structure, or structures and premises, may be changed to another non-conforming use provided that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. Whenever a non-conforming use has been changed to a conforming use, or to a permitted use in a district of greater restriction, it shall not thereafter be changed to a non-conforming use.
- c. Any non-conforming single-family residential structure may be expanded or increased in floor area.

Section 5.05. REPAIRS AND MAINTENANCE. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing. Provided that the cubic content existing when it became non-conforming shall not be increased.

If a non-conforming structure or portion of a structure containing a non-conforming use becomes condemned by the County Building Inspector, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which located.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by the Zoning Administrator.

Section 5.06. NON-CONFORMING USE - BUILDING DAMAGED BY FIRE, ETC. Any non-conforming use or non-conforming building which has been destroyed or damaged by fire, explosion, Act of God, or by public enemy may be reconstructed.

Section 5.07. CHANGE OF TENANCY OR OWNERSHIP. There may be a change in tenancy, ownership or management of an existing non-conforming use, provided there is no increase in the non-conformity of the use or structure.

Section 5.08. NON-CONFORMING LOTS OF RECORDS (SUBSTANDARD LOTS). Any lot or parcel of land which was of record at the Clare County Register of Deeds at the time of effective date of this Ordinance that does not meet the requirements for lot size and open space established for the zoning district in which the said lot is located, may be utilized for single-family residences in zones permitting this use, including the F District, provided that the lot size is within sixty (60) percent of the Ordinance requirements of the R, Residential District and that the yard space provisions comply with the requirements of the R, Residential District.

The purpose of this section is to permit the utilization of recorded lots which lack required lot size and open space as long as reasonable standards can be provided. However, where substandard lots of record are located in other than residential zoning districts, their utilization for a use permitted in the zoning district wherein the lot or lots are located may be permitted by the Board of Zoning Appeals as constituting a physical hardship involving unusual circumstances that render the property unusable for other purposes.

ARTICLE VI

OFF-STREET PARKING REQUIREMENTS

Section 6.01. PARKING REQUIREMENTS. In all zoning districts for each main building hereafter erected or altered and located on a public highway or road in the Township, and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off road or right-of-way that is in general adequate for the parking or loading of vehicles. Such space shall be maintained and shall not be encroached upon so long as said main building or structure remains, unless an equivalent number of such spaces are provided elsewhere in conformance with this Ordinance. Such space shall be provided with safe exit to and safe entrance from the public thoroughfare. Said exit and entrance may be combined or provided separately. Approval for the location of such exits and entrances on County roads shall be obtained from the Clare County Road Commission. Parking area shall be subject to site plan review by the Summerfield Township Planning Commission.

ARTICLE VII

F, FORESTRY DISTRICT

Section 7.01. STATEMENT OF PURPOSE. The Forestry District is intended for those areas oriented towards prevention of destruction and loss of natural land and water features and natural historic sites, provision of habitats for wildlife, and conservation and preservation of outdoor recreation uses. Such zoned land may be widely scattered in the Township and permit agricultural and forestry activities, nature trails, hunting and fishing preserves and carefully planned low density residential uses which do not cause adverse effect on environmentally sensitive lands.

Section 7.02. PERMITTED PRINCIPAL USES. The following uses are permitted in a F, Forestry District.

- a. Single Family Dwellings
- b. Single mobile homes on private ownership lots. Mobile homes shall be treated the same as any other dwelling unit in this Ordinance, provided that each mobile home site shall be provided with (A) a stand of solid reinforced concrete apron to a depth of four (4) inches, at least equal in area and dimension of the mobile home occupying the site, (B) two (2) ribbons of concrete, 16" x 32" deep extending the full length of the mobile home, or (C) piers of solid reinforced concrete 16" x 16" x 32" deep, ten (10) feet apart, to support blocks or jacks for the mobile home. Each mobile home shall meet manufacturer's specifications for foundation support. All mobile homes shall be skirted with 28 gauge metal or equivalent material upon approval of the Zoning Administrator buried to a depth of eight (8) inches.
- c. Practice of forestry and sale of forest products, including sawmills and pallet assembly.
- d. Public and private natural resource, conservation areas.
- e. Churches, provided a minimum site of three (3) acres.
- f. Parks, playgrounds, picnic areas and beaches, gun clubs, fish ponds, ski resorts, natural resources, conservation areas.
- g. Canoe liveries.
- h. Farming operations.
- i. Gravel and sand quarries.
- j. Township government buildings and uses such as Township Hall and fire stations.
- k. Airports, airfields, runways, hangars, beacons, and other facilities involved with aircraft operation, subject to all rules and regulations of the Federal Aeronautics Administration and the Aeronautics Commission of the State Department of Highways and Transportation.

- l. Stables and riding academies with minimum site size of forty (40) acres.
- m. Radio and television towers, other than domestic radio and television receiving antennae and/or small, home short-wave transmitting antennae, provided that any such towers shall be located from all property lines a distance at least equivalent to the height of the tower.
- n. Golf courses, subject to the following conditions:
 - 1. The site shall be so planned as to provide all ingress and egress directly onto a County Primary road.
 - 2. Development features including the principal accessory buildings and structures shall be so located and related so as to minimize the possibilities of any adverse effect upon adjacent property. All principal or accessory buildings shall be not less than two hundred (200) feet from any R or RR District.
- o. Roadside produce stands for the sale of products.
- p. The commercial raising of furbearing animals on a site of 20 acres or more.
- q. Cemeteries provided that there be a minimum site size of ten (10) acres and that the perimeter of the site shall be fenced.
- r. Public utility buildings and uses, including service and storage yards, subject to site plan review by the Township Planning Commission when operating requirements necessitate locating within the District to serve the immediate vicinity.
- s. Home occupations as defined in Article II.
- t. Temporary building for use incidental to construction work for a period not to exceed one (1) year.
- u. Off-street parking in accordance with Article VI.
- v. Accessory use and buildings customarily incidental to the above Permitted Principal Uses.

Section 7.03. DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. (In accordance with Article XI, Schedule of Regulations.)

ARTICLE VIII

R, RESIDENTIAL DISTRICT

Section 8.01. STATEMENT OF PURPOSE. The Residential District is established as a district in which the principal use of land is for single family dwellings. For the Residential District, in promoting the general purpose of this Ordinance, the specific intent is:

- a. To encourage the construction of, and the continued use of the land for single family dwellings.
- b. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single family dwellings in the District.
- c. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- d. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewage, substantially in excess of such requirements and costs if the District were developed solely for single family dwellings.
- e. To encourage single family development in those areas which have suitable soils.

Section 8.02. PERMITTED PRINCIPAL USES. The following uses are permitted in a R District:

- a. Single family detached dwellings.
- b. Single mobile homes on private ownership lots. Mobile homes shall be treated the same as any other dwelling unit in this Ordinance, provided that each mobile home site shall be provided with (A) a stand of solid reinforced concrete apron to a depth of four (4) inches, at least equal in area and dimension of the mobile home occupying the site, (B) two (2) ribbons of concrete, 16" x 32" deep extending the full length of the mobile home, or (C) piers of solid reinforced concrete 16" x 16" x 32" deep to support blocks or jacks for the mobile home. Each mobile home shall meet manufacturer's specifications for foundation support. *SKIRTING - 8 GAUGE METAL*
- c. Resort housing.
- d. Home occupations as defined in Article II.
- e. Churches, provided that the church structure shall be located at least fifty (50) feet from any dwelling.
- f. Publicly-owned and operated parks, playfield, playgrounds and other recreational facilities.

- g. Public utility buildings and uses, but not including service and storage yards, when operating requirements necessitate locating within the District to serve the immediate vicinity.
- h. Libraries.
- i. Nursery schools, day nurseries and child care centers (not including dormitories) provided that for each child so cared for, there shall be provided and maintained a minimum of one hundred and fifty (150) square feet of outdoor play area. Such play space shall have a total minimum area of not less than five thousand (5,000) square feet and shall be screened from any adjoining lot in any residential district.
- j. Temporary buildings for use incidental to construction work for a period not to exceed one (1) year.
- k. Off-street parking in accordance with Article VI.
- l. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- m. Accessory signs. For permitted uses other than dwellings, one (1) bulletin or announcement board not exceeding sixteen (16) square feet in area, located no nearer to the front property line than one-half the required front yard setback for buildings, not nearer any side property line than the required side yard setback for buildings, shall be permitted.

Section 8.03. DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. (In accordance with Article XI, Schedule of Regulations.)

ARTICLE IX

RR, RURAL RESIDENTIAL DISTRICT

Section 9.01. STATEMENT OF PURPOSE. The Rural Residential District is established as a district in which the principal use of land is for single family dwellings. For the Rural Residential District, in promoting the general purpose of this Ordinance, the specific intent is:

- a. To encourage the construction of, and the continued use of the land for single family dwellings.
- b. To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or continuation of single family dwellings in the District.
- c. To discourage any land use which would generate traffic on minor or local streets other than normal traffic to serve the residences on those streets.
- d. To discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply, and sewage, substantially in excess of such requirements and costs if the District were developed solely for single family dwellings.
- e. To encourage single family development in those areas which have suitable soils or municipal utility systems.

Section 9.02. PERMITTED PRINCIPAL USES. The following uses are permitted in an RR District:

- a. All principal permitted uses in a R District.

Section 9.03. DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. (In accordance with Article XI, Schedule of Regulations.)

ARTICLE X

C, COMMERCIAL DISTRICT

Section 10.01. STATEMENT OF PURPOSE. The Commercial District is intended to permit a wide range of business and entertainment activities. The permitted uses may serve not only nearby consumers, but also customers living outside the Township. Some of these uses will generate a significant amount of traffic and will require adequate off-street parking. Therefore, it is the intent of the District to encourage the concentration of commercial areas to the mutual advantages of both the consumers and merchants and thereby promote the best use of land at certain strategic locations.

Section 10.02. PERMITTED PRINCIPAL USES. The following uses are permitted in a C, Commercial District:

- a. Any retail or wholesale business.
- b. Personal service establishments performing services on the premises.
- c. Laundry or dry cleaning customer outlets.
- d. Eating and drinking establishments; if of a drive-in or carryout character all drive-way access from adjacent roads shall be located at least fifty (50) feet from any intersection of road right-of-way.
- e. Offices; business, financial institutions.
- f. Public utility buildings and uses including service and storage yards, subject to site plan review by the Township Planning Commission when operating requirements necessitate locating within the District to serve the immediate vicinity.
- g. Automobile bump shops, automobile repair, automobile car wash establishments, automobile service stations.
- h. Motels
- i. Travel trailers parks on a site of not less than five (5) acres, subject to all requirements of the Clare County Health and Building Departments.
- j. Animal hospitals and veterinarian offices, provided that where there are outside runs, such runs must be located at least two hundred (200) feet from the nearest residentially used or zoned district.
- k. Warehouse establishments.
- l. Off-street parking in accordance with Article VI.

- m. Accessory buildings and uses customarily incidental to the above Permitted Principal Uses.
- n. Accessory business signs, pertaining to the business or service being conducted on the premises where the sign is located; off-premises signs shall also be permitted provided they do not exceed three (3) square feet for each ten (10) feet of frontage or (30) square feet for each acre of the premises on which located up to a maximum of one hundred (100) square feet in area, and also subject to the setback regulations applicable to buildings in a C District. No portable sign shall be placed closer than ten (10) feet to any driveway, road, street, alley, sidewalk or other public property, nor placed upon any property other than where the business or product is advertised, is located or sold. Every application for a building permit for a portable sign must include a description or sketch showing how such sign shall be affixed to the ground or some stationary structure which will prevent its rolling, tumbling, blowing or being pushed onto any driveway, street, alley or other public property. For the purpose of this Ordinance, a planned shopping center shall be considered one business premises. Maximum area shall be limited to twenty (20) square feet for a portable sign.

Section 10.03. DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS. (In accordance with Article XI, Schedule of Regulations.)

ARTICLE XI

SCHEDULE OF REGULATIONS SECTION 11.01: DENSITY, AREA, HEIGHT, BULK AND PLACEMENT REQUIREMENTS

| Zoning District | Minimum Lot Size | | Maximum Coverage of lot by all Buildings (Percent of Lot Area) | Minimum Yard Setback In Feet | | Minimum Floor Area Per Dwelling Unit ^c | |
|-----------------------|-----------------------|---------------|--|---------------------------------|------|---|------------------|
| | Area | Width in Feet | | Front | Rear | | |
| | | | | | | | |
| | | | | | | | |
| Side Yards | | Least One | Total Two | | | | |
| F, Forestry | 20 acres ^e | 330 | 50 | 50 | 100 | 50 | 670 |
| R, Residential | 1 acre | 125 | 50 | 50 | 15 | 30 | 670 |
| RR, Rural Residential | 5 acres | 200 | 50 | 50 | 15 | 30 | 670 |
| C, Commercial | 30,000 sq. ft. | 150 | -- | 60 | 15 | 30 | 800 ^d |

Section 11.02. FOOTNOTES TO SCHEDULE OF REGULATIONS.

- a. In all R and RR Districts, the required front yard setback shall not be used for off-street parking, loading, or unloading, and shall remain as open space unoccupied and unobstructed from the ground upward except for landscaping, plant materials or vehicle access drives. All yards abutting upon a public street shall be considered as front yards for setback purposes. In C, Commercial Districts, the same requirements shall apply except that the first fifteen (15) feet of required front yard setback may not be utilized for parking and loading purposes.
- b. In determining required yard spaces for all land uses in the zoning districts, the determination of such yard spaces shall be the distance from the building or structure on the lot and the nearest lot line.
- c. Required minimum floor area for each dwelling unit shall not include area of basements, utility rooms, breezeways, porches, attached garages or accessory buildings.
- d. Minimum floor space per motel unit in a C District shall be two hundred and fifty (250) square feet.
- e. For every 40 acres of property in the F District a maximum of one (1), one acre site may be subdivided for use as a residence provided that:
 - (1) No provisions of the Subdivision Control Act, Act 288 of the Public Acts of 1967 are violated.
 - (2) The parcel is subject to all other provisions of this Ordinance.
 - (3) The minimum lot requirements shall be subject to those standards and regulations set forth for the R, Residential District.
 - (4) The procedure for approval shall be the same as set forth for a variance request.

ARTICLE XII

ADMINISTRATION AND ENFORCEMENT

Section 12.01. ENFORCEMENT-ZONING ADMINISTRATOR. The duty of administering and enforcing the provisions of this Ordinance, including issuance and revocation of permits, shall unless otherwise provided for, be vested in the Township Zoning Administrator, who shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as said Board shall determine. He can be removed from the office by the Township Board for willful neglect of duty or malfeasance in office.

Section 12.02. ELIGIBILITY OF ADMINISTRATOR. To be eligible for appointment, the Zoning Administrator shall have no interest, directly or indirectly, in land development or in the sale or manufacture of any material, process, facility or device entering into or used in connection with building.

Section 12.03. DUTIES OF ZONING ADMINISTRATOR. The Zoning Administrator shall review all applications for Certificate of Compliance and approve or disapprove such applications based on compliance with the provisions of this Ordinance. Upon receipt of an application the Zoning Administrator shall (1) conduct necessary field inspections, surveys, and investigations to insure compliance with the provisions of this Ordinance; (2) shall investigate any alleged violation of this Ordinance coming to his attention; (3) shall keep records of all inspections, applications, and Certificates of Compliance issued, with a notation of all special conditions involved; (4) shall safely keep copies of all site plans and of all fees submitted with application; (5) shall receive all applications for appeals, variances, or other matters which the Board of Zoning Appeals is required to decide under this Ordinance; and (6) shall be responsible for providing forms for the various applications required by this Ordinance. Under no condition shall the Zoning Administrator make any changes or vary any terms in this Ordinance in carrying out his duties. The Zoning Administrator shall notify the Chairman of the Board of Zoning Appeals within seven (7) days of the receipt of application for any variance.

Section 12.04. CERTIFICATES OF COMPLIANCE.

- a. Use of Land, Buildings, and Structure, Subject to Provisions of Ordinance: Following the effective date of this Ordinance, no changes of use of any land or existing building or structure shall be made, and no building or structure hereafter erected shall be occupied and used in whole or in part, until the owner or occupant has (1) obtained a certificate from the Zoning Administrator stating the use and/or building complies with the provisions of this Ordinance, obtained a septic permit from the Clare County Health Department, and (3) obtained permits from the Clare County Building Department.
- b. Use of Altered Buildings and Structures Subject to the Provisions of Ordinance: No building or structure now or hereafter erected and subsequently altered shall be used, or changed in use, following such alteration until the owner has obtained a certificate from the Zoning Administrator stating that the use or building complies with the provisions of this Ordinance.

- c. Procedures Relative to Certificate of Compliance: Certificates of Compliance shall be applied for and shall be issued within ten days after the lawful erection or alteration of the building is complete. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any persons having proprietary or tenancy interest in the land or building affected.
- d. Revocation of Certificate of Compliance: The Zoning Administrator shall have the power to revoke or cancel any Certificate of Compliance in case of failure or neglect to comply with any of the provisions of this Ordinance or in case of any false statement or misrepresentation made in the application. The owner, or his agent shall be notified of such revocation in writing, and any further misuse of the land or building shall be deemed a violation.

Section 12.05. APPLICATION FOR CERTIFICATE OF COMPLIANCE. There shall be submitted the Zoning Administrator an Application for Certificate of Compliance prior to the issuance of a Certificate of Compliance. A fee, as established by the Township Board, shall accompany each application to be transmitted to the Zoning fund at the next meeting of the Township Board. The accuracy of statements in the application shall be the responsibility of the applicant. False or fraudulent statements shall be grounds for revocation of any Certificate of Compliance by the Administrator.

Section 12.06. AMENDMENTS. The Township Board may amend, supplement or change the regulations and boundaries of districts or provisions of this Ordinance pursuant to the authority and according to the procedure set forth in Act 184, of the Public Acts of 1943, as amended.

Any property owner desiring to have any amendment in the text or district map of this Ordinance shall, with his petition for such change, deposit a filing fee, as established by the Township Board, for deposit in the Zoning fund, to cover the costs of notice of public hearing, the public hearings, and other related expenses incurred in the processing of said petition.

Section 12.07. ZONING FUND. The Zoning Fund shall be a special purpose fund kept by the Township Board separate from the General Fund. The purpose of the Zoning Fund is to help finance zoning administration, Board of Zoning Appeals' legal fees, or litigation connected with the enforcement of this Ordinance. Disbursements from this Fund shall be limited to the payment of Zoning Administrator, payments to the members of the Board of Zoning Appeals, retainer for legal services in connection with this Ordinance, fees for updating and keeping current this Ordinance and court costs.

ARTICLE XIII

BOARD OF ZONING APPEALS

Section 13.01. CREATION OF BOARD OF ZONING APPEALS. There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided by Act 184 of Public Acts of 1943, as amended, in such a way that the objectives of this Ordinance shall be attained, public safety secured and substantial justice done.

Section 13.02. BOARD MEMBERSHIP. The Board of Zoning Appeals shall consist of the following three (3) members:

- a. The first member shall be a member of the Township Planning Commission.
- b. The remaining two members of the Board of Zoning Appeals must be selected from electors of the Township residing outside of incorporated cities and villages. The membership must be representative of the population and interest present in the Township. One member may be a member of the Township Board, provided that an elected officer cannot serve as a Chairman of the Board of Zoning Appeals.
- c. An employee or contractor of the Township cannot serve as a member or employee of the Board of Zoning Appeals.

Members of the Board of Zoning Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing by the Township Board.

Section 13.03. MEETINGS. All meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, and at such times as the Board of Zoning Appeals may determine. All meetings of the Board of Zoning Appeals shall be open to the public. The Board of Zoning Appeals shall adopt rules of procedure, maintain a record of its proceedings, and 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. A quorum shall of two (2) duly appointed members of the Board of Zoning Appeals.

Section 13.04. APPEALS. An appeal may be taken to the Board of Zoning Appeals by any person, firm or corporation, or by any officer, department, board or bureau aggrieved by a decision of the Zoning Administrator. Such appeals shall be taken within such time as shall be prescribed by the Board of Zoning Appeals by general rule, by filing with the Zoning Administrator and within the Board of Zoning Appeals a Notice of Appeal, specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all of the papers constituting the record upon which action appealed from was taken. An appeal shall stay all proceedings furtherance of the action appealed from unless the Zoning Administrator certifies to the Board of Zoning Appeals after the Notice of Appeal shall have been filed with him, that by reason of that stated in the certificate, a stay would, in his opinion, cause imminent peril of life or property in which case the proceedings shall not be stayed otherwise than by a restraining order which would be granted by the Board of Zoning Appeals or by Circuit Court. The Board of Zoning 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.

Section 13.05. NOTICE OF HEARING. The Board of Zoning Appeals shall make no recommendation except in a specific case and after a public hearing has been held. Notice of the hearing of the appeal shall be given to the parties concerned at a reasonable time and place in a paper of general circulation in the Township of Summerfield at least five (5) days prior to the hearing, and no more than fifteen (15) days prior to the hearing. Such notice shall contain the address, if available, and location of the property for which a variation or other ruling is sought of the Board of Zoning Appeals as well as a brief description of the nature of the appeal.

Section 13.06. POWERS OF BOARD OF ZONING APPEALS CONCERNING VARIANCES.

- a. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official charged with enforcement. The concurring vote of a majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement decision or determination of any such administrative official.
- b. The Board of Zoning Appeals shall have the power to interpret the provisions of this Ordinance and the Zoning Map accompanying this Ordinance.
- c. The Board of Zoning Appeals shall have the power to permit the erection and use of a building or an addition to an existing building of a public service corporation or for public utility purposes, in any permitted district to a larger area than the district requirements herein established, if the Board shall find such use, area, building or structure reasonably necessary for the public convenience and service.
- d. The Board of Zoning Appeals shall have the power to permit the modification of the off-street automobile parking space or loading space requirements in particular instances.
- e. The Board of Zoning Appeals shall have the power to permit temporary buildings, other than those incidental to construction work, and use for periods not to exceed one (1) year, which may be renewable upon reapplication.

Section 13.07. BOARD OF ZONING APPEALS APPROVAL. The Board of Zoning Appeals may require the appellant or applicant requesting a variance or modification to submit all necessary surveys, plans, or other information the Board may reasonably require. The Board of Zoning Appeals may impose such conditions or limitations in granting a variance or modification as it may deem necessary to comply with the spirit and purposes of this Ordinance.

Section 13.08. APPROVAL PERIOD. No order of the Board of Zoning Appeals permitting the erection or alteration of a building shall be valid for a period longer than one (1) year, 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.

Section 13.09. FILING FEE. Application for a Board of Zoning Appeals hearing shall be in writing and shall be accompanied by a filing fee as established by the Township Board which shall be paid over to the Township Treasurer, for deposit to the Zoning Fund, at the time the notice of appeal or request for special approval is filed.

ARTICLE XIV

INTERPRETATION AND APPLICATION

In interpreting and applying the provisions of this Ordinance, said provisions shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comforts, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted, or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings, or requires larger open spaces, or larger lot areas than are imposed or required by such ordinance or agreements, the provisions of this Ordinance shall govern.

ARTICLE XV

VIOLATIONS AND PENALTIES

Any person, persons, firm or corporation, or anyone acting in behalf of person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who fails to comply with any of the regulatory measures or conditions adopted pursuant hereto, shall upon conviction thereof be subject to a fine of one hundred dollars (\$100.00) and the costs of prosecution or, in default of the payment thereof, by imprisonment in the County Jail for a period not to exceed ninety (90) days or by both such fine and imprisonment in the discretion of the Court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance. Each day that a violation is permitted to exist shall constitute a separate offense.

Use of land, dwellings, buildings, or structures including tents and trailer coaches, used, erected, altered, razed or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The Court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer coach or land shall be adjudged guilty of maintaining a nuisance per se. Costs of abating such nuisance shall become a lien upon the land. (Refer also to Clare County Nuisance Abatement Ordinance.)

ARTICLE XVI

VALIDITY

This Ordinance and the various articles, sections, paragraphs, and clauses thereof, are hereby declared to be severable. If any article, section, paragraph, or clause is adjudged unconstitutional or invalid, the remainder of the Ordinance shall not be affected thereby.

ARTICLE XVII

CONFLICTING PROVISIONS REPEALED

In other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed.

ARTICLE XVIII

ENACTMENT AND EFFECTIVE DATE

This Ordinance is hereby declared to have been adopted by the Township Board of the Township of Summerfield, Clare County, Michigan at a meeting thereof, duly called and held on the ____ day of _____, 1978 and is ordered to be given publication in the manner prescribed by law and shall become effective upon publication.

Published: _____, 1978

History of Adoption

| | | | |
|--|-----------|---------|--------|
| Resolution of Intent by Township Board | | _____ | , 197 |
| Publication of Resolution of Intent in _____ | | _____ | , 197 |
| Publication of Public Hearing Notices | | May 24 | , 1978 |
| | | June 7 | , 1978 |
| Township Planning Commission Public Hearing | | June 15 | , 1978 |
| Referred to Clare County Planning Commission | | _____ | , 197 |
| Recommendation by Township Planning Commission | | _____ | , 197 |
| Adoption by Township Board | | _____ | , 197 |
| Publication of Ordinance in _____ | | _____ | , 197 |
| Effective Date of Ordinance | | _____ | , 197 |