



SANDS TOWNSHIP ZONING ORDINANCE

**SANDS TOWNSHIP
987 S M-553
GWINN, MI 49841**

MARQUETTE COUNTY

ADOPTED FEBRUARY 1995

AMENDED: May 1996, February – May 2006, August 9, 2006, August 11, 2009

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ARTICLE I
PURPOSE OF ZONING

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

THE TOWNSHIP OF SANDS HEREBY ORDAINS:

Section 101 Purpose

Pursuant to the authority conferred by the Public Acts of the State of Michigan, this Ordinance has been established for the purpose of:

1. Promoting and protecting the public health, safety, and general welfare;
2. Protecting the character and stability of the Township's most valuable natural resources--its minerals and forests;
3. Promoting the orderly and beneficial development of residential and non-residential areas within Sands Township;
4. Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light, air, access and privacy to protect the public health;
5. Lessening and avoiding congestion or other traffic related problems on the public highways and roads;
6. Providing for the needs of mining, forest resource production, agriculture, housing, and commerce in future growth;
7. Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards;
8. Preventing the overcrowding of land and undue concentration of buildings and structures so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
9. Enhancing social and economic stability in the Township;
10. Conserving the taxable value of land, buildings and structures in the Townshi I-1
11. Enhancing the aesthetic desirability of the environment throughout the Township; and

12. Conserving the expenditure of funds for public improvements and services to conform with the most advantageous uses of land.

Section 102 Short Title

This Ordinance shall be known and may be cited as the Sands Township Zoning Ordinance.

ARTICLE II
DEFINITIONS

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Section 201 Construction of Language

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

- A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases that have a peculiar and appropriate meaning in the law, shall be construed and

understood according to such peculiar and appropriate meaning.

- B. The particular shall control the general.
- C. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
- D. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- E. The word "use" includes the words, structures and buildings associated with such use.
- F. When not inconsistent with the context, words in the present tense shall include the future and words in the singular number shall include the plural.
- G. The word "building" includes the word "structure," and the word "dwelling" includes the word "residence." A "building" or "dwelling" includes any part thereof.
- H. The words "used" or "occupied" include the words "intended," "designed," or "arranged" to be used or occupied.
- I. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
- J. The word "lot" includes the words "plot" and "parcel."
- K. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - (1) "And" indicates that all connected items, conditions, provisions, or events shall apply.
 - (2) "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 - (3) "Either...Or" indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.
- L. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine gender shall include the masculine.

- M. Whenever a reference is made to several sections and the section numbers are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.
- N. In computing a period of days, if the first day or the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

Section 202 Definitions

For the purpose of this Ordinance words pertaining to access, building, property, land use, building use, building measurement, and enforcement shall have the following meaning:

Accessory Building: A building or structure customarily incidental and subordinate to the principal structure and located on the same lot as the principal building or use.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

Agricultural Operation: Any parcel of land which is used for agricultural purposes. It includes the keeping of livestock, the necessary farm structures and the storage of equipment used. It excludes kennels and the raising of fur bearing animals.

Agricultural Roadside Stand: A ^{II-2} temporary structure for the seasonal display and sale of agricultural products produced on the property upon which the stand is located.

Airport: Any area of land or water designated, set aside, used or intended for use, for the landing and take-off of aircraft, and any appurtenant areas designated, set aside, used or intended for use, for airport buildings or other airport facilities, right-of-way, or approach zones, together with all airport buildings and facilities located thereon.

Alley: Any dedicated public way affording a secondary means of vehicular access to abutting property, and not intended for general traffic circulation.

Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or

vertically, or the moving of a building or structure from one location to another.

Amusement Park: A commercially operated park with a predominance of outdoor games and activities for entertainment. These may include, but are not limited to, miniature golf, batting cages, water slides, motorized rides and the like.

Apartment: A dwelling unit in a "multiple family dwelling" as defined herein.

Arcade, Amusement: A business establishment offering for public or private use four or more of any form of game machine, instrument or apparatus operated by coin, slug, or similar medium, but not including automatic machines for vending food, soft drinks and the like.

Assembly Hall: A structure for public, and/or membership groups of people to gather for an event or regularly scheduled program. Assembly halls may include, but are not limited to, arenas, religious institutions, lecture halls, banquet facilities, and similar facilities.

Automobile/Gasoline Service S II-3 : A place for the dispensing, sale or offering for sale of fuels directly to users of motor vehicles, together with the sale of minor accessories and the servicing of and minor repair of automobiles.

Automotive Repair Garage: A premise where the following services may be carried out in a completely enclosed building: general repairs, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; painting and undercoating of automobiles. Motor fuels, lubricants and accessories may also be sold on these premises.

Automobile Sales and Showrooms / Lot: Premises on which new or used passenger automobiles, trailers, motor homes, or trucks in operating condition are displayed in the open or enclosed structure for sale or trade.

Bank / Financial Institution: An institution, open to the public, with or without a drive-in window, that engages in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.

Basement: That portion of a building which is partly or wholly below grade, but so located that the vertical distance from average grade to the floor is greater than the vertical distance

from the average grade to the ceiling. If the vertical distance from the grade to the ceiling is over five (5) feet, such basement shall be rated as a first story.

Bed and Breakfast: A use that is subordinate to a single-family detached dwelling unit, in which transient guests are provided with sleeping rooms and limited breakfast meals on a short-term basis, in return for payment.

Boilers / Units, Outside Wood Burning: Accessory structures used for the heating of a main dwelling and related structures.

Bowling Alley: An establishment that devotes more than 50% of its gross floor area to bowling equipment, and playing area.

Buffer Strip: Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use or property from another so as to visually shield or block noise, lights, or other nuisances.

Buildable Area: The area of II-4 remaining after the minimum yard and open space requirements of the zoning ordinance have been met.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Accessory: See Accessory Building.

Building Area: The area covered by a structure, measured from the exterior walls of the structure.

Building Height: The vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. (BOCA National Building Code, slightly modified.)

Building Line: A line parallel to the street touching that part of a building closest to the street.

Building, Principal: See Principal Building.

Business Services: Establishments primarily engaged in rendering services to business establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; equipment rental and leasing; commercial research; development and testing; photo finishing; and personal supply services.

Campground: A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units as temporary living quarters for recreation, education, or vacation purposes.

Car Wash: A lot or building where motor vehicles are washed or waxed, either by the patron or by others, using machinery specifically designed for the purpose.

Cemetery: A place used for interment of human or animal remains or cremated remains, and may include a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Change of Use: Any use that substantially differs from the previous use of a building or land.

Church: A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Clinic, Animal: A building where animal patients, which may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.

Clinic, Medical: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not usually lodged overnight.

Club: An organization of persons for special purposes or for the promulgation of sports, arts, science, literature, politics or similar activities, but not operated for profit and open only to members and not the general public.

College: An educational institution authorized by the state to award baccalaureate or higher degrees.

Commercial Tower: A structure including, but not limited to, monopole, skeleton framework, or other design which is attached directly to the ground or to another structure which supports one or more antennae, and which is used commercially for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

Community Residential Care Facility: A facility that provides shelter and care for individuals with special needs in a single

family dwelling for six or fewer persons (small) or in a larger facility when more persons are assisted (large). (These are all state-regulated facilities.)

Contractor Yard: A use of land intended for the storage of materials and equipment used for construction, road building and forestry operations.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, alcoholic and non-alcoholic beverages and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. A convenience store may be operated in combination with an automobile/gasoline service station.

Cul-de-sac: The turnaround at the end of a dead-end street.

Day Care Facility, Commercial: A day care operation located in a structure whose principal use is that of a day care facility, and is not the residence of the operator or any other person. Such facility shall be licensed and regulated under P.A. 116 of 1973.

Day Care Facility, Family: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, which provides day care services for six or fewer children, and which is licensed or registered under P.A. 116 of 1973.

Day Care Facility, Group: A day care operation located in and subordinate to the residential use of the residence of the operator of the facility, and subordinate to the residential use, which provides day care services for seven to 12 children, and which is licensed or registered under P.A. 116 of 1973.

Developer: The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

District: A specifically delineated area within the Township, within which uniform regulations and requirements govern the use, placement, spacing and size of land and structures.

Drive-In Use: An establishment that by design, physical facilities, service, or by packaging procedures encourages or

permits customers to receive services or obtain goods while remaining in their motor vehicles.

Driveway: A private roadway providing access to a street or highway.

Duplex: A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof. Also see Dwelling, Two-Family.

Dwelling, Multiple Family: A single structure containing more than two dwelling units each designed for residential occupancy by one family, including condominiums.

Dwelling, Seasonal: A dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

Dwelling, Single-Family: A single structure, including a mobile home, designed or used for residential occupancy by one family. Dimensional requirements for single family dwellings are included in Section 402.

Dwelling, Two-Family: A single building on a single lot containing two dwelling units, each of which is totally separated from the other by an un-pierced wall extending from ground to roof or an un-pierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. Dimensional requirements for two-family dwellings are included in Section 402.

Dwelling Unit: One or more rooms with bathroom, bedroom, and kitchen facilities designed as a self-contained unit for occupancy by one family for living, cooking and sleeping purposes.

Educational Institution: Any building or part thereof, which is designed, constructed, or used for education or instruction in any branch of knowledge, together with accessory buildings and uses.

Enlargement: An increase in the size of an existing structure or use, including physical size of the property, building, parking, and other improvements.

Erected: Any physical operations on the premises required for the construction or moving on and includes construction, reconstruction, alteration, building, excavation, fill, drainage, installation of utilities and t II-8 .

Excavation: Removal or recovery by any means whatsoever of soil, rock, minerals, mineral substances, or organic substances, other than vegetation, from water or land, on or beneath the surface

thereof, or beneath the land surface, whether exposed or submerged.

Existing Use: The use of a lot or structure at the time of the enactment of a zoning ordinance.

Family: An individual, or two or more persons related by blood, marriage or adoption, or parents along with their direct lineal descendants, and adopted or foster children, or a group not to exceed three persons not related by blood or marriage, occupying a premises and living as a single cooking, sleeping, and bathroom housekeeping unit. Every additional group of three or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Said definition shall not apply in instances of group care centers, or state licensed residential facilities as established under P.A. 395 of 1976, as amended.

Fairgrounds: Structures and/or land designed for the public exhibition of agricultural products, livestock, equipment, etc. on an occasional basis. Includes other activities commonly associated with or similar to fairs, such as musical entertainment, carnival rides, food service stands, and temporary commercial exhibits and/or sale of merchandise, also on an occasional basis.

Fast Food Restaurant: An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building, in cars on the premises, or off the premises.

Fence: An artificially constructed barrier of wood, metal, stone, or any manufactured materials or combination of materials erected to enclose, screen or separate areas.

Floor Area: The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, attached or interior vehicular parking or loading, breezeways or porches; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

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Floor Area, Usable: For purposes of computing parking requirements, is that area to be used for the sale of merchandise or services, or for use to serve patron, clients or customers. Such floor area which is used or intended to be used for the storage or processing of merchandise, for hallways, stairways and elevator shafts, or for utilities or sanitary facilities shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of living areas of the

building, measured from the interior faces of the exterior walls, including private garages.

Food Packaging Plant: A facility in which food products are processed, packaged and/or stored for the eventual transfer to other establishments for use or consumption.

Forestry: Establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

Forestry Operations: Forestry operations will be defined as removing and replanting of trees. Portable saw mills only, for no more than 30 days on site for processing of on site lumber.

Funeral Home: A structure used for the preparation of the deceased for burial and display, and rituals connected therewith, before burial or cremation. A funeral home, as defined for purposes of this code, includes a funeral chapel.

Garage, Residential: An accessory building, or portion of a principal building, designed or used solely for the storage of non-commercial motor vehicles, boats, and similar items or equipment, and having no public sales or shop services in connection thereof.

Golf Course: A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and that may include a clubhouse and shelter.

Grade: A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The building grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging II-10 elevation of the ground for each face of the structure. The average of all faces shall be used to determine the height of a structure.

Greenbelt: An open area that may be cultivated and/or maintained in a natural state surrounding development and used as a buffer and/or screen between land uses or to mark the edge of an urban or developed area.

Green House: A place of business where retail and/or wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or garden center, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery,

hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Green Space: A specifically designated tract of land in a P.U.D., subdivision, and the like which is left in its natural state for noncommercial recreational use of the residents of the P.U.D. subdivision, etc. A tract designated as "green space" is jointly owned in some fashion by its residents.

Home Occupation: Any activity carried out for gain by a resident and conducted as a secondary, incidental, and accessory use in the resident's dwelling unit, and which does not change the character thereof.

Hospital: An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences.

Hotel: A structure designed, used, or offered for residential occupancy for any period less than one month, including tourist homes, resorts, lodges, motels and youth camps, but does not include hospitals and nursing homes.

Improvement: Any permanent structure that becomes part of, placed upon, or is affixed to real estate.

Incidental: Subordinate and of ^{II-11} minor significance and bearing a reasonable relationship with the primary use.

Junk: Any scrap, waste, reclaimable material, or debris for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or otherwise used or disposed of.

Junkyard: An open area greater than two hundred (200) feet square in size, where junk or second hand materials are bought and sold, exchanged, stored, baled, packed, disassembled, handled or abandoned, including, but not limited to, scrap iron and other metals, paper, rags, tires and bottles. Junkyards include automobile wrecking yards, but do not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which six or more dogs or cats more than six months of age are either permanently or temporarily kept.

Land Use: A description of how land is occupied or utilized.

Landfill: A disposal site in which refuse and earth, or other suitable cover material, are deposited in alternating layers of specified depth in accordance with an approved plan.

Livestock: Domestic animals, such as cattle or horses, raised for home use or profit. Does not include dogs, cats or other household pets.

Loading Space: An off-street space or berth used for the loading or unloading of cargo, products or materials from vehicles.

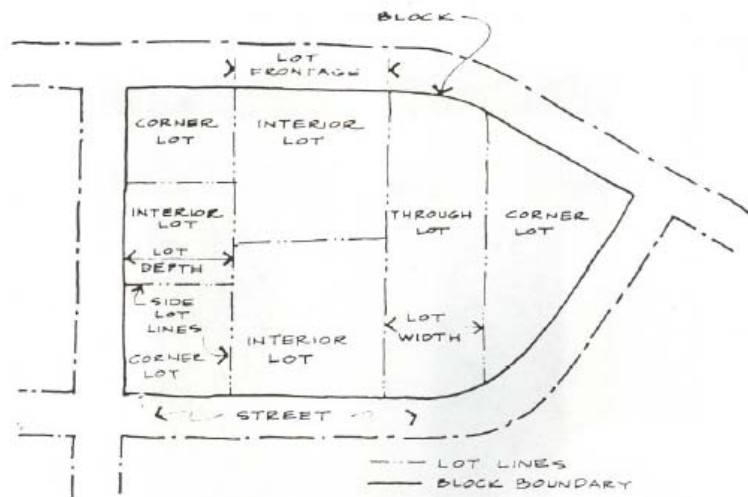
Lot Area: The total horizontal area within the lot lines of the lot, excluding any street right-of-ways.

Lot, Corner: A lot abutting on two or more streets or roads at their intersection or upon two parts of the same street forming an angle of less than 135 degrees.

Lot Coverage: The part or percent of the lot occupied by buildings, including accessory buildings.

Lot, Interior: A lot other than a corner lot.

Lot Line(s): The lines bounding a lot as defined herein from another lot or from a public or private street or any other public space any right-of-ways and or easements:



- (1) Front Lot Line: In the case of an interior lot, the line separating said lot from a street right-of-way. In the case of a corner lot, the front lot line is that line separating said lot from that street right-of-way which is designated as the front street in the plat and in the application for a building permit or zoning occupancy permit. In the case of a through lot, both

lot lines abutting on street right-of-ways shall be treated as front lot lines.

- (2) Rear Lot Line: The lot line opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and entirely within the lot.
- (3) Side Lot Line: Any lot lines other than the front lot line or rear lot line.

Lot of Record: A lot in a map recorded with the County Register of Deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described.

Lot, Through: A double fronted lot not a corner lot, having two front lot lines consisting of alleys or roads.

Lot Width: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

Manufacturing: Establishments engaged in the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Medical / Dental Clinic: A building or portion of a building in which medical, dental, and/or psychiatric services for outpatients only is provided.

Mini-Warehouse: A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products. Includes lands from which material is removed, lands on which materials from such activities are hereafter deposited, the lands on which beneficiating or treatment plants, lean ore stockpiles, stripping rock stockpiles, overburden stockpiles, tailings basins, and water reservoirs are located, and auxiliary lands which are used.

Mobile Home: A structure, transportable in one or more sections, which is built on a chassis and designed to be used, as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. A mobile home does not include a recreational vehicle.

Mobile Home Park: Any lot, parcel or tract of land under the control or management of any person, occupied or designated for occupancy by more than two (2) mobile homes and including any accessory buildings, structures or enclosures comprising facilities used by park residents.

Modular (Pre-Manufactured) Housing Unit: A dwelling unit constructed solely within a II-14 as a single unit, or in various sized modules or components, which are then transported by truck or other means to a site where they are assembled on a permanent foundation to form a single-family dwelling unit, and meeting all codes and regulations applicable to conventional single-family home construction.

Motel: A series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicles as a facility for temporary residence.

Multi-Use Building: A building containing two or more distinct uses.

Noise: Any undesired audible sound as defined by the Sands Township Noise Ordinance.

Nonconforming Lot: A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the zoning ordinance, but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure or Building: A structure or building, the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment to the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nonconforming Use: A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nuisance: An interference with the enjoyment and use of property.

Nursing Home / Assisted Living Facility: A facility designed or used for residential occupancy and providing limited medical or nursing care on the premises for the residents, but not including a hospital or mental health center.

Occupancy or Occupied: The \pm II-15 of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Office: A room or group of rooms used for conducting the affairs of a business, profession, service, industry or government and generally furnished with desks, tables, files and communications equipment.

Outdoor Storage: The keeping, in an unenclosed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than twenty-four hours.

Overlay Zone: A zoning district that extends on top of one or more than one base zoning districts and is intended to protect certain critical features and resources. Where the standards of the overlay and base zoning districts are different, the more restrictive standards shall apply.

Park: A tract of land, designated and used by the public for active and passive recreation.

Park-and-ride Lot: An area used for the temporary parking of automobiles on a daily basis for persons traveling together either through carpools, van-pools, bus-pools, or mass transit.

Parking Lot: An off-street, ground-level open area, usually improved for the temporary storage of motor vehicles.

Parking Space: A space for the parking of a motor vehicle within a public or private parking area.

Personal Services: Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel.

Planned Unit Development (PUD): An area of a minimum contiguous size, as specified by ordinance, to be planned, developed, operated, and maintained as a single entity and containing one or more residential clusters or planned unit residential developments and one or more public, quasi-public, commercial, or industrial areas in such ranges or ratios of nonresidential uses to residential uses as specified in the ordinance.

Principal Building: A building in which is conducted the principal use of the lot on which it is located.

Principal Use: The primary or predominant use of any lot or parcel.

Print Shop: A facility for the reproduction of written or graphic materials on a custom order basis for individuals or businesses.

Professional Office Building: A building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, printing and newspaper offices, or candy stand.

Public Building: Any building, structure, facility, or complex used by the general public or providing public services, whether constructed by any state, county, or municipal government agency or instrumentality or any private individual, partnership, association, or corporation, including, but not limited to, assembly buildings, such as auditoriums, libraries, etc.; city, village or township halls; community centers; senior citizen centers; fire halls; etc.

Public Hearing: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Service: Relating to the health, safety, and welfare of the population.

Public Sewer and Water System: Any system, other than an individual septic tank, tile field, or individual well, that is operated by a municipality, governmental agency, or a public utility for the collection, treatment, and disposal of waste and the furnishing of potable water.

Public Utility: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety and welfare.

Public Utility Facilities: Building, structures, and facilities, including generating and switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, transmitters and receivers, valves, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public utility sit, to the public.

Race Track: Facilities designed and used for the competitive, recreational or exhibitional racing of automobiles, snowmobiles,

motorcycles, go-carts or other motorized vehicles, whether or not admission or entry fees are charged. Includes track (paved or unpaved), spectator seating or other viewing areas, concession stands, ticket booths, pit areas and ancillary facilities and uses.

Recreation Facility: A place designed and equipped for the conduct of sports and leisure-time activities.

Recreational Vehicle: A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recycling Center: A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recyclables.

Religious Institution: A church or place of worship or religious assembly with related facilities such as the following in any combination: rectory or convent; private school, meeting hall, offices for administration of the institution, licensed child or adult daycare, playground, cemetery.

Research and Development Establishments: Establishments principally used for research into new or improved products or processes, and/or testing and development of these new or improved products or processes.

Restaurant: An establishment where food and drink are prepared, served and consumed primarily within one principal building.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Roadside Stand: A temporary structure of 300 square feet or less not permanently affixed to the ground and removable in its

entirety, which is used solely for the display and sale of farm or craft products.

Same Ownership: Properties owned by the same individual, corporation, partnership, or other entity, or if one property is owned by any corporation that controls, is controlled by, or is under common control with the owner of the other property, or is owned by any corporation resulting from a merger or consolidation with the other property owner, or is owned by any subsidiary or affiliate of the other property owner, or is owned by any joint venture of which the other property owner is a partner.

Setback: The distance between a building and any lot line. The minimum setbacks establish required yards and define the zoning envelope.

Shopping Center: A group of commercial establishments planned, constructed, and managed as a total entity, with customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements and landscaping and signage in accordance with an approved plan.

Sign: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images. The Sands Township Sign Ordinance governs the nature and placement of signs in the township.

Special Use Permit: A permit issued by the Zoning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected zoning district under special uses authorized by permit. These uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the Township's inhabitants.

Spot Zoning: Rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding land uses and which is inconsistent with local plans and policies.

Sprawl: Uncontrolled growth, usually of a low-density nature, in previously rural areas and some distance from existing development and infrastructure.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and

the ceiling next above it and including those basements used for the principal use.

Street: Any vehicular way that: (1) is an existing state, county, or municipal roadway; (2) is shown upon a plat approved pursuant to law; (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.

Structure: Any constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, mobile homes, sheds, free standing signs, storage bins, and satellite dishes, but not including sidewalks, driveways, patios, parking lots, and utility poles. Building areas separated by firewalls or bearing walls shall not be considered separate structures under this Ordinance.

Tailings: Second-grade or waste material derived when raw material is screened or processed.

Tavern: An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

Temporary Structure: A structure ^{II-20} without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

Temporary Use: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Terminal Bus / Truck: An area and building where buses, trucks, and cargo are stored, where loading and unloading is carried on regularly, and where minor maintenance of these types of vehicles is performed.

Theater: A building or a part of a building or an outdoor area devoted to showing motion pictures, or for presenting dramatic, dance, musical, or other live performances.

Transfer Station: An intermediate destination for solid waste, where small shipments of waste are aggregated or compacted, or where separation of different types of waste may occur.

Undeveloped or Unimproved Land: Land in its natural state before development.

Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are or may be occupied or maintained. Includes actual and/or proposed use of land and/or structures.

Use, Accessory: See Accessory Use.

Use, Permitted By Principal: A use which is allowed in a certain zoning district with no permits or stipulations other than a zoning compliance permit and such general requirements as setbacks, lot size, etc.

Use, Permitted Under Special Approval: A use allowed in a particular zoning district provided that certain stipulations are met. A zoning permit will not be issued for uses under stipulation until the Zoning Administrator is satisfied that the stipulations specified in Section 302 are met.

Use, Special: A use requiring express approval by the Zoning Commission and issuance of a special use permit before the use may begin. Special land use II-21 meet certain requirements and performance standards, as specified in this Ordinance, before being authorized, and additional conditions may be imposed by the Zoning Commission.

Variance: Permission to depart from the literal requirements of this Ordinance, which relate to setbacks, lot size, yard requirements and other non-use requirements.

Warehouse: A commercial building for storage and/or transshipment of goods. A warehouse usually comes equipped with loading docks to load and unload trucks although sometimes loading is done directly from railways or aircraft.

Water Wells, Commercial: A well used for the extracting of water for direct sale, or for use in the manufacture or development of commercial products. Such uses and/or products include, but are not limited to; Breweries, Bottling Works (water, soft drinks, and a like), Paint, Paint products, Concrete, Concrete products, and the like.

Water Wells, Large Capacity: A well capable of pumping 10 or more gallons of water per minute; or a group of wells which, in aggregate, is capable of pumping 10 or more gallons of water per minute; or an extension or expansion of any existing well or group of wells that makes it capable of pumping 10 or more gallons of water per minute.

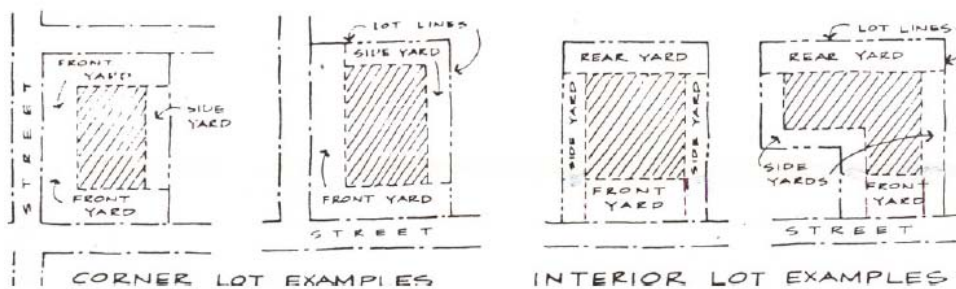
Wholesale Establishment: An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Wood Yard: An area to which wood is hauled by skidder or other extraction equipment for temporary storage before transfer to trucks. Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the Ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Yard, Front: The area between the two side lines and in front of the principal building to the front lot, starting at 90 degrees from each front corner of the principal building and extending to the front lot line, will be known as the front yard. Additionally, no front yard restrictions on lots of 2.5 acres or more.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Yard, Required: The open space between a lot line and the yard line within which no structure shall be located except as provided in the zoning ordinance.

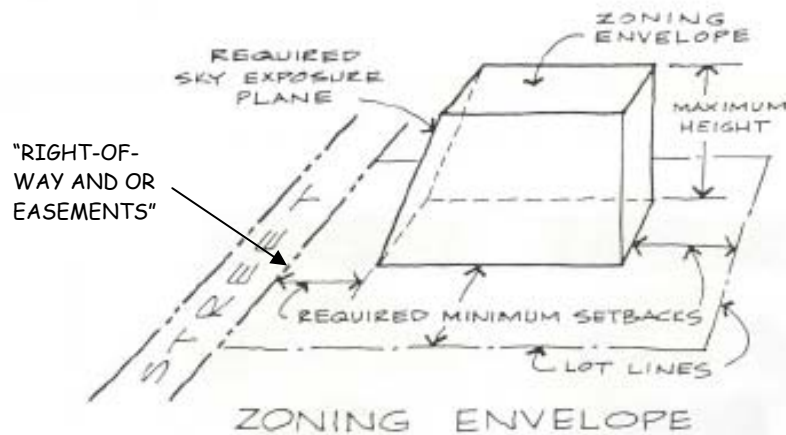


Yard, Side: A space extending from the front yard to the rear yard between the principal building and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building.

Zoning Compliance Permit: A document signed by a zoning officer, as required in the zoning ordinance, as a condition precedent to

the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that acknowledges that such use, structure, or building complies with the provisions of this Ordinance or authorized variance there from.

Zoning Envelope: The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations, minimum yard setbacks and sky exposure plane regulations when applicable.



ARTICLE III
ZONING DISTRICTS AND MAPS

Section 301 Establishment of Districts

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

- R-1A: Residential 1A
- R-1B: Residential 1B
- R-1C: Residential 1C
- B-1: Restricted Business
- B-2: General Business
- F-1: Forestry and Agriculture
- F-2: Forestry and Recreation
- I: Industrial
- OS: Open Space

Section 302 Zoning District Maps

The boundaries of the respective districts enumerated in Sec. 301 are defined and established as depicted on the maps entitled "Sands Township Official Zoning Maps," which are an integral part of this Ordinance. These maps, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein. The Sands Township Official Zoning Maps are listed below, by Township and Range.

- (A) T46N-R25W
- (B) T47N-R25W

The Sands Township Official Zoning Map shall be identified by the signature of the Township Board Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in district boundaries, such changes shall be incorporated on the Sands Township Official Zoning Map and approved by the Township Board together with an entry on the Sands Township Official Zoning Map showing the date and official action taken.

One copy of the Sands Township Official Zoning Maps is to be maintained and kept up-to-date by the Township Clerk, accessible to the public and shall be the final authority as to the current zoning status of properties in Sands Township.

Section 303 Replacement of Official Zoning Maps

In the event the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes made thereto, the Township Board may adopt a new Official Zoning Map, which shall supersede the prior Official Zoning Map. The Official Zoning Map shall bear the same signatures and certification as required in Sec. 302. Unless the Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved together with all available records pertaining to its adoption or amendment.

Section 304 Application of District Regulations

The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article X herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done. Any and all platted subdivisions or condominiums created by way of master deed within Sands Township shall be zoned as District R-1A, R-1B or R-1C.

Section 305 Scope of Provisions

(A) Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located. Uses permitted by District are described in Sections 308 to 318.

(B) Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right, under special approval, or by special use permit, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Board of Appeals shall determine if a use is similar to an expressly permitted use in accordance with Section 1003.

(C) Accessory structures and uses are clearly incidental to the permitted uses.

(D) The uses permitted subject to special approval or special use permit are recognized as possessing characteristics of such unique and special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

Section 306 Conflicting Regulations

Wherever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than those imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. When-ever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such law or ordinance shall govern. No vested right shall arise to the property owner for any parcel or use created in violation of any preceding township or county adopted zoning ordinance.

Section 307 Exemptions

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

Section 308 District R-1A: Residential 1A

(A) Intent: The Residential 1A District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings, free from other uses except those which are both compatible with and convenient to the residents in this District. The R-1A District is designed to accommodate residential dwellings served by on-site water and wastewater systems.

(B) Permitted Principal Uses:

1. Dwellings, Single-family
2. Cemeteries III-3
3. Community Residential Care Facilities
4. Day Care Facilities, Family
5. Educational Institutions, K-12
6. Home Occupations

(C) Uses Permitted by Special Approval:

1. Day Care Facilities, Group
2. Water Wells, Large Capacity
3. Religious Institutions

4. Forestry Operations
5. External Wood Burning Boilers/Units

(D) Uses Permitted by Special Use Permit:

1. Educational Institutions, Other than K-12
2. Golf Courses
3. Parks and Recreational Facilities
4. Public Libraries and Other Public Buildings

Section 309 District R-1B: Residential 1B

(A) Intent: The Residential 1B District is intended for the establishment and preservation of quiet residential neighborhoods for single-family and two-family dwellings, free from other uses except those which are both compatible with and convenient to the residents in this District. The R-1B District is designed to accommodate residential dwellings served by on-site water and wastewater systems, in areas more rural in character than in Residential 1A.

(B) Permitted Principal Uses:

1. Dwellings, Single-family
2. Dwellings, Two-family
3. Agricultural Roadside Stands
4. Cemeteries
5. Community Residential Care Facilities
6. Day Care Facilities, Family
7. Educational Institutions, K-12
8. Home Occupations

(C) Uses Permitted by Special Approval:

1. Day Care Facilities, Group III-4
2. Water Wells, Large Capacity
3. Religious Institutions
4. Forestry Operations
5. External Wood Burning Boilers/Units

(D) Uses Permitted by Special Use Permit:

1. Bed & Breakfast Establishments
2. Educational Institutions, Other than K-12
3. Golf Courses
4. Keeping of Livestock
5. Medical and Dental Clinics
6. Nursing Homes
7. Parks and Recreational Facilities
8. Public Libraries and Other Public Buildings

Section 310 District R-1C: Residential 1C

(A) Intent: The Residential 1C District is intended for the establishment and preservation of residential neighborhoods, free from other uses except those which are both compatible with and convenient to the residents in this District. The R-1C District is designed to accommodate residential dwellings and some business establishments in areas served by on-site water and wastewater systems.

(B) Permitted Principal Uses:

1. Dwellings, Single-family
2. Dwellings, Two-family
3. Cemeteries
4. Community Residential Care Facilities
5. Day Care Facilities, Family
6. Educational Institutions, K-12
7. Home Occupations

(C) Uses Permitted by Special Approval:

1. Dwellings, Multiple-family
2. Day Care Facilities, Group
3. Water Wells, Large Capacity
4. Religious Institutions
5. Seasonal Dwellings
6. Forestry Operations
7. External Wood Burning Boilers/Units

(D) Uses Permitted by Special ^{III-5} Permit:

1. Bed & Breakfast Establishments
2. Educational Institutions, Other than K-12
3. Golf Courses
4. Keeping of Livestock
5. Medical and Dental Clinics
6. Nursing Homes
7. Mobile Home Parks
8. Parks and Recreational Facilities
9. Public Libraries and Other Public Buildings

Section 311 District B-1: Restricted Business

(A) Intent: The Restricted Business District is intended to provide for a business district made up primarily of office and service establishments. Business establishments which may require extended hours of operation, create exterior noise and lighting, etc., are permitted only under Special Use Permit. Single-family residential uses are permitted when incidental to a permitted business use.

(B) Permitted Principal Uses:

1. Banks and Financial Institutions
2. Funeral Homes
3. Medical and Dental Offices
4. Personal Service Establishments
5. Plumbers, Electricians, Decorators, etc. Offices and Showrooms
6. Professional Office Buildings
7. Restaurants
8. Retail Business Establishments

(C) Uses Permitted by Special Approval:

1. Animal Clinics
2. Car Wash Facilities
3. Day Care Facilities, Group
4. Water Wells, Large Capacity
5. Roadside Stands
6. Forestry Operations
7. External Wood Burning Boilers/Units

(D) Uses Permitted by Special Use Permit:

1. Bowling Alleys III-6
2. Commercial Day Care Faci
3. Commercial Printing and Newspaper Offices
4. Community Residential Care Facilities
5. Convenience Retail
6. Day Care Facilities, Family
7. Dwellings, Single-family
8. Fast Food Establishments with Drive-Thru
9. Gasoline Service Station
10. Golf Courses
11. Hospitals
12. Motels, Hotels, Cabins, Resorts
13. Nursing Homes
14. Private Clubs and Lodge Halls
15. Shopping Centers
16. Taverns
17. Theaters, Assembly Halls and Gaming Establishments
18. Video Arcades

Section 312 District B-2: General Business

(A) Intent: The General Business District is intended to provide for a more diversified business district, containing businesses which may require larger lots, generate more traffic, or otherwise have a greater land use impact than those permitted in the B-1 District. Single-family residential uses are permitted when incidental to a permitted business use.

(B) Permitted Principal Uses:

1. Banks and Financial Institutions
2. Funeral Homes
3. Greenhouse or Nursery
4. Medical and Dental Offices
5. Motels, Hotels, Cabins and Resorts
6. Personal Service Establishments
7. Plumbers, Electricians, Decorators, etc. Offices and Showrooms
8. Professional Office Buildings
9. Restaurants
10. Retail Business Establishments

(C) Uses Permitted by Special Approval:

1. Animal Clinics
2. Car Wash Facilities
3. Day Care Facilities, Group III-7
4. Water Wells, Large Capacity
5. Roadside Stands
6. Forestry Operations
7. External Wood Burning Boilers/Units

(D) Uses Permitted by Special Use Permit:

1. Adult Foster Care Facilities
2. Automobile Repair Garages
3. Bowling Alleys
4. Building Material Storage and Sales
5. Campgrounds and RV Parks
6. Commercial Printing and Newspaper Offices
7. Commercial Towers
8. Community Residential Care Facilities
9. Contractor Yards
10. Convenience Retail
11. Day Care Facilities, Commercial
12. Day Care Facilities, Family
13. Dwellings, Single-family
14. Educational Institutions, Other than K-12
15. Fast Food Establishments with Drive Thru
16. Gasoline Service Stations
17. Manufacturing and Assembly
18. Mini Warehouse
19. New and Used Vehicle Sales and Showrooms
20. Nursing Homes
21. Painting, Varnishing and Undercoating Shops
22. Research and Development Establishments
23. Shopping Centers
24. Taverns
25. Theaters, Assembly Halls, Gaming Establishments
26. Video Arcades
27. Wholesale and Warehousing
28. Woodyards

Section 313 District F-1: Forestry and Agriculture

(A) Intent: This district is intended to provide for forestry and agricultural uses on those lands which are suitable for such uses. The district promotes the maintenance of wooded and rural areas of the Township, in a manner which retains the basic attractiveness of natural resources and provides for enjoyment for visitors and Township residents. The minimum size required for keeping of livestock is 2.5 pasture acres for each additional animal, up to 10 acres. Including but not limited to horses, cows, sheep, pigs, lamas, buffalo, elk & caribou.)

(B) Permitted Principal Uses:

1. Agricultural Operations
2. Agricultural Roadside Stands
3. Community Residential Care Facilities
4. Forestry Operations
5. Home Occupations

(C) Uses Permitted by Special Approval:

1. Day Care Facilities, Family
2. Day Care Facilities, Group
3. Dwellings, Seasonal
4. Dwellings, Single-family
5. Water Wells, Large Capacity
6. Motels, Hotels, Cabins and Resorts
7. External Wood Burning Boilers/Units

(D) Uses Permitted by Special Use Permit:

1. Bed & Breakfast Establishments
2. Campgrounds and RV Parks
3. Commercial Towers
4. Golf Courses
5. Greenhouse or Nursery
6. Kennels
7. Mineral Extraction
8. Parks and Recreational Facilities
9. Utility Substations
10. Wood Products Industries
11. Woodyards

Section 314 District F-2: Forestry and Recreation

(A) Intent: The intent of this district is to allow for continued forestry and recreational uses of rural wooded areas in the Township, and maintenance of these areas for the future use and enjoyment of Township residents and visitors.

Lot size required for keeping of livestock is 2.5 pasture acres for each additional animal, up to 10 acres. Including but not limited to horses, cows, sheep, pigs, lamas, buffalo, elk & caribou.)

(B) Permitted Principal Uses:

1. Agricultural Operations
2. Agricultural Roadside Stands
3. Community Residential Care Facilities
4. Forestry Operations
5. Home Occupations

(C) Uses Permitted by Special Approval:

1. Day Care Facilities, Family
2. Day Care Facilities, Group
3. Dwellings, Seasonal
4. Dwellings, Single-family
5. Water Wells, Large Capacity
6. Motels, Hotels, Cabins and Resorts
7. External Wood Burning Boilers/Units

(D) Uses Permitted by Special Use Permit:

1. Amusement Parks, Fairgrounds, Miniature Golf Courses
2. Bed and Breakfast Establishments
3. Campgrounds and RV Parks
4. Commercial Towers
5. Greenhouse or Nursery
6. Kennels
7. Mineral Extraction
8. Parks and Recreational Facilities
9. Race Tracks
10. Utility Substations
11. Wood Products Industries
12. Woodyards

Section 315 District I: Industrial

(A) Intent: This district is intended to provide for industrial uses within the Township, in areas which are suitable for these uses. Industrial uses generally include those which require large sites and/or isolation from other uses, and which may have significant impacts on the environment and adjacent land uses.

(B) Permitted Principal Uses:

III-10

(C) Uses Permitted by Special Approval:

1. Building Materials Storage & Sales

2. Bottling Works
3. Commercial Printing & Newspaper Offices
4. Educational Institutions, Other than K-12
5. Water Wells, Large Capacity
6. Research & Development Establishments
7. Wholesale & Warehousing
8. Woodyards
9. External Wood Burning Boilers/Units

(D) Uses Permitted by Special Use Permit:

1. Airports
2. Asphalt Plants, Portable or Permanent
3. Commercial Towers
4. Contracting Yards
5. Food Packaging
6. Junkyards
7. Landfills
8. Manufacturing and Assembly
9. Metal Plating, Buffing and Polishing
10. Mineral Extraction
11. Painting, Varnishing and Undercoating Shops
12. Power Plants
13. Race Tracks
14. Refineries and Commercial Storage of Flammable Liquids
15. Truck Terminals
16. Utility Substations
17. Water Wells, Commercial
18. Wood Products Industries

Section 316 District OS: Open Space

(A) Intent: To establish and maintain for low intensity use those areas which because of their location, accessibility (County or Township approved private road) and natural characteristics are suitable for a wide range of agricultural, forestry and recreational uses.

(B) Permitted Principal Uses:

III-11

1. Forestry, growing and harvesting of timber
2. Agricultural Operation

(C) Uses Permitted by Special Approval:

1. Dwelling, Seasonal
2. Dwelling, Single-family lot/parcel shall abut a County or Sands Township approved private road.
3. Water Wells, Large Capacity

(D) Uses Permitted by Special Use Permit:

	R-1A	R-1B	R-1C	B-1	B-2	F-1	F-2	I	OS
Dwelling, Multiple Family	N	N	SA	N	N	N	N	N	N
Dwelling, Seasonal	N	N	SA	N	N	SA	SA	N	SA
Dwelling, Single-family	P	P	P	SUP	SUP	SA	SA	N	SA
Dwelling, Two-family	N	P	P	N	N	N	N	N	N
Educational Institutions, K-12	P	P	P	N	N	N	N	N	N
Educational Institutions, Other than K-12	SUP	SUP	SUP	N	SUP	N	N	SA	N
External Wood Burning Boilers/Units	SA	SA	SA	SA	SA	SA	SA	SA	SA
Fast Food Establishments	N	N	N	SUP	SUP	N	N	N	N
Food Packaging	N	N	N	N	N	N	N	SUP	N
Forestry Operations	SA	SA	SA	SA	SA	P	P	SA	P
Funeral Homes	N	N	N	P	P	N	N	N	N
Gasoline Service Stations	N	N	N	SUP	SUP	N	N	N	N
Greenhouse or Nursery	N	N	N	N	P	SUP	SUP	N	SUP
Golf Courses	SUP	SUP	SUP	SUP	N	SUP	N	N	SUP
Home Occupations	P	P	P	N	N	P	P	N	SA
Hospitals	N	N	N	SUP	N	N	N	N	N
Junkyards	N	N	N	N	N	N	N	SUP	N
Keeping of Livestock	N	SUP	SUP	N	N	P	P	N	SUP
Kennels	N	N	N	N	N	SUP	SUP	N	SUP
Landfills	N	N	N	N	N	N	N	SUP	N

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	R-1A	R-1B	R-1C	B-1	B-2	F-1	F-2	I	OS
Manufacturing & Assembly	N	N	N	N	SUP	N	N	SUP	N
Medical & Dental Offices	N	SUP	SUP	P	P	N	N	N	N
Metal Plating, Buffing and Polishing Establishments	N	N	N	N	N	N	N	SUP	N
Mineral Extraction	N	N	N	N	N	SUP	SUP	SUP	SUP
Mini Warehouse	N	N	N	N	SUP	N	N	N	N
Mobile Home Parks	N	N	SUP	N	N	N	N	N	N
Motels, Hotels, Cabins, & Resorts	N	N	N	SUP	P	SA	SA	N	N
New & Used Vehicle Sales and Showrooms	N	N	N	N	SUP	N	N	N	N
Nursing Homes	N	SUP	SUP	SUP	SUP	N	N	N	N
Painting, Varnishing, and Undercoating Shops	N	N	N	N	SUP	N	N	SUP	N
Parks and Recreation Facilities	SUP	SUP	SUP	N	N	SUP	SUP	N	SUP
Personal Service Establishments	N	N	N	P	P	N	N	N	N
Plumbers, Electricians, Decorators, etc. Offices & Showrooms	N	N	N	P	P	N	N	N	N
Power Plants	N	N	N	N	N	N	N	SUP	N
Private Clubs & Lodge Halls	N	N	N	SUP	N	N	N	N	N
Professional Office Buildings	N	N	N	P	P	N	N	N	N
Public Libraries, Other Public Buildings	SUP	SUP	SUP	SA	SA	N	N	N	N
Race Tracks	N	N	N	N	N	N	SUP	SUP	N
Refineries, Storage of Flammable Liquids	N	N	N	N	N	N	N	SUP	N
Religious Institutions	SA	SA	SA	N	N	N	N	N	N

	R-1A	R-1B	R-1C	B-1	B-2	F-1	F-2	I	OS
Research and Development Establishments	N	N	N	N	SUP	N	N	SA	N
Restaurants	N	N	N	P	P	N	N	N	N
Retail Business Establishments	N	N	N	P	P	N	N	N	N
Roadside Stands	N	N	N	SA	SA	N	N	N	N
Shopping Centers	N	N	N	SUP	SUP	N	N	N	N
Taverns	N	N	N	SUP	SUP	N	N	N	N
Theaters, Assembly Halls and Gaming Establishments	N	N	N	SUP	SUP	N	N	N	N
Truck Terminals	N	N	N	N	N	N	N	SUP	N
Utility Substations	N	N	N	N	N	SUP	SUP	SUP	SUP
Video Arcades	N	N	N	SUP	SUP	N	N	N	N
Water Wells, commercial use	N	N	N	N	N	N	N	SUP	N
Water Wells, Large Capacity	SA	SA	SA	SA	SA	SA	SA	SA	SA
Wholesale and Warehousing	N	N	N	N	SUP	N	N	SA	N
Woodyards	N	N	N	N	SUP	SUP	SUP	SA	SUP
Wood Products Industries	N	N	N	N	N	SUP	SUP	SUP	N

Section 318
Uses Permitted Under Special Approval

NOTE: Site Plan Review in accordance with Article V is required.
All uses must also comply with other ordinance requirements, including Article IV General Regulations.

USE	DISTRICT	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Animal Clinics	B-1, B-2	Per district	None	None	All cages and animal runs in enclosed building; no outside pens or cages.
Building Material Storage and Sales	I	Per district	Buffer outdoor storage per Section 412 at district boundary	None	None
Car Wash Facilities	B-1, B-2	Per district	None	None	Must be contained in enclosed building; must meet state standards; water recovery system required.
Commercial Printing & Newspaper Offices	I	Per district	Buffer per Section 412 at district boundary	None	None
Day Care Facilities, Family	F-1, F-2	Per district	None	None	Must be served by road which is maintained 12 months of the year, either by a local government or by an agreement between private parties.
Day Care Facilities, Group	R-1A, R-1B, R-1C,	Per district and dwelling type	None	1,500 ft. from another licensed group day care home, adult foster care or group home, substance abuse or rehab. facility, or corrections facility.	See Section 16g(3) of P.A. 184 of 1943 (Township Rural Zoning Act)

USE	DISTRICT	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Dwelling, Multiple-Family	R-1C	Greater of 87,000 sq. ft. or 20,000 sq. ft./unit	None	100 ft. all sides	None
Dwelling, Seasonal	R-1C, F-1, F-2, OS	Per district	None	None	Must be served by road. Minimum dwelling size does not apply.
Dwelling, Single-Family	F-1, F-2, OS	Per district	None	None	Must be served by road which is maintained 12 months of the year, either by a local government or by an agreement between private parties. A Hold Harmless agreement for lots served by private roads shall be recorded in miscellaneous records with the Marquette County Register of Deeds.

USE	DISTRICT	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
External Wood Burning Boilers/Units	All Districts	5 Acres	None	75 Ft. All sides	<p>1. Minimum chimney height of 15 feet measured from grade to chimney top, or 2 feet higher than the nearest neighboring principal dwelling, within 1000 feet, which ever is higher.</p> <p>2. Unit shall not be located in front yard.</p> <p>3. No fuel other than natural wood without additives, wood pellets without additives and agricultural seeds in their natural state may be burned.</p> <p>4. Fuel shall not be visible from any surrounding properties.</p> <p>5. A grant of Special Approval Permit, constitutes as agreement between the landowner and Sands Township, that the Zoning Administrator, at any reasonable time, may enter the property for purpose of inspection to determine compliance with the above conditions.</p>
Forestry Operations	I, B-1, B-2, R1-A,B,C	Per district	Buffer per Section 412	None	

USE	DISTRICT	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Motels, Hotels, Cabins and Resorts	F-1, F-2	Per district	Buffer per Section 412	25 feet all sides	None
Religious Institutions	R-1A, R-1B, R-1C	Per district	None	25 ft. for buildings	No parking in required yards. Must have direct access to road that is maintained year-round.
Research and Development Establishments	I	Per district	Buffer per Section 412 when at district boundary	None	None
Roadside Stands	B-1, B-2	Per district	Buffer per Section 412 when adjacent to dwelling.	None	None
Water Wells, Large Capacity	All districts	Per district	None	None	Requires license in accordance with Sands Twp. Ordinance #20, Groundwater and Aquifer Protection Ordinance.
Wholesale and Warehousing	I	Per district	Buffer outdoor storage per Section 412 at district boundary	None	None
Wood yards	I	Per district	Buffer per Section 412 at district bound- ary	25 feet all sides	None

Section 319
Uses Permitted Under Special Use Permit

NOTE: Site Plan Review, in accordance with Article V is required.
All uses must also comply with other ordinance requirements, including Article IV, General Regulations.
The Zoning Commission may impose additional conditions as necessary in accordance with MCL 125.286d (Section 16d of the Township Rural Zoning Act).

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Adult Foster Care Facilities	B-2	Per district	None	None	Must be located on paved road which is maintained year-round; must meet all applicable state and federal requirements.
Airports, Public or Private	I	20 acres	Fence entire parcel. Buffer per Section 412 when adjacent to dwelling	100 ft. all sides	None
Amusement Parks, Fairgrounds, Miniature Golf	F-2, OS	2 acres	Buffer per Section 412 when adjacent to dwelling.	None	None
Asphalt Plants	I	5 acres	Fence entire parcel if operation continues more than one construction season. Buffer per Section 412 at district boundary.	100 ft. all sides	Containment system for spillage.

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Automobile Repair Garages	B-2	Per district	Buffer per Section 412 when adjacent to dwelling.	None	None
Bed and Breakfasts	R-1B, R- 1C, F-1, F-2	Per district	Buffer parking area per Section 412 if adjacent to dwelling.	No signs or parking in required yards.	One unlighted sign, maximum 32 sq. ft.
Bottling Works Plants	I	Per district	Buffer outside storage per Section 412 on all sides	100 ft. if adjacent to any Districts other than I	Requires license in accordance with Sands Township Ordinance #20
Bowling Alleys	B-1, B-2	Per district	Buffer parking per Section 412 when adjacent to dwelling.	50 ft. all sides for structures; parking allowed in additional setback area	None
Building Material Storage and Sales	B-2	Per district	Buffer outdoor storage.	No materials displayed in required yards.	None
Campgrounds and RV Parks	B-2, F-1, F-2, OS	5 acres	Buffer III-23 Section 412 when adjacent to dwelling.	200 ft. all sides	May require paved entrance road, fencing, etc., depending on extent of development.

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Commercial Towers	B-2, F-1, F-2, I, OS	Per district	Fence tower and wires.	Setback equal to tower height.	No flashing or strobe lights in excess of minimum required by FAA or other agencies.
Commercial Printing and Newspaper Offices	B-1, B-2	Per district	Buffer may be required per Section 412 when adjacent to dwelling.	May be required based on extent of use.	None
Community Residential Care Facilities	B-1, B-2	Per district	None	None	Same as Single-family dwelling
Contractor Yards	B-2, I	B-2: 1 acre I: 5 acres	Fence entire operation. Buffer per Section 412 when adjacent to R-1 or B- 1 Districts. III-24	B-2: 50 ft all sides I: None	None
Convenience Retail	B-1, B-2	Per district	Buffer per section 412 when adjacent to dwelling or R District boundary.	25 ft. on sides adjacent to dwelling	None
Day Care, Commercial	B-1, B-2	Per district	Fence outdoor play areas.	25 ft. on sides adjacent to dwelling	Must obtain license from State of Michigan.

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Day Care, Family	B-1, B-2	Per district and dwelling type	None	None	Same as single-family dwelling
Dwelling, Single-Family	B-1, B-2	Per district	None	None	Dwelling must be incidental to permitted business use, and owned or occupied by person or persons directly involved in operation of the permitted business use
Educational Institution, Other than K-12	R-1A, R-1B, R-1C, B-2	Per district	None III-25	None	Equipment and instructional activities must be in enclosed build-in's; setbacks and buffers may be required based on extent of use.
Fast Food Restaurant with Drive-Thru	B-1, B-2	Per district	Buffer per Section 412 when adjacent to dwelling or R District boundary.	25 ft. on sides adjacent to dwelling	Drive-thru area paved.
Food Packaging Plants	I	Per District	Buffer outside storage per Section 412 on all sides	100ft. if adjacent to any zoning district other than I	None

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Golf Courses	R-1A, R-1B, R-1C, B-1, F-1, OS	40 acres	None	None	None
Hospitals	B-1	Per district	Buffer per Section 412 when adjacent to dwelling or R District boundary.	25 ft. all sides	Must obtain applicable state & federal permits.
Gasoline Service Stations	B-1, B-2	Per district	Buffer per Section 412 when adjacent to dwelling or at district boundary with R-1 III-26 districts.	25 feet for gas pumps, storage tanks and buildings	Must comply with all state and federal regulations.
Greenhouse or Nursery	F-1, F-2, OS	Per district	None	50 feet for structures	None
Junkyards	I	Per district	Buffer per Section 412 and fence all sides.	100 ft. when adjacent to dwelling or district boundary	Must comply with state regulations; must have provision for prevention of soil and groundwater contamination.

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Keeping of Livestock	R-1B, R-1C, OS	2.5 acres/ large animal (over 75 lbs.), maximum of 3 large animals; 1 acre for up to 5 small animals (less than 75 lbs.), 1 acre/ each 5 additional small animals, maximum 15 small animals.	All animals must be confined by fence.	All animals must be housed at least 100 feet from property line.	Must also comply with Sands Township Noise Ordinance.
Kennels	F-1, F-2, OS	10 acres	Animals must be fenced; buffer per Section 412 when adjacent to dwelling. III-27	200 ft. all sides for animal quarters	Must also comply with Sands Township Noise Ordinance.
Landfills	I	40 acres	Entire site must be fenced; buffer per Section 412, all sides.	200 ft. all sides	<u>MDEQ</u> and other agency standards must be met.
Manufacturing and Assembly	B-2, I	1 acre	Buffer per Section 412; all sides in B-2, when adjacent to dwelling or district boundary in I.	50 ft. all sides in B-2; 25 ft. all sides in I	Noise, fumes, lighting, traffic, etc. should not adversely impact adjacent uses in B-2 District, manufacturing or assembly operations must be entirely enclosed within building(s).

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Medical and Dental Offices	R-1B, R-1C	Per district	Buffer per Section 412 when adjacent to dwelling.	None	Must have direct access to paved road that is maintained year-round.
Metal Plating, Buffing and Polishing	I	Per district	Buffer per Section 412 when adjacent to district boundary.	None	Operations must be entirely enclosed within building(s).
Mineral Extraction	I, F-1, F-2, OS	Per district	Fence as necessary to protect public health and safety. III-28	50 ft. all sides	Must comply with Sections 413-415 for Mineral Extraction Permits and meet all applicable state, federal and local requirements.
Mini Warehouse	B-2	Per district	Buffer per Section 412 when adjacent to dwelling.	25 ft. when adjacent to dwelling	No retail sales or other uses not specified in Article II.
Mobile Home Parks	R-1C	Minimum required to meet Mobile Home Commission Standards	In accordance with Mobile Home Commission Standards.	In accordance with Mobile Home Commission Standards.	Must be licensed by State of Michigan in accordance with Mobile Home Commission Act.

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Motels, Hotels, Cabins and Resorts	B-1	Per district	Buffer per Section 412 when adjacent to dwelling.	25 ft. all sides	None
New and Used Vehicle Sales and Showrooms	B-2	Per district	Buffer per Section 412 when adjacent to dwelling.	25 ft. all sides	No vehicles in required yards.
Nursing Homes	R-1B, R- 1C, B-1, B-2	1 acre	Buffer per Section 412 all sides. III-29	25 ft. all sides	Must meet all applicable state and federal requirements.
Ore Processing Facilities	I	Per district	Buffer per Section 412 when adjacent to district boundary.	50 ft. all sides	Must meet all local, state, and federal requirements, and comply with Sections 413-415 for Mineral Extraction Permits.
Painting, Varnishing and Undercoating Shops	B-2, I	Per district	Buffer per Section 412 when adjacent to dwelling.	25 ft. all sides	Fumes, etc. must not adversely affect adjacent uses.

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Parks and Recreation Facilities	R-1A, R-1B, R-1C, F-1, F-2, OS	Per district	Buffer per Section 412 if facility is intensively developed.	50 ft. for buildings	None
Power Plants	I	5 acres	Buffer per Section 412 all sides; fence entire site.	100 ft. all sides	Must meet all applicable state and federal requirements.
Private Clubs and Lodge Halls	B-1	Per district	Buffer per Section 412 when adjacent to dwelling.	25 ft. all sides	None
Public Libraries, Other Public Buildings	R-1A, R-1B, R-1C, B-1	Per district	Buffer per Section III-30 n 412 may be required when adjacent to dwelling.	None	Direct access to paved, year-round maintained road.
Race Tracks	F-2, I	10 acres	Buffer per Section 412 all sides.	100 ft. all sides	Must meet all applicable state and federal requirements, if any, and comply with other local ordinances, such as the Sands Township Noise Ordinance.

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Refineries, Storage of Flammable Liquids	I	5 acres	Fence entire site. Buffer per Section 412 may be required when adjacent to dwelling.	Setback equal to tank height for storage tanks.	Must meet all applicable state and federal requirements.
Research and Development Establishments	B-2	Per district	Buffer per Section 412 when adjacent to dwelling.	May be required.	None
Shopping Centers	B-1, B-2	Per district	Buffer per Section 412 required when adjacent to dwelling.	25 ft. for buildings	None
Taverns	B-1, B-2	Per district	Buffer per III-31 412 when adjacent to dwelling.	25 ft. for buildings	None
Theaters, Assembly Halls, Gaming Establishments	B-1, B-2	Per district	Buffer per Section 412 when adjacent to dwelling.	25 ft. for buildings	None
Truck Terminals	I	Per district	Buffer per Section 412 when adjacent to district boundary.	None	None

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Utility Substations	F-1, F-2, I	Per district	Fence entire site. Buffer per Section 412 when adjacent to dwelling.	None	Must meet all applicable state and federal requirements.
Video Arcades	B-1, B-2	Per district	Buffer per Section 412 when adjacent to dwelling.	None	None
Water Wells, Commercial: utilized to extract ground water for commercial purposes, ie. for resale outside of Sands Township	I	Per District	None III-32	None	Requires license in accordance with the Sands Townships Ordinance #20 (Groundwater & Aquifer Protection Ordinance)
Wholesale, Storage and Warehousing	B-2	Per district	Outdoor storage must be fenced and have buffer per Section 412	None	None
Wood Products Industries	F-1, F-2, I	Per district	Buffer outdoor storage per Section 412 if adjacent to district boundary. Fence all outdoor storage.	None	None

USE	DISTRICTS	MINIMUM PARCEL SIZE	BUFFERS/FENCING	ADDITIONAL SETBACKS	OTHER
Woodyards	B-2, F-1, F-2, OS	Per district	Buffer per Section 412 when adjacent to dwelling.	50 ft. all sides	None

SECTION 320 DISTRICT PLANNED UNIT DEVELOPMENT

- (A) INTENT. To accommodate innovative land uses provided stated objectives are met.
- (B) PERMITTED PRINCIPAL USES. All residential, all commercial, all light manufacturing, or combination thereof; however, no use shall be permitted except in conformity with a final development plan.
- (C) CONDITIONAL USES. None.

SEC. 320 A PLANNED UNIT DEVELOPMENT

A. INTENT

The Planned Unit Development (PUD) is a zoning district intended to accommodate innovative land use developments with mixed or varied uses, sites with unusual topography or unique settings within the community, or land which exhibits difficult or costly development problems, and shall not be allowed where Planned Unit Development approval is sought primarily to avoid the imposition of standards and requirements of other zoning classifications rather than to achieve the stated objectives below.

B. OBJECTIVES

The Planned Unit Development provisions of this ordinance are designed to accomplish the following objectives:

- 1) To permit more flexibility in land development than is generally allowable under conventional zoning regulations where such development will not be contrary to the intent of the Sands Township Zoning Ordinance;
- 2) To achieve efficiency and economy in the use of land, natural resources, energy, and the provision of public services and utilities;

- 3) To encourage innovative approaches in developing land and to allow variety in design, layout, and type of structures constructed;
- 4) To encourage the provision of useful open space and development of recreational opportunities;
- 5) To provide a desirable living environment through the preservation of the natural character of open fields, tree stands, brooks, ponds, floodplains, hills, and similar natural assets;
- 6) To provide a procedure for use in encouraging and assisting in the orderly development of uses of property within the township which will result in economic benefit to the township and its residents.
- 7) To provide adequate housing, employment, and shopping opportunities particularly suited to the needs of the residents of the township;
- 8) To provide a procedure by which the Township Board can grant preliminary approval of a proposed development without first requiring the developer thereof to expend complete design monies, while providing Township officials with assurances that a proposed development will retain the character envisioned at the time such preliminary approval was granted;
- 9) To provide for adequate protection and safeguards for the site and the surrounding area;
- 10) To recognize that the timing of development should be consistent with capital improvement planning and that it is both a public and private responsibility to minimize adverse community impacts;
- 11) Encourage and ensure a continual pattern of compatible land use; and,
- 12) To provide for public hearings and input in reviewing a Planned Unit Development proposal.

SECTION 320 B USES PERMITTED, MINIMUM SIZE AND FEES

A. USES PERMITTED WITHIN A PLANNED UNIT DEVELOPMENT DISTRICT

1. The following uses may be included in a PUD district:
 - a) all residential uses
 - b) all commercial uses
 - c) all light manufacturing uses; or
 - d) a combination thereof

2. The following districts are eligible for consideration for rezoning to a Planned Unit Development District.
 - a) R-1 B (Residential)
 - b) R-1C (Residential)
 - c) B-1 (Restricted Business)
 - d) B-2 (General Business)
 - e) I (Industrial)

3. No use shall be permitted except in conformity with a specific and precise Final Development Plan pursuant to the procedural and regulatory provisions hereinafter set forth.

4. Where the Planned Unit Development contains residential uses, non-residential development is permitted provided that:
 - a. Such non-residential uses are primarily for the service and convenience of the residents of the Planned Unit Development and the immediate neighborhood, or;
 - b. Where such non-residential uses are proposed to be situated in an existing district not permitting such uses and/or where such non-residential uses

are intended primarily for residents from outside of the Planned Unit Development, it must be shown that:

- (1) such non-residential development can be justified economically at the location proposed:
- (2) that such uses are desirable and convenient to the immediate neighborhood: and
- (3) such uses are site planned, designed and so located as to assure that they will not materially alter the existing character of the neighborhood.

B. MINIMUM PLANNED UNIT DEVELOPMENT SIZE

The Planned Unit Development District shall not be less than Four (4) acres in actual lot size and shall be capable of being planned and developed as one integral unit. The minimum lot width of a parcel zoned PUD shall be not less than 400 feet.

C. OWNERSHIP REQUIREMENTS

An application for rezoning to a Planned Unit Development district shall be made by the fee owners of the property for which the application is being made. Any other interested parties may also join in the application.

D. PROCESSING FEES

For consideration of an application for rezoning to a Planned Unit Development District there shall be paid a \$250 (two hundred fifty dollar) fee. If additional or special meeting of the Zoning Commission or Township Board are held at the request of the applicant an additional fee of 100% of the cost per meeting will be assessed to the applicant and must be paid prior to each such meeting.

SECTION 320 C APPLICATION AND APPROVAL PROCEDURES

A. PRE-APPLICATION CONFERENCE

Before submitting an Application for rezoning to PUD District, each applicant shall meet and confer with the Sands Township Zoning Administrator and interested Township officials regarding the preparation of the Application. It shall be the responsibility of the Zoning Administrator to contact and invite the appropriate Township officials to such a meeting. The general outlines of the proposed PUD, evidenced by sketch plans are to be reviewed at the meeting before submission of a Planned Unit Development application. Thereafter, the Zoning Administrator shall furnish the applicant with their written comments regarding the meeting including appropriate recommendations to inform and assist the applicant prior to preparing a Planned Unit Development application. The applicant may then informally discuss the proposal with the Township Zoning Commission at his/her option.

B. PRELIMINARY APPLICATION AND PLAN

The applicant of the Planned Unit Development shall submit an application for rezoning to PUD District and Preliminary Development Plans to the Township Zoning Commission through the Zoning Administrator within ninety (90) days of the preliminary meeting(s). The Preliminary Development Plan shall consist of written and graphic documents.

1. The written documents shall consist of:

- a. A legal description of the total site proposed for development;
- b. A statement of the nature and character of the proposed development and the methods to be used in achieving the objectives of the Planned Unit Development provisions;
- c. A schedule of the approximate date or dates if the development is to be divided into phases, when construction will begin and be completed;
- d. A statement of the applicant's intentions

with regard to future ownership of all or parts of the development;

- e. Quantitative data for the following: Total number and type of dwelling and on-residential units, the proposed floor area, ground coverage, outdoor livability and open space ratios the proposed gross residential density and the net residential density of any separate stages, the number of parking spaces for each use proposed, and any market or feasibility studies the applicant wishes to submit in support of this plan;
- f. A market analysis and/or environmental assessment statement may be required showing economic need for commercial facilities or to insure that environmentally sensitive areas are not disturbed.
- g. Such additional documentation as may be required by the Zoning Commission.

2. The graphic documents shall consist of:

- a. A grading plan may be required if deemed necessary by the Zoning Administrator. The grading plan shall show contour lines at intervals of five (5) feet and the existing and proposed site conditions, as well as any bodies of water, unique natural features, rock outcroppings and vegetation.
- b. A preliminary plat showing proposed lot lines and plat lines if the land is to be platted.
- c. A site plan or plans showing the location and floor area and use of all existing and proposed buildings, structures, and improvements, including maximum heights, the location and size of all areas to be conveyed, dedicated, or reserved as outdoor livability space, recreational areas, school sites, and similar public or semi-public uses; the proposed circulation system, including private and public streets, parking and loading areas,

pedestrian ways, and access to existing and planned streets outside of the development: the existing and proposed utilities, including sanitary and storm sewers and water, gas, electric, telephone, and television cable lines: and preliminary landscape plan;

- d. A plan at an appropriate scale showing land areas adjacent to the proposed development, their uses, zoning, and general character, and the effects of the proposed development on such land, including the treatment of the perimeter areas of the Planned Unit Development;
- e. Sketch plans of land uses, densities, site design, adjacent uses, and circulation of remaining lands to be developed in future stages, if any of the project even though not presently under consideration for approval: and,
- f. Such additional material as may be required by the Township Zoning Commission to assist the Commission in visualizing and understanding the proposals, including, but not limited to, architectural renderings of typical structures and improvements and three-dimensional work study models.

C. PRELIMINARY DEVELOPMENT PLAN REVIEW AND PUBLIC HEARING

- 1. The Zoning Administrator shall notify the appropriate State and County government agencies to review the preliminary development plans and proposed rezoning and may obtain the recommendation of a professional planning advisor, and shall submit such review information and recommendations to the Township Zoning Commission for its consideration along with a report which evaluates the planning aspects of the project as well as its impact on present and future development plans of the township.
- 2. Within 60 days following the submission of the application for rezoning and the Preliminary

Development Plan the Zoning Commission shall hold a public hearing.

- a. Pursuant to the requirements of Sec. 902 of the Township Zoning Ordinance.
- b. At which time the applicant shall present the Planned Unit Development preliminary development plan
- c. At which time the Zoning Administrator shall present his/her recommendation;
- d. At which time the public will be afforded an opportunity to comment upon the proposed Planned Unit Development.

3. After reviewing all of the evidence, the Zoning Commission must take formal action on the application within 45 days of the public hearing. Such formal action to consist of one of the following:

- a. Recommendation for approval of the preliminary development plan as presented and a recommendation that the application for rezoning, to PUD district be granted; or
 - b. Recommendation for approval of the preliminary development plan subject to compliance with specified conditions, which, if met by the applicant, will also be deemed to be a recommendation that the application for rezoning to PUD District be granted; or,
 - c. Recommendation for disapproval of the preliminary development plan and recommendation that the application for rezoning to PUD District be denied.
- Such action shall be stated in a written report prepared by the Zoning Commission which shall be submitted to the County Planning Commission for its review and recommendation as required by statute;

4. The Township Board shall thereafter conduct a preliminary review of the written report of the Zoning Commission and all related documentary materials, including recommendations of the County Planning Commission and shall, upon consideration of that documentation take any one of the following actions:

- a. Issue preliminary approval of the preliminary development plan and the proposed rezoning to PUD District; or
 - b. Issue preliminary approval of the preliminary development plan and proposed rezoning to PUD District subject to certain specified conditions; or
 - c. Issue a preliminary disapproval of either the preliminary development plan or the proposed rezoning to PUD District or both, and provide written notice to the applicant(s) of the reason for such preliminary disapproval.
5. The preliminary approval by the Township Board of either the Preliminary Development Plan or the proposed rezoning to a PUD district does not constitute a final approval of the Proposed Development Plan or of the proposed rezoning, and no zoning permits shall be authorized until a Final Development Plan has been approved and a rezoning amendment has been adopted.

D. FINAL DEVELOPMENT PLAN

1. Within a maximum of one(1)year following the preliminary approval by the Township Board of the Preliminary Development Plan and proposed rezoning to PUD District, the applicant shall file with the Township Board, through the Zoning Administrator, in a final detailed form, a Final Development Plan which shall be in substantial compliance with the preliminary approval previously issued by the Township Board. The Zoning Administrator shall have thirty (30) days within which to review the Final Development Plan. At its discretion and for good cause, the Township Board may extend for six (6) months the period for filing of the Final Development Plan. If the applicant fails to file the Final Development Plan for any reason, within the time allowed, the preliminary approval shall be deemed to be revoked and the Township Board shall take appropriate action to deny the application for rezoning to PUD District.

All that portion of the area included in the Preliminary Development Plan and proposed rezoning for which final approval has not been given shall thereby remain subject to the existing zoning and subdivision ordinance otherwise applicable thereto.

2. The Township Board shall make a determination as to whether the final development plan is in substantial compliance with the Preliminary Development Plan. The Final Development Plan shall be deemed in substantial compliance with the Preliminary Development Plan, provided any modifications made thereto by the applicant do not:
 - a. Violate any provision of Sections 319 of the Zoning Ordinance;
 - b. Vary the lot area requirement by more than ten (10) per cent;
 - c. Involve a reduction of more than ten (10) per cent of the area reserved for the common open space and/or usable open space;
 - d. Increase the floor area proposed for non-residential use by more than ten (10) per cent; and
 - e. Increase the total ground area covered by buildings by more than five (5) per cent.
3. If the Final Development Plan is not in substantial compliance with the Preliminary Development Plan or if it contains substantial or significant changes from the Preliminary Development Plan, the Township Board, shall hold an additional public hearing before it may grant final approval of such Final Development Plan.
4. The Final Development Plan stage includes review of all of the information required for the Preliminary Development Plan in its finalized, detailed form to ensure substantial compliance with the preliminary development plan. This shall include a review of site plans sufficient for recording and engineering drawings. Any schematic plans presented in the

Preliminary Development Plan stage, such as a landscape plan, must be presented in their final detailed form. All items previously reviewed and any final plats and public dedication documents shall be submitted at this time.

5. If the Township Board determines that the Final Development Plan is in substantial compliance with the standards specified in this Ordinance and with the Preliminary Development Plan through the review of finalized site plans and specifications, the Final Development Plan and proposed rezoning to PUD District shall be approved and adopted by the Township Board.
6. The decision of the Township Board shall be made within sixty (60) days of submission of the Final Development Plan, unless said time is agreed to be extended by the applicant in writing; provided that the Township Board may extend such time for periods not to exceed thirty (30) days each if such extensions are necessary for adequate review.

E. ISSUANCE OF PERMITS

Formal Approval by the Township Board of the Final Development Plan and adoption of the rezoning to PUD District shall entitle the applicant to apply for zoning permits.

F. TIME FOR COMPLETION OF DEVELOPMENT

Implementation of the Final Development Plan including all proposed buildings parking spaces, landscaping, usable open space, and amenities must be started within one (1) year of the final approval of the Final Development Plan and work must be continued in a reasonably diligent manner and completed within three (3) years of such final approval. If construction of the entire development or established stages is not significantly complete within the time limits provided by the construction schedule or if time schedule extensions are requested by the applicant, the Township Board shall review the progress being made in implementing the Final Development Plan and, may extend

the time for completion or revoke final approval of the Final Development Plan or take such other action as it deems appropriate.

G. AMENDMENTS TO THE FINAL DEVELOPMENT PLAN

1. Minor changes from the approved final development plan may be approved without the necessity of a public hearing by the Township Board, if required by engineering or other circumstances not reasonably foreseeable at the time the Final Development Plan was approved. The Township Board may request certification in writing from the officials and agencies concerned that the proposed revision constitutes a minor alteration and does not alter the basic design nor any specific conditions of the Final Development Plan as approved by the Township Board. Revisions permitted under this Section shall be limited to:
 - a. Shifting of building location, heights and elevations, providing such shifting does not exceed ten (10) percent of the previously approved dimension and providing such shifting does not significantly alter the conceptual integrity of the plan;
 - b. Construction of additional or alteration of approved sidewalks, provided that pedestrian movement through and around the site is not inhibited thereby;
 - c. Shifting of, additions to, or changes in species of landscaping materials, provided that such change does not reduce the minimum landscape requirements;
 - d. Relocation of refuse collection stations;
 - e. Internal rearrangement of parking lots and curb cut locations, provided such functional rearrangement does not reduce the total number of parking spaces required and further provided that the minimum landscape requirements are maintained and further

provided that such rearrangement does not inhibit smooth traffic flow or circulation;

- f. An increase or decrease in the floor area of any building, provided such increase or decrease does not exceed five (5) percent of that previously approved;
 - g. Construction and location of bus stop stations; and
 - h. Installation of recreational or maintenance facilities that do not require erection of a structure intended for human use or occupancy.
2. All major changes in the final development plan may be formally approved after a public hearing held by the Township Board in accordance with Section 902 of the Zoning Ordinance. Any changes must be formally adopted and recorded as amendments to the Final Development Plan as approved.

SECTION 320 D

STANDARDS FOR DECISION

A. General Standards

A Final Development Plan and proposed rezoning to PUD District shall be denied, approved, or approved with conditions by the Township Board based on findings of conformity or lack of conformity with the following standards:

- 1. The Final Development Plan and proposed rezoning to PUD District shall be consistent with the Sands Township Zoning Ordinance and any land use plans and land use regulations adopted by the township board except as hereinafter set forth.
- 2. The Final Development shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area and shall be developed so as not to be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted nor diminish property values within the neighborhood.

3. Each development shall provide reasonable visual and acoustical privacy for dwelling units within the development. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views or uses, and reduction of noise.
4. The proposed development shall not involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of noise, dust, smoke, odor, fumes, or glare. Provisions shall be made for the prevention of erosion and dust and to insure that the removal of surface waters will not adversely affect nearby properties.
5. Yard, setback requirements, height, limits, and buildings size limits, density and intensity limits may be altered for the proposed development, provided that the spirit and intent of this section are complied with in the total development plan, as determined by the Township Board. Clustering of dwelling units in one or more locations upon the development is permitted. All buildings or groups of buildings shall be arranged as to permit convenient and direct emergency vehicle access and final determination shall be based on the visual, acoustical, and aesthetic layout as determined by the Township Board.
6. The existing landscape shall be maintained in as natural a state as possible through preservation of trees, groves, waterways, floodplains, scenic points, historic spots, and other community assets and landmarks. The location of such must be considered when planning common open space, location of buildings, underground services, walks, paved area, playgrounds, parking areas, and finished grade levels. The Township Board shall inquire into the means whereby trees and other natural features will be protected during construction.

7. Design of the proposed streets, common vehicular ways, and pedestrian circulation shall be adequate to allow for safe, convenient, and un-congested circulation. Streets in a proposed development may be dedicated to public use or may be retained under private ownership. They shall be constructed in accordance with the standards required by the Sands Township Zoning Ordinance.
8. Off-street parking shall be sufficient to meet the minimum required by Section 411 of the Sands Township Zoning Ordinance. If deemed appropriate and for good cause, the Township Board may require more or less parking for a proposed development than that required by Section 411.
9. The proposed development shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems, and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale, or timing resulting in higher net public cost or earlier incursion of public cost than would develop in a form generally permitted in the area, or it shall be demonstrated that the person responsible for the proposed development shall be able to install such systems at his own expense and continually provide adequately for the utilities systems and installations deemed essential to the proposed development.

Section 321. Conditional Rezoning:

A. Intent:

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this section to provide a process consistent with the provisions of Zoning Enabling Act (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

B. Application and Offer of Conditions:

1. An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land, when a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
2. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this section.
3. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
4. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
5. Any use or development proposed as part of an offer of conditions that would require a special use permit under the terms of this Ordinance may only be commenced if a special use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
6. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
7. Any use or development proposed as part of an offer of conditions that would require site plan approval under the

terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

8. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Zoning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Zoning Commission for a new public hearing with appropriate notice and a new recommendation.

C. Zoning Commission:

The Zoning Commission, after public hearing and consideration of the factors for rezoning set forth in section 321 of this Ordinance, may recommend approval, approval with recommended changes or denial of the rezoning; however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

D. Township Board Review:

After receipt of the Zoning Commission's recommendation, the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in section 320 of this Ordinance. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, that the Township Board shall, in accordance with section 405 of the Zoning Enabling Act (MCL 125.3405), refer such amendments to the Zoning Commission for a report thereon within a time specified by the Township Board and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

E. Approval:

1. If the TOWNSHIP Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions

acceptable to the owner and conforming in form to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance by the Township Board to accomplish the requested rezoning.

2. The Statement of Conditions:
 - a. Be in a form recordable with the Register of Deeds of Marquette County or in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
 - b. Contain a legal description of the land to which it pertains.
 - c. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - d. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
 - e. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Marquette County.
 - f. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
3. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
4. The approved Statement of Conditions of an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Marquette County. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a

document would be of no material benefit to the Township or to any subsequent owner of the land.

F. Compliance with Conditions:

1. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
2. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

G. Time Period for Establishing Development or use:

Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

H. Reversion of Zoning:

If approved development and/or use of the rezoned land does not occur within the time frame under Subsection G above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Zoning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making

this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests.

I. Subsequent Rezoning of Land:

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection H above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Marquette County a notice that the Statement of Conditions is no longer in effect.

J. Amendment of Conditions:

1. During the time period for commencement of an approved development or use specified pursuant to Subsection G above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
2. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

K. Township Right to Rezone:

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Zoning Enabling Act.

L. Failure to Offer Conditions:

The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

M. Basic Factors of Consideration:

In reviewing an application for the rezoning of land, the Zoning Commission and the Township Board will take into consideration no less than the following basic factors;

1. Whether the rezoning is consistent with the policies and uses proposed for that area in the Township;
2. Whether all of the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area;
3. Whether any public services and facilities would be significantly or adversely impacted by a development or use allowed under the requested rezoning of the land;
4. Whether the uses allowed under the proposed rezoning would be equally or better suited to the area that is allowed under the current zoning of the land.

ARTICLE IV
GENERAL III-54 ZONINGS

Section 401 Height, Bulk and Placement Regulations

Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created and no structure shall be erected or maintained except in compliance with the Schedule of Regulations specified below. Any sale of land in violation of this section shall be voidable at the option of the purchaser and shall subject the seller thereof to the forfeiture of any and all consideration received or pledged for the land. The purchaser may take additional action to recover any damages sustained. These remedies shall not preclude enforcement by the Zoning Administrator.

Schedule of Regulations						
District	Minimum Lot Size (Sq. Ft.) (A)	Minimum Lot Width (Feet)	Setback (in feet) (A), (B)			Maximum Building Height (Feet)
			Front	Each Side	Rear	
R-1A	30,000	120 (C)	25 (D)	10 (E)	35	30 (F)
R-1B	30,000	120 (C)	25 (D)	10 (E)	35	30 (F)
R-1C	30,000	120 (C)	25 (D)	10 (E)	35	30
B-1	22,500	100 (C)	25	10 (E)	20	30
B-2	22,500	100 (C)	25	10 (E)	20	30
I	1 Acre	150 (C)	30	(G), (H)	30	(H)
F-1	2.5 Acres	300	25	20	35	30
F-2	5 Acres	300	25	20	35	30
OS	20 Acres	None	40	40	40	30

(A) See Article III, Sections 317 and 318, for additional lot size and setback requirements for specific uses.

(B) Waterfront Development

(A) Setbacks from Water - All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including, but not limited to, inland lakes, rivers, streams, and impoundments, shall maintain a minimum setback of 100 feet as measured from the high water mark. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of 30 feet as measured from the high water mark.

(B) Shore and Bank Area IV-1 Conditions - The part of that setback which lies within 30 feet of the water edge shall be maintained in its natural condition. Trees and shrubs in a space 50 feet wide may be trimmed or pruned for a view of the fronting waters and for access thereto. No change shall be made in its natural grade. A lot shall be regarded in its natural condition when there is at least one tree or

shrub having a height of at least 15 feet for each 75 square feet of area thereof in wooded areas or sufficient natural ground cover in open areas.

(C) Limitation of "Funnel Development" - Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single-family home, cottage, condominium or apartment unit to the use of each one hundred (100) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge of normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of the waters, avoid congestion, and to preserve the quality of recreational use of all waters and recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease. This restriction shall not apply to an official public access site.

- (C) Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restrictions. Regardless of actual lot size, the maximum depth to width ratio shall be 4 to 1.
- (D) No accessory building shall be located in the front yard in a residential district.
- (E) An accessory building or structure may be located 6 feet from a side lot line.
- (F) An accessory building or structure shall not exceed an average peak height of fifteen (15) feet as measured from grade to peak.
- (G) All structures shall be provided with access to their rear yard, with a minimum of thirty (30) feet clear and unobstructed access way or easement. Setbacks from the existing residential parcels shall be: 50 feet for all buildings; 25 feet for driveways, entrances or exits; and 10 feet for parking areas.
- (H) Height at any point on a structure shall not exceed the horizontal distance to any lot line.

Section 402 Minimum Building F^{IV-2} rea

Every single/two-family dwelling, excluding seasonal dwellings in the F-2 District, shall have a floor area of not less than 720 square feet, exclusive of unfinished basements, garages, porches and breezeways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet.

A single-family dwelling, including mobile homes and manufactured housing, shall have a minimum exterior breadth/caliper/width of twenty (20) feet in the R-1A, R-1B, B-1 and B-2 districts. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be

at least twenty (20) feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet. NOTE; Lots within the R-1A and R-1B district with an existing dwelling, which is less than 20-feet in width shall be allowed a one-time replacement of said dwelling. The replacement dwelling may be less than 20-feet in width; but shall in any event, be greater than the width of the existing dwelling. Replacement of a dwelling shall be by special approval under the provisions of Article VI of the Sands Township Zoning Ordinance, being sections 601 & 602. In the R-1C, F-1 and F-2 districts, the minimum breadth/caliper/width shall be fourteen (14) feet.

A two-family dwelling building shall have a minimum exterior breadth/caliper/width of twenty (20) feet in any district in which such structures are permitted. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal, shall be at least twenty (20) feet.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the required 20 feet.

Section 403 Maximum Lot Coverage Ratio

The Maximum Lot Coverage Ratio in all districts shall be 35 percent.

Section 404 Accessory Buildings and Uses

Where a lot is devoted to a principal use, customary accessory uses and buildings are authorized except as prohibited specifically or by necessary implication in this or any other ordinance. The following special rules are applicable:

(A) An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.

(B) An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to any other structure on the lot.

(C) External wood burning boilers/units are prohibited in all zoned districts with lots of less than 5 acres. 5 acre or larger parcels require an approved Special Approval Permit.

Section 405 Home Occupations

Home occupations shall be allowed in the R-1A, R-1B, R-1C, F-1 and F-2 Districts, in accordance with the provisions below. Home occupations shall be authorized upon application for and issuance of a zoning compliance permit by the Zoning Administrator. All home occupations shall comply with the following conditions:

1. Home occupations shall employ only those members of the family residing on the premises and not more than one non-occupant employee; home occupations in the R-1A District shall not employ non-occupants;
2. There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupations, other than an approved sign;
3. Specifically excluded is the storage, display and sale of merchandise not produced by such home occupations.
4. If the home occupation is conducted in an accessory building, it shall occupy not more than three hundred (300) square feet of said accessory building;
5. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the requirements of Section 411; the home occupation may utilize only stock vehicles such as passenger cars and light utility vehicles such as pick-ups and vans. These vehicles may be parked outside;
6. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation;
7. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises;
8. A sign advertising the home occupation shall not exceed six (6) square feet and shall not be illuminated or have working parts.

Section 406 One Principal Structure or Use Per Lot

No more than one principal structure or use may be permitted on a lot, except in the I District under Special Use Permit, unless specifically provided for elsewhere in this Ordinance.

Section 407 Variance of Requirements for Lots of Record

Minimum lot size and lot width regulations do not apply to any nonconforming parcel of land shown as a lot in a map recorded with the county register of deeds, or described in a deed or land contract or lease agreement which has been perpetual, executed together with an affidavit or acknowledgement of a notary public, prior to the effective date of this Ordinance, and which lot actually exists as shown or described. Uses and/or structures located on parcels shall be treated as conforming uses and/or structures as long as those uses and/or structures are in conformance with the requirements of this ordinance. No vested right shall arise to the property owner for any parcel created in violation of any preceding Sands Township Zoning Ordinance. When a nonconforming lot is held in common ownership with abutting parcel(s) of land, the two or more parcels shall be considered combined as necessary to reduce or eliminate the non-conformity.

Section 408 Allocation and Reduction of Lot Area

No portion of a lot shall be ^{IV-5} more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

No setback area or lot existing at the time of adoption of this Ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established herein.

Section 409 Height Requirement Exceptions

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments;
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial communication tower shall be so located that the distance from the base of the tower to the nearest property line shall be either equal to the height of the structure plus the setback in that district or the radius of the collapse/failure zone as certified by a structural engineer plus the setback in that district.
3. Public utility structures; and
4. Agriculture related structures such as barns, silos, elevators and the like.

Section 410 Use of Yard or Open Space

In a residential district it is prohibited to use the open space surrounding a dwelling and/or undeveloped property for the open air parking, disposition, storage, wrecking, dismantling, accumulation or abandonment, either temporary or otherwise, of disused, discarded worn-out, wrecked, or dismantled vehicles, machinery, implements, apparatus, furniture, appliances, junk, garbage, rubbish or any other personal property. A maximum of two unlicensed or temporarily disabled vehicles may be stored on the premises provided they are screened from adjacent residences and the road.

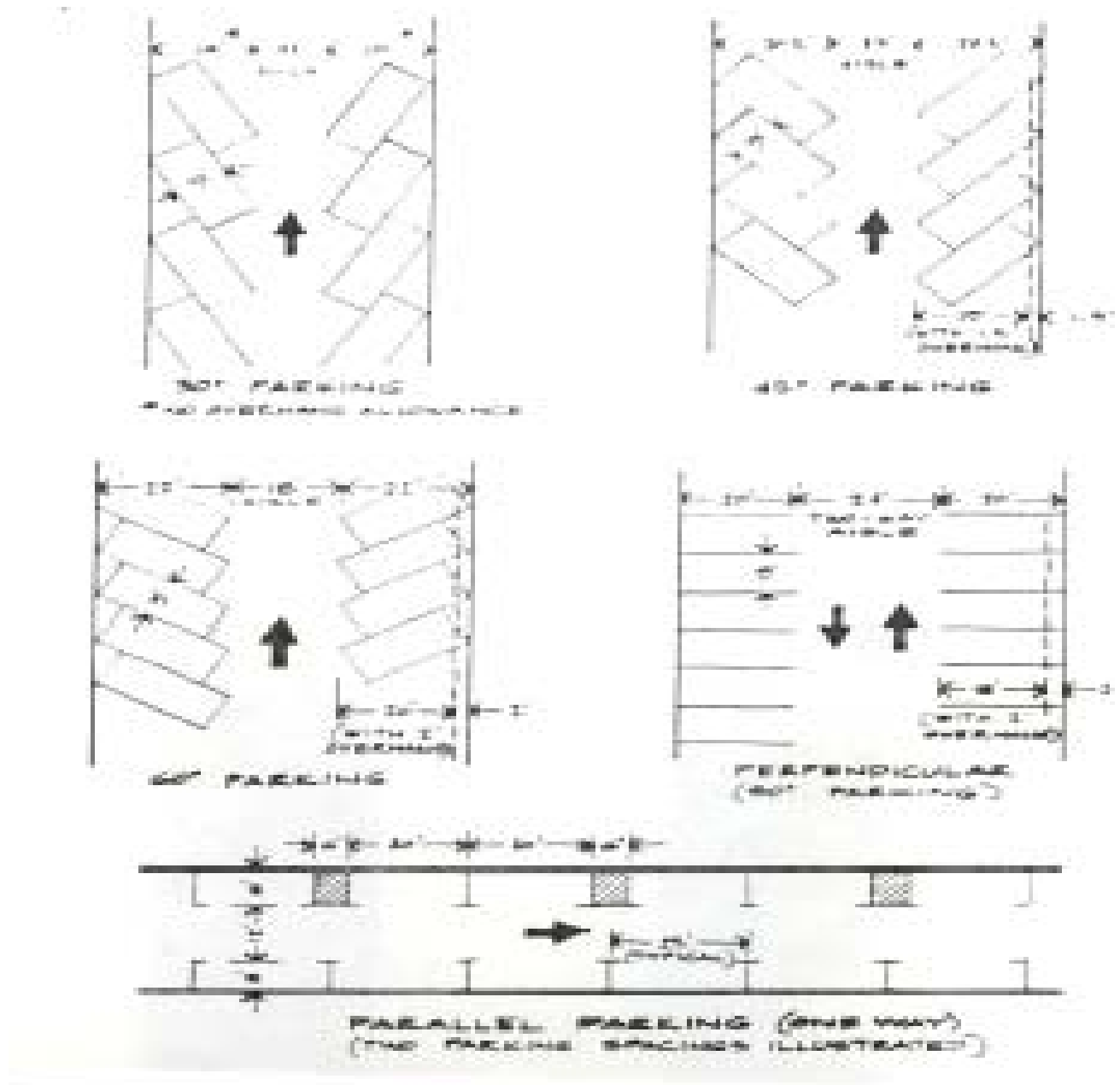
IV-6

Section 411 Off-Street Parking Requirements

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

<u>Use</u>	<u>Spaces Required</u>
Single and two-family dwellings, recreational structures	2 per dwelling unit
Convalescent homes and housing for the elderly	.4 times maximum lawful number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities, if any
Hospitals	.5 per employee plus .16 times the number of beds
Multiple-Family Dwellings	2 per dwelling unit
Churches, theaters, facilities for spectator sports, auditoriums concert halls	.35 times the seating capacity
Golf Courses	7 per hole, in addition to spaces required for restaurant, if any
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to spaces required for restaurant facilities
Family or Group Day Care Facility	2 per dwelling unit plus .3 per child
Fast food take-out establishments, drive-in restaurants	.01 times floor area in square feet

<u>Use</u>	<u>Spaces Required</u>
Restaurants (except drive-ins), bars, taverns, private clubs	1.2 per 100 sq. ft. of floor space
Furniture and appliance stores	.3 per 100 sq. ft. of floor space
Rooming houses	2 for owner or resident manager, and 1 for each guest room
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractor's showrooms and others, museums and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 50 sq. ft. of floor space
Gas stations	1 per pump plus 2 per rack or pit (in addition to stopping places adjacent to pumps)
Automotive Service Center	1 per employee plus 2 per service bay
Laundromats	.5 per washing machine
Doctor's and dentist's offices	1 per 100 sq. ft. of waiting room area and 1 per doctor or dentist
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space
Retail stores and service establishments	1 per 150 sq. ft. of floor space and outdoor sales space
Educational institutions	1 per employee plus 1 per every 5 students over 15 years of age
Vehicle sales	1 per 400 sq. ft. of usable floor area in showroom, plus 2 per service bay, if any
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time



Section 412 Required Planting Screens

A) In the Industrial District wherever any parking lot, trash collection, outdoor storage, merchandising, or service area lies within 50 feet of any residential district, or adjoins a residential dwelling within the F-1 or F-2 Districts, a planting screen of sufficient length to interfere with the view thereof from the adjoining property shall be required except where the view is blocked by a change in grade or other natural or man-made features. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six (6) foot high fence whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall may be substituted.

Screening in accordance with this Section may also be required for specific uses by Sections 317 and 318.

B) Planting screen specifications. All planting screens required by this Ordinance shall consist of plants, at least 30 inches high when planted, maintained in a healthy condition and so pruned as to provide maximum opacity from the ground to a height of five feet. One of the plant materials in the following list shall be used and plants shall be located no farther apart than the distance indicated in each case.

<u>Plant</u>	<u>Distance Apart</u>
Lilac	3 feet
Privet	1 1/2 feet
Arbor vitae	4 feet
Pfitzer	4 feet
Scotch pine	5 feet
Jack pine	5 feet
Spruce	5 feet

Substitution of other plant materials shall be permitted only upon certification to the zoning administrator that the proposed plantings can be expected to thrive and provide equivalent screening and will create no nuisance or hazard.

C) Parking lot planting. Where the provision of off-street parking for 50 or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of 18 sq. ft. for each parking space, which shall be so located that no parking space is more than 120 feet from a portion of the landscaped open space required by this section. Landscaped open space required by this section shall be kept continuously planted with living vegetation. The required landscaped open space need not be contiguous, but there shall be at least one tree in each separate area. Required trees shall be at least 12 feet high when planted or when this ordinance becomes applicable thereto, shall be maintained in a healthy condition, and shall not be pruned, except to remove dead wood, in such a manner as to prevent growth

to a height of at least 15 feet or to reduce existing height below 15 feet. The following varieties of trees are prohibited in meeting the requirements of this ordinance: Poplars, willows, American elm, seed-bearing locusts, and box elders. All plant materials shall be kept pruned to maximize visibility through them between the heights of three and eight feet except where located so as to create a hazard to drivers or pedestrians.

D) Time of completion of plantings. All plantings required by this Ordinance shall be installed prior to occupancy or commencement of use. Where compliance is not possible because of the season of the year, the Zoning Administrator shall grant an appropriate delay. Any zoning compliance permit may be revoked, after 30 days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever plantings are not maintained as required in this Ordinance.

Section 413 Mineral Extraction

Mineral extraction is the extraction and processing of iron ore, copper, gravel, sand, stone, gypsum, peat, topsoil, silver, gold, uranium, and/or other minerals. It is the intent of these regulations to:

- (A) Provide for the proper environmental management during the site planning, operational and reclamation stages of the mineral extraction process;
- (B) Provide the Township with information important to overall planning and orderly economic growth; and
- (C) Provide for the right to extract mineral deposits where located.

The following shall not require an application for a mineral extraction permit:

1. Any active mining operation at the date of enactment of this ordinance to continue mineral extraction from existing holes or shafts, which may be shown on the land constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes or shafts.
2. An extraction of less than five hundred (500) cubic yards of minerals from a parcel.
3. Site preparation authorized by zoning compliance permit.

No mineral extraction shall be undertaken without first obtaining a mineral extraction permit from the Sands Township Zoning Commission and upon payment of a reasonable fee established by the Sands Township Board. A zoning compliance permit shall also be obtained pursuant to Section 905. The Zoning Administrator, upon receipt of the application for mineral extraction permit, shall provide a copy of the same within thirty (30) days to the

Zoning Commission for their review and action. The Zoning Commission shall review the application for mineral extraction permit at a public hearing to be scheduled and in accordance with the provisions of Sections 415 and 902 and approve, approve with conditions, or reject the mineral extraction permit with explanation. If any of the application information is available in the form of an environmental impact assessment or other appropriate documents which are required to be submitted to various county, state and/or federal agencies, a copy of that information may be submitted in place of the following appropriate sections.

Section 414 Application for Mineral Extraction Permit

An application for a mineral extraction permit must contain a site plan, operation plan, reclamation plan, and information regarding the status of all state or federal permits, as described herein.

The applicant shall submit the following documents, including a cover letter with the signature of the applicant or the applicant's authorized agent to the zoning administrator.

(A) Site plan requirements

A site plan consisting of eleven identical copies on one or more sheets at a scale adequate to illustrate the proposed operation.

1. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
2. Date, north point, and scale.
3. The actual dimensions of the proposed developed area (as shown by a surveyor or engineer IV-13 with the survey stakes visible) showing the relationship of the subject property to abutting properties.
4. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the sites parcel lines.
5. The location of all existing and proposed drives and parking areas.
6. The location of right-of-way widths of all abutting streets, alleys, and private easements.
7. The location of proposed planting and screening, fencing, signs and advertising features.
8. The height and floor area of all proposed structures.
9. The size and location of all existing and proposed public and private utilities and required landscaping.
10. Proposed location, area extent, estimated depth of excavation.
11. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining.

12. Describe the general groundwater conditions and the possible impact of mining operations upon adjacent groundwater levels and quality. The operator must identify plans to alleviate possible problems in the groundwater supply to adjacent land owners.
13. Any other information necessary to establish compliance with this ordinance.

(B) Operation plan requirements

1. A narrative description outlining the estimated time span which the operation will cover; the type of material to be extracted; the type of mining operation and processing equipment to be used; measures to control noise, vibration, and pollution from the operation; effect on groundwater condition; proposed travel routes to be used to transport the mined material to processing plant or markets, and the proposed steps to be taken to relieve adverse effects.
2. A narrative description of the social and economic impact on Sands Township including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.
3. Sight buffers as reasonable and practical along all boundaries of the mining IV-14 ion which abut R-1A, R-1B or R-1C zoning districts. Buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury.

The following techniques may be used, but not limited to the following screening methods:

Buffer zone: An area of sufficient depth as to screen the operation from view.

Earth berms: Earth berms, constructed to a height of at least six feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one foot vertical to four feet horizontal, and shall be planted with trees and shrubs.

Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and the spacing of trees in the rows sufficient to provide effective screening.

Fencing: Solid fences or masonry walls constructed to a height of six feet and inconspicuous as compared to color.

4. A description of the measures to be taken to assure that any dangerous excavations, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
5. Identify plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

(C) Reclamation plan requirements

A reclamation plan shall include a map and description showing:

1. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and revegetation, and erosion control, and alternative future land uses.
2. Description of topsoil stripping and conservation during storage and replacement.
3. Plan and description of IV-15 listed final topography, water impoundments, and artificial _____ on property.
4. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
5. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.
6. A timetable for completion of reclamation requirements.

(D) Status of permits

A mineral extraction permit shall not be issued until the applicant has received all applicable state and federal permits.

Section 415 General Standards

The Zoning Commission shall review the particular facts and circumstances of each application for a mineral extraction permit in terms of the following standards and shall find adequate evidence showing that the proposed use:

1. Will be harmonious with and in accordance with the general policies or with any specific objectives of the comprehensive development plan;
2. Will provide adequate site drainage so that waters will not adversely affect neighboring properties;
3. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare, or odors;
4. Will be served adequately by essential public facilities and

- services;
5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community; and
 6. Will protect the public health, safety and welfare of the community.

ARTICLE V
SITE IV-16 VIEW

Section 501 Intent

It is the purpose of this Section to require site plan review approval for all buildings, structures and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to provide and promote the orderly development of the Township; safe and convenient traffic movement, both within a site and in relation to access streets; the stability of land values and investments by preventing the impairment or depreciation of land values and development, by the erection of structures or additions or alterations thereto, without proper attention to setting or to unsightly or undesirable appearances; harmonious relationship to buildings, other structures and uses, both within a site and/or adjacent sites; and the conservation of natural amenities and resources.

Section 502 Site Plan Required

A site plan is required for and shall accompany the applications for:

- (A) Zoning Compliance Permits for:
 - a) Any proposed construction
 - b) Any commencement of a new use
 - c) Any proposed change in use
- (B) Special Use Permit
- (C) Variances
- (D) ~~Class A Non-Conforming use designations~~
- (E) Any other request for zoning status where the Zoning Administrator determines a site plan is necessary for accurate review or documentation of the existing development.

The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of

information shown.

Section 503 Site Plans for Single and Two-Family Dwellings, Residential Accessory Uses and Structures, Seasonal Dwellings, and for Agricultural and Forestry Uses

The site plan for single and two-family dwellings, residential accessory uses and structures, seasonal dwellings, and agricultural and forestry uses shall show the following information:

- (A) A legal description of the site.
- (B) All lot lines and dimensions of the lot.
- (C) All roads and easements.
- (D) All existing and proposed buildings shall be shown and labeled.
- (E) Proposed use of each building.
- (F) Distances between buildings and all lot lines.
- (G) Building dimensions.
- (H) Natural features affecting development (rock, water, etc.).
- (I) Well and septic locations.
- (J) A north arrow.

If, in the opinion of the Zoning Administrator, a more detailed site plan is needed for agricultural or forestry uses, a site plan in accordance with Section 504 shall be required.

Section 504 Site Plans for Commercial, Industrial and Multiple Family Development (all other development)

Site plans meeting the following standards shall be required for any use or construction not covered in Section 503. This information shall be provided on six (6) identical copies on one or more sheets.

- (A) A scale adequate to illustrate the proposed activity.
- (B) A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
- (C) Date, north point, and scale.
- (D) The actual dimensions of the proposed developed area (as shown by a licensed surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
- (E) The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 100 feet of the sites parcel lines.
- (F) The location of all existing and proposed drives and parking areas.
- (G) The location and right-of-way widths of all abutting streets, alleys, and private easements.

- (H) The location of proposed planting and screening, fencing, signs and advertising features.
- (I) The height and floor area of all proposed structures.
- (J) The size and location of all existing and proposed public and private utilities and required landscaping.
- (K) Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
- (L) Location of all existing and proposed surface water impoundments and surface water drainage pattern.
- (M) The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.

Section 505 Review Procedures

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances of Sands Township, and demonstrates the adequacy of utility service. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten (10) working days, approve or deny in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of any provision of this or any other Ordinance and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Zoning Board of Appeals. The Zoning Administrator and Zoning Board of Appeals shall use the following standards in their review.

Section 506 Standards for Site Plan Approval

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site will be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.
2. The landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in maximum harmony with adjacent areas.
3. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring property.
4. The site plan shall provide reasonable visual and auditory privacy for all dwelling units located therein. Fences, walks, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and for the privacy of its occupants.

5. All buildings or group of buildings shall be so arranged as to permit emergency vehicle access to all sides.
6. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.
7. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six (6) feet in height.
8. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

ARTICLE VI
USES PERMITTED BY SPECIAL APPROVAL

Section 601 Intent

A variety of uses are permitted in each zoning district by right, meaning that as long as those uses meet the general regulations such as setbacks, height and lot coverage requirements, etc., and are specifically listed as permitted within a particular district, the issuance of a zoning compliance permit is the only zoning approval which is required. There are, however, uses which have unique characteristics that require somewhat closer scrutiny.

Such uses are those which may have the potential to produce impacts which could affect adjacent property owners, or which have special requirements such as parcel size, access, etc., but where such impacts or requirements can be easily addressed by the application of certain conditions. It is the intent of this section to permit such uses anywhere in a district where the use is listed as permitted by special approval, once the Zoning Administrator is satisfied that the conditions listed in Section 317 will be met.

Section 602 Application Procedure

- (A) Any person having an interest in a property may apply for a Zoning Compliance Permit for a proposed structure or use in the zoning district in which the property is located. The completed application shall be accompanied by the required fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
- (B) The Zoning Administrator is authorized by this ordinance to issue Zoning Compliance Permits for uses permitted by right and uses permitted by special approval. Upon receiving an application for a Zoning Compliance Permit, the Zoning Administrator shall determine if the proposed use is permitted by right or by special approval.
- (C) If the application is for a use permitted under special approval, the Zoning Administrator shall refer to Section 317 of this ordinance. The Zoning Administrator shall inform the applicant of all conditions which must be met in order to comply with this ordinance, and shall issue a zoning compliance permit once he/she is satisfied that all conditions, as well as all applicable general regulations, will be met. The Zoning Compliance Permit shall list all conditions which should

- (D) Issuance of a Zoning Compliance Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.

- (E) If development of the structure or use authorized by a Zoning Compliance Permit issued in accordance with this ordinance has not commenced within one year of the date of issuance, said permit shall expire automatically. The Zoning Administrator may approve an extension for one additional year upon request by the applicant.

ARTICLE VII
SPECIAL USE PERMITS

Section 701 Intent

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more districts. However, the functions and characteristics of an increasing number of new kinds of land uses combined with some of the older, more familiar kinds of uses call for more flexibility and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied depending upon functional characteristics, competitive situations and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide controllable and reasonable flexibility in requirements for certain kinds of uses, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance not only for flexibility in individual district regulations, but also for a more detailed consideration of certain specified activities as each may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particularly unique characteristics are designated as Special Uses and may be authorized by the issuance of a Special Use Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections (702 through 705), together with previous references in other sections (308 through 316, 318), designate what uses require a Special Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

Section 702 Application Procedure

- (A) Any person having an interest in a property may file an application for a Special Use Permit for the zoning district in which the land is situated.
- (B) Applications shall be submitted through the Zoning Administrator to the Zoning Commission. Each completed application shall be accompanied by the payment of a fee in

accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.

- (C) Data Required in Application: Every application shall be accompanied by one copy of the following information and data:
- a) Special Use Permit form supplied by the Zoning Administrator filled out by the applicant.
 - b) Site plan drawn to a readable scale and containing that information specified in Article V, Section 503 or 504.
 - c) A statement, prepared by the applicant, with supporting evidence regarding the required findings specified in Section 704(A) through (H).
- (D) Approval of a Special Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
- (E) In instances where development authorized by a Special Use Permit has essentially changed in nature, extent or character, the Zoning Commission shall review the permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Special Use Permit granted under the provisions of this Ordinance, the Zoning Commission may declare the permit null and void.
- (F) If development of a Special Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Zoning Commission can approve an extension for one additional year upon request by the applicant.

Section 703 Review and Findings

The Zoning Commission shall approve, approve with conditions, or reject the application within sixty (60) days of the hearing based upon materials received at VII-2imony recorded at the public hearing. The Zoning Commission shall set forth the reasons for approval, denial, or modification of the conditional use permit application. All conditions shall be clearly specified in writing and be consistent with Sections 704 and 902. The petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to issuance of a zoning compliance permit by the Zoning Administrator pursuant to Section 905 and the commencement of the use, unless a specified time is set or implied in the motion granting the Special Use Permit.

Section 704 General Standards

The Zoning Commission shall review the particular facts and circumstances of each proposal in terms of the following standards and shall find adequate evidence showing that the proposed use:

- (A) Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area;
- (B) Will not be hazardous or disturbing to existing or future neighboring uses;
- (C) Will not diminish the value of land, buildings, or structures in the District;
- (D) Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- (E) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (F) Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare, or odors;
- (G) Will protect the public health, safety and general welfare of the community; and
- (H) Will be consistent with the intent and purpose of the specific zoning district in which it is located.

VII-3

Section 705 Conditions and Safeguards

- (A) Prior to granting any Special Use Permit, the Zoning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Special Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 704 of this Ordinance and therefore be necessary to meet the intent and purpose of the regulations contained therein.

- (B) Conditions and requirements stated as part of Special Use Permit authorization shall be a continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Special Use Permit to determine compliance with all requirements.
- (C) Special Use Permits may be issued for time periods as determined by the Zoning Commission. Special Use Permits may be renewed in the same manner as originally applied for.
- (D) In authorizing a Special Use Permit, the Zoning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Zoning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
- (E) Revocation of a Special Use Permit by the Zoning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
 - 1) Such conditions as have been prescribed in conjunction with the VII-4 use of the original permit included the requirement that the use be discontinued after a specified time period; or
 - 2) Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after an order to correct has been issued. Violations of any conditions set by the Zoning Commission are violations of this zoning ordinance.
- (F) All plans, specifications and statements submitted with the application for a Special Use Permit shall become, along with any changes ordered by the Zoning Commission, a part of the conditions of any Special Use Permit issued thereto.
- (G) Any person aggrieved by the Zoning Commission's granting or failure to grant a Special Use Permit may appeal to the circuit court.
Upon appeal, the circuit court shall review the record and decision, and rule in accordance with Section 606 of Act 110 of 2006, The Zoning Enabling Act.
- (H) The standards in Section 704 are basic to all special uses. The specific requirements accompanying Sections 308-316, and 318, relating to particular uses, are in addition to the standards in Section 704 and shall be required in all applicable situations.

ARTICLE VIII
NONCONFORMING USES AND STRUCTURES

Section 801 Intent

Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. It is recognized that those nonconformities which adversely affect orderly development and the value of nearby property are not permitted to continue without restriction.

The zoning regulations established by this Ordinance are designed to guide the future use of land in Sands Township by encouraging appropriate groupings of compatible and related uses and thus to promote and protect the public health, safety and general welfare. The continued existence of nonconformities is frequently inconsistent with the purposes for which such regulations are established.

This Ordinance distinguishes nonconforming uses and structures. In general, nonconforming uses and structures have been found by the Zoning Commission not to be contrary to the public health, safety, and general welfare, or the spirit of this Ordinance or other standard in this ordinance but will not be encouraged to exist by the Township. The location of a use or structure on a nonconforming parcel as defined in Section 407 does not make the use or structure nonconforming, unless that use or structure also fails to conform to the provisions of this ordinance.

Any use or structure created in violation of any preceding adopted township or county zoning ordinance remains a violation.

Section 802 Nonconforming Uses and Structures

Nonconforming uses and structures are those which have been so designated by the Zoning Commission, after application by any interested person or the Zoning Administrator. The Zoning Board of Appeals shall find that the continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of this Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; that it meets the standards set out in Section 704 of this Ordinance; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

Section 803 Provisions for Nonconforming Uses and Structures

VIII-1

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such Nonconforming Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board of Appeals.
- (B) No such Nonconforming Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Zoning Board of Appeals.
- (C) No Nonconforming Structure shall be extended to displace a permitted (conforming) use.

Section 804 Regulations Pertaining Nonconforming Uses and Structures

No Nonconforming Use or Structure shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period. No Nonconforming Structure shall be used, altered, or enlarged in violation of any condition imposed in its designation.

ARTICLE IX
ADMINISTRATION AND ENFORCEMENT

Section 901 Administration

The administration and enforcement of this Ordinance shall be the responsibility of the Township Board. The Township Board shall have the right to delegate said responsibility to appropriate township officers, employees or designees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Administrator(s).

Section 902 Administrative Standards and Procedures

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

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

1. Shall base their decision upon facts presented at a public hearing. Applications which require hearings before the Sands Township Zoning Commission or the Zoning Board of Appeals shall be submitted thirty days prior to the regular meeting date of that body. Late applications may be scheduled for hearings upon authorization by the Chairperson after review of the upcoming agenda, and the work load and ability of the staff to meet legal notice deadlines and to prepare reports and recommendations. Under no circumstances may a late application be accepted less than five days prior to a legal notice deadline;
2. All notices, (hearings, amendments, etc.) shall be per the statute. The current year's assessment role shall be used as prima facie evidence of record ownership.
3. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action;
4. Shall set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision;
5. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section;
6. Shall comply with all of IX-1 requirements under the law; and

7. Shall have all administrative actions recorded in the Official Zoning Orders Book and Map.

(C) Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of special use permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:

1. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
2. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
3. Necessary to meet the intent and purpose of the zoning ordinance, are related to standards established in the Ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards; and
4. The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.

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

Section 903 Zoning Administrator

The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this Township. The Zoning Administrator, or their designated employee, shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

Section 904 Duties of Zoning Administrator

(A) The Zoning Administrator shall have the power to issue a Zoning Compliance Permit and to review Site Plans to determine

whether they are in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his duties in the enforcement of this Ordinance.

(B) If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.

(C) The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance.

(D) It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he has inspected such plans and found them to conform with this Ordinance.

Section 905 Zoning Compliance Permit

(A) It shall be unlawful to use or occupy or permit the use or occupancy of any building or p IX-3 s, or both, or part thereof hereafter created, erected, ch _ converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued therefore by the Zoning Administrator. The Permit shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.

(B) The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

Section 906 Enforcement and Violation

Notice of Violation:

(A) This Ordinance shall be enforced by any of the following acting individually. The Sands Township Zoning Administrator, the Township Supervisor, or other such person or persons as the Sands Township Board may, from time to time designate.

- (1) Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall take any and all legal means to correct violation, including issuing a Civil Infraction Citation.
- (2) Notice shall be directed to each owner of or a party in interest in whose name the property appears on the last local tax assessment records.
- (3) All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.
- (4) All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period may be reported to the Township Board who shall initiate prosecution procedures.

Section 907 Special Zoning Orders Book and Map

The Zoning Administrator shall keep a Special Zoning Orders Book, which shall list, with a brief description, all variances, conditional use permits, rezoning IX-4 designations of Class A nonconformance, and any terms of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map, to be known as the Special Zoning Orders Map, on which shall be recorded the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.

Section 908 Fees

The Township Board shall periodically establish by resolution a schedule of fees for administering this Ordinance. The schedule of fees shall be made available in the office of the Zoning Administrator and may be changed only by the Township Board. No permit shall be issued unless such fees have been paid in full.

ARTICLE X
ZONING BOARD OF APPEALS

Section 1001 Creation and Membership

The Zoning Board of Appeals is hereby established in accordance with Act 110 of 2006, as amended. The Board shall consist of five (5) members: a member of the Zoning Commission; and the remaining members appointed by the Township Board from the electors residing in the unincorporated area of the Township. One member may be a member of the Township Board. The term of office for the member of the Zoning Commission shall not exceed the term of office on the Zoning Commission; the term of office for a member of the Township Board shall not exceed the term of office on the Township Board.

Section 1002 Procedures

(A) The Zoning Board of Appeals may adopt rules and regulations to govern its procedures. The Zoning Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.

(B) Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such times in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon any question or if absent or failing to vote indicating such fact, and all of its official actions. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

(C) The Zoning Board of Appeals shall hold a hearing within 90 days of receipt of application. The Board shall give due notice of the hearing by regular mail to the parties of interest and to owners of adjacent property in accordance with the provisions of Section 902.

Section 1003 Duties and Powers

(A) The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in Act 110 of 2006, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Zoning Board of Appeals shall hear and decide

only those matters which it is specifically authorized to hear and decide as provided therein, including administrative review; interpretation of the Zoning Ordinance, including the zoning map; and consideration of requests for variances.

(B) The Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.

Section 1004 Administrative Review

(A) The Zoning Board of Appeals shall hear and decide appeals from and review any order, requirements, decision or determination of the Zoning Administrator.

(B) The Zoning Board of Appeals shall have the power to:

- 1) Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
- 2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Administrator; and
- 3) Determine the parking space requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 409 or by an analysis of the specific needs.

Section 1005 Variances

(A) The Zoning Board of Appeals shall have the power and duty to authorize upon appeal, in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest. Such variance shall be granted where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.

(B) Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.

(C) The Zoning Board of Appeals shall make findings that the requirements of this Section X-2 been met by the applicant.

(D) The Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.

(E) The Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general

purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.

(F) In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with Section 902(C) of this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.

(G) Under no circumstances shall the Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

(H) In exercising the above mentioned powers, the Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

Section 1006 Appeals

(A) Appeals concerning interpretation of the administration of this Ordinance shall be made by filing a notice of appeal specifying the grounds therefor with the Zoning Administrator within a period of thirty (30) days from the occurrence of the contested action. The Zoning Administrator shall transmit to the Board copies of all papers constituting the record upon which the action appealed was taken from.

(B) A fee shall be paid to the Township at the time of filing the notice of appeal. The appeal fee shall be established by the Township Board.

(C) Any party or parties may appear at the hearing in person or by agent or attorney.

(D) The Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.

(E) An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Board, that a stay would in his opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

Section 1007 Duties on Matters of Appeal

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Administrator. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the Zoning Administrator. Recourse from decisions of the Zoning Board of Appeals shall be to the Circuit Court of Marquette County, as provided by law.

ARTICLE XI
TOWNSHIP ZONING COMMISSION: ZONING AUTHORITY

Section 1101 Designation

The Sands Township Zoning Commission has been created in accordance with the provisions of Act 110 of 2006, and shall assume the duties prescribed in the above-referenced Act.

Section 1102 Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Zoning Commission or by an individual.

(A) Each petition shall be submitted to the Zoning Administrator, accompanied by the proper fee, and then referred to the Zoning Commission for their review at a public hearing, which is held in conformance with Section 902 of this Ordinance.

(B) Following the public hearing, the Zoning Commission shall submit the proposed zoning ordinance and any applicable maps to the Marquette County Planning Commission for their review and recommendation. The County has 30 days in which to respond with any comments.

(C) Following receipt of comments from the County Planning Commission, the Zoning Commission shall transmit their recommendation and a summary of the comments received at the public hearing to the Township Board.

(D) The Township Board may hold additional public hearings if it considers it necessary. Notice of public hearing held by the Township Board shall be published in a newspaper which circulates in the Township. The notice shall be given as per statute. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for the purpose, shall consider the recommendations and vote upon the adoption of a zoning ordinance for the Township. Any changes or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board shall not make a change or departure from the plans, text, or maps as certified by the Zoning Commission unless the proposed change or departure is first submitted to the Zoning Commission for its advice or suggestions. The Zoning Commission shall have 30 days from and after receipt of the proposed change or departure to send its report to the Township Board.

(E) No petition for amendment, which has been disapproved by the Township Board, shall be resubmitted for a period of one year from the date of disapproval, XI-1 : as may be permitted by the

Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.

(F) If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration by the Zoning Commission. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

1. A legal description of the property;
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
3. The name and address of the petitioner;
4. The petitioner's interest in the property;
5. Date of filing with the Zoning Administrator;
6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and
7. The desired change and reasons for such change.

(G) In viewing any petition for a zoning amendment, the Zoning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within thirty (30) days following review by the County Planning Commission. All findings of fact shall be made a part of the public records of the meetings of the Zoning Commission and the Township Board.

(H) The general standards to be considered by the Zoning Commission shall include, but not be limited to, the following:

1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
2. Whether the requested zoning change is consistent with local plans and policies;
3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
4. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
6. Effect of approval of the petition on adopted development policies of the Township and other governmental units.

(I) Notice of adoption of amendment shall be published in accordance with Section 103 of the Michigan Zoning Enabling Act, Act 110 of 2006.

ARTICLE XII
INTERPRETATION, SEVERABILITY, VESTED RIGHT,
PENALTIES, AND EFFECTIVE DATE

Section 1201 Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, prosperity and general welfare. Unless specifically provided for, it is not intended by the Ordinance to repeal, abrogate, annul or in any way impair or interfere with the existing and unrepealed provision of law or ordinance or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or land, provided, however, that where this Ordinance imposes a greater restriction upon the courtyards or other open spaces that are imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, the provisions of this Ordinance shall control.

Section 1202 Severability

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

Section 1203 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may

be necessary to the preservation or protection of public health, safety, and welfare.

Section 1204 Penalties and Remedies

(A) Any person who violates any provision of this Ordinance or any amendment thereof, or who fails to perform any act required hereunder or does any prohibited act, shall be responsible for a civil infraction, and upon a finding of responsibility therefore shall be punishable by a fine of not more than One Hundred Dollars (\$100.00), plus court costs, for each offence. Each and every day on which any violation is committed or permitted to continue shall constitute a separate offence and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se and in addition to the penalties specified herein for such violations, the Township may seek to enforce compliance with terms and provisions of this ordinance by means of any and all other remedies or measures available to it by Statue, Ordinance, Resolution, Regulation, or Civil or Criminal Law.

(B) Civil Law: Any building, structure, or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se.

(C) Remedies: The Township Board may also institute proceedings for injunction, mandamus, abatement or other appropriate remedies to prevent, enjoin, abate or remove any violations of this Ordinance. The rights and remedies provided herein are both civil and criminal in nature. The imposition of any fine, or jail sentence of both shall not exempt the violator from compliance with the provisions of this Ordinance.

Section 1205 Effective Dates

This Ordinance shall become effective upon publication of the notice of adoption on February 27, 1995 in the Mining Journal.

A note to the reader:

The first Zoning Ordinance for the Township of Sands was originally adopted July 12, 1973. Growth and changes in procedure due to the XII-2 Zoning Act necessitated changes. A revised ordinance was prepared by CUPPAL and the Township Board on February 14, 1995 adopted the new ordinance. Amendments adopted on August 13, 1996. Amendments adopted November 7, 2005. Amended and adopted, February thru May of 2006. Amended and adopted on August 9, 2006 to include public act 110 of 2006. Amended and adopted on August 11, 2009

If you have any questions or need assistance feel free to contact the Zoning Administrator at the Township Office, 987 S. State Hwy M553, Gwinn, MI 49841 (906) 249-9169 or fax 249-2120.

Respectfully submitted:

Randall Yelle, Zoning Administrator

Township Board

Earl Yelle
David Kallio
Cheryl Schram
Darlene Walch
Joe Wixtrom

Zoning Commission

Steven Foulks
Jane Noe
Ronald Titter
Robert Myers
Brian Mann

Zoning Board of Appeals

Richard Nelson
Robert Vick
Robert Vietzke
Steven Foulks
David Kallio