

Article 3. General Provisions

Section 3.01 The Effect of Zoning

1. In order to carry out the intent of this Ordinance, no use or activity on a piece of land shall be allowed or maintained, no building or structure or part thereof shall be allowed to be used, constructed, enlarged, or moved upon any property unless it is in conformance with this Ordinance, and a zoning permit has been obtained, except in the case of lawful nonconforming uses.

2. If any activity, use, building, structure or part thereof is placed upon a piece of property in direct conflict with the intent and provisions of this Ordinance, such activity, use, building or structure shall be declared a nuisance and may be required to be vacated, dismantled, abated, or cease operations by any legal means necessary and such use, activity, building or structure shall not be allowed to function until it is brought into conformance with this Ordinance.

3. In the event that any lawful use, activity, building or structure which exists or has begun substantial construction at the time of the adoption of this Ordinance and is not in conformance with the provisions of the zoning district in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and be allowed to remain as such, including completion of construction.

Section 3.02 Nonconformities

It is recognized that there exist lots, structures and uses of land and structures within the districts established by this Ordinance and subsequent amendments, which were lawful before this Ordinance was passed or amended, which would be prohibited, regulated or restricted under the terms of this Ordinance. It is the intent of this Article to permit legal nonconforming lots, structures or uses to continue until they are removed.

1. Nonconforming Lots of Record

- A. In any district, principal structures and customary accessory buildings may be erected on any nonconforming lot of record, provided a permit for construction of a well and septic system is granted by the District Health Department and can meet district regulations.

B. If any nonconforming lot or lots are of continuous frontage with other such nonconforming lots under the same ownership, the owner shall be required to combine such lots to provide parcels which shall meet at least the minimum requirements for the district in which they are located, except as otherwise provided for in the Schedule of Regulations, Section 2.08.

2. Creation of Nonconforming Lots or Parcels

No lot area and no yard, court, parking areas or other required space shall be divided, altered, reduced or diminished as to make area or dimension less than the minimum required or more than the maximum allowed under this Ordinance, except where such reduction or expansion has been brought about by the expansion or acquisition of public right-of-ways for a street, road, or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

3. Nonconforming Use of land and/or Structures

A. No nonconforming use of land shall be enlarged, increased nor extended to occupy a greater area of land than was occupied at the effective date, except as otherwise provided for in this section.

B. No such nonconforming use of land or building shall be moved in whole or in part to any other portion of the lot or parcel occupied.

C. No such nonconforming structure may be enlarged or altered in a way, which increases its nonconformity.

D. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of the usable cubic space or floor area of the principal structure, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

E. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed. Changes in tenancy and ownership of nonconforming premises are permissible.

F. Abandonment of Nonconforming Use or Structure

If a property owner has intent to abandon a nonconforming use or structure and in fact abandons this nonconforming use or structure for a period of one (1) year, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owners to abandon a nonconforming use or structure, the zoning administrator shall consider the following factors:

- 1) Whether utilities, such as water, gas, and electricity to the property have been disconnected.
 - 2) Whether the property, buildings, and grounds have fallen into disrepair.
 - 3) Whether signs or other indications of the existence of the nonconforming use have been removed.
 - 4) Whether equipment or fixtures necessary for the operations of the nonconforming use have been removed.
 - 5) Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.
- G. Removal or destruction of the use and/or structure shall eliminate the nonconforming status of the land (premises).

4. Repairs and Maintenance

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 3.03 Accessory Buildings

1. Authorized accessory buildings shall be erected as part of the principal building or may be connected to the principal building by a roofed porch, breezeway or similar structure or may be completely detached from the principal building.
2. Where any accessory buildings are attached to a principal building, such accessory building shall be considered part of the principal building for purposes of determining setbacks.
3. A detached accessory building shall be located no closer to a side or rear lot line than the permitted distance for the principal building on the same lot.
4. No mobile home, tank, junk object, salvage materials, semi-trailer, vehicle, or similar shall be utilized as an accessory building. (*Ord. eff. 10-1-2005; Am. Ord. adopted 10-10-2007; Amended Ord. eff. 10-18-2007*)
5. Boathouses are permitted (with required State approvals) in addition to other accessory buildings, provided they shall be setback at least ten (10) feet from a side property line, and shall not exceed twenty (20) feet above the ordinary high water mark.
6. No accessory building shall include residential or living quarters for human beings. Living quarters shall be defined as including bathroom and kitchen facilities. (*Ord. eff. 10-1-2005; Am. Ord. adopted 10-10-2007; Amended Ord. eff. 10-18-2007*)
7. An accessory building shall not exceed one story in height and shall be subject to the following area and height limitation. (*Ord. eff. 10-1-2005; Am. Ord. adopted 10-10-2007; Amended Ord. eff. 10-18-2007*)

Section 3.04 Temporary Buildings

Temporary buildings for use incidental to construction work; all debris, and all construction related signs shall be removed within one hundred eighty (180) days after the completion, occupancy or abandonment of the work.

Section 3.05 Razing of Buildings

No building over 2,000 square feet shall be razed until a permit has been obtained from the State Building Inspector. Said permission shall be conditioned on the applicant completing the razing within such reasonable time period as shall be prescribed and complying with such regulations as to health and safety as the Building Inspector may prescribe including filling of excavations and proper termination of utility connections.

Section 3.06 Restoration of Unsafe Building

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the State of Michigan Building Inspector.

Section 3.07 Essential Services

The erection, construction, alteration, maintenance, and operation by utilities or municipal departments or commission, of overhead or underground gas, electrical, steam or water distribution, transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, hydrants, structures, towers, poles, electrical substations, gas regulator stations, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission, or for the public health or safety or general welfare, shall be permitted as authorized or regulated by any laws and the ordinances in any Use District.

Electrical and phone lines shall be buried in order to preserve natural features and improve the quality of service.

Telecommunications towers, alternative tower structures, antennas, wind turbine generators, and anemometer towers shall be regulated and permitted pursuant to this Ordinance and shall not be regulated or permitted as essential services.

Section 3.08 Mobile Homes

Mobile homes sited on individual lots shall meet the standards for minimum lot size, yard setbacks, minimum floor area and minimum dwelling unit width for the district in which they are located and shall meet the following additional standards:

1. Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.

2. Mobile homes shall be installed according to manufacturer's set up requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974, as amended.
3. The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
4. Mobile homes shall not be used as an accessory building.

Section 3.09 Non-Commercial Wind Turbine Generators

1. Non-commercial wind turbine generators (WTG) and anemometer towers erected prior to a non-commercial wind turbine generator may be located in any district, provided the WTG or anemometer tower is setback from the property line a distance at least equal to the total height.
2. The minimum site area for a non-commercial wind turbine generator or anemometer tower shall be three (3) acres.

Section 3.10 Water Supply and Sewage Disposal Facilities

Plans must be submitted to and approved by the responsible agency. The written approval of such facilities by District Health Department shall be filed with the application for a Zoning Permit.

All water supply and sanitary sewage disposal systems either public or private, for any building hereafter erected, altered or moved upon any premises shall be subject to compliance with the Luce, Mackinac, Alger and Schoolcraft (LMAS) District Health Department sanitary code requirements. Per the LMAS District Health Department, Superior Environmental Health Code, Section 5.5 *"It shall be unlawful for any person to occupy, or permit to be occupied, any premises not equipped with an approved sewage system."*

Section 3.11 Dumping of Materials

The natural terrain shall not be altered in any fashion so as to create safety and health hazards or substantially alter the character of the land so as to make it unsafe for the uses for which it was originally zoned.

1. Dumping or stockpiling of waste material or junk; the collection, accumulation, storage or disposal of waste material, used construction material, junk or refuse is prohibited, except under the following circumstances.
 - A. Such practices are a necessary accessory use to a permitted agricultural use.
 - B. Such practices occur in a junkyard authorized under this Ordinance, and are included in the approved site plan.

C. Such practices are a necessary accessory use to a commercial or industrial use authorized under this Ordinance, and are included in the approved site plan.

2. Dumping of soil, sand and clay materials: the material to be placed on the site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters; no dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge. Extensive dumping of material shall be construed to mean the placing of fill material on a lot or property so as to create a recognizable change in character of the natural terrain of such lot or property.

3. Dumping of toxic materials and/or nuclear wastes shall not be allowed in Bois Blanc Township.

Section 3.12 Outdoor Lighting

The naturally lit night sky is an important aspect of our environment and a resource, which contributes significantly to our quality of life by contributing to the public peace and to the health, safety and welfare of the residents and visitors of Bois Blanc Township. In order to preserve and protect this resource it is necessary to regulate the use of outdoor light fixtures to minimize light pollution which has a detrimental effect on the environment, astronomical research, amateur astronomy, and general enjoyment of the night sky, and causes unnecessary and/or unwanted illumination of adjacent and even distant properties. It is in the public interest to conserve electrical energy to protect vehicular and pedestrian traffic from dangerous glare and light pollution in the night sky.

1. Standards - Commercial and Industrial Districts and Land Uses

All outdoor light fixtures and lighting practices shall conform with either standard A or B, and all of the remaining standards of this subsection:

A. All outdoor light fixtures shall have full cut-off shielding such that no light is emitted above regardless of type or wattage.

B. All lighting shall be shielded and directed down so that light sources are not visible beyond the property on which they are installed, so that direct light rays are not directed the fixture, and also so that vehicular and pedestrian traffic are protected from glare and from the intense light of directly visible light sources.

C. The maximum height of lighting fixtures shall not exceed 30 feet, including base, except as required by FAA regulations.

D. The maximum foot-candles shall not exceed 4 foot candles, measured at (5) five feet above the ground (after 100 hours of operation). Measured directly under the fixture.

Section 3.13 Signs

The purpose of this section is to preserve the desirable character of Bois Blanc Township, as well as to recognize the need for and privilege of advertising, so that people unfamiliar with the area, such as tourists and transients, may avail themselves of the goods and services afforded by the local business places. At the same time, the Township recognizes right of residents to be free of advertising that could adversely affect property values and create an unpleasant or less than desirable atmosphere. The use and erection of all outdoor signs and media shall be subject to all state and local codes and statutes, in addition to the provisions of this ordinance. There shall be no signs of any type in any Wilderness Overlay District, except as permitted by State statute.

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

- A. One (1) non-illuminated identification sign per use, not exceeding two (2) square feet of sign surface.
- B. Street name signs, route markers and other traffic control signs erected or approved by state, or county agencies when necessary to give proper directions or to otherwise safeguard the public.
- C. Non-advertising signs erected by any organization, person, firm or corporation that is needed to warn the public of dangerous conditions and unusual hazards including but not limited to: road hazards, high voltage, fire danger, explosives, severe visibility, etc.
- D. Non-advertising signs exclusively devoted to controlling property access (no trespassing, private property, keep out, no hunting, hiking trail, day use only, and similar instructional messages), provided the sign surface does not exceed the maximum size of two (2) square feet.
- E. Non-advertising signs marking a historically significant place, building or area when sanctioned by a national, state or local historic organization recognized by the Planning Commission, provided the sign surface does not exceed the maximum size limitations of four (4) square feet.
- F. Signs that have been approved in conjunction with a valid site plan or zoning permit for any principal or accessory use, and signs required by federal or state agencies in connection with federal or state grant programs.
- G. Signs advertising sales such as garage, estate, auction, moving, and yard sales, may be posted for no more than seven (7) consecutive days and removed within twenty-four (24) hours of the end of the sale, provided the sign surface does not exceed the maximum size limitations of four (4) square feet.

H. Political and noncommercial signs provided the sign surface does not exceed the maximum size limitations of subsection 2. below.

I. All real estate signs, both on-premise and off-premise, shall be removed within seven (7) days of the sale closing or rental of the property

2. Signs Requiring a Sign Permit: The size of any publicly displayed sign, symbol or notice on a premises to indicate the name of the occupant, to advertise the business transacted there, to express non-commercial political views, or directing to some other locale, shall be regulated as follows:

<u>Use District</u>	<u>Maximum Size of Sign per Side</u>	<u>Maximum Number of Signs Allowed</u>
F-M	Six (6) square feet	1
LDR, R	Four (4) square feet	1
C-1	Twelve (12) square feet	2
C-2	Twelve (12) square feet	4
WO	No signs permitted	0

*Residential subdivisions and developments shall be limited to one (1) sign per entrance of not more than twelve (12) square feet per sign.

3. In addition to the size limitations stated in Subsection 3.13.2 above, the following conditions shall apply to all signs, including off-premises signs, erected in any use district:

A. No sign, except non-illuminated residential nameplates, shall be erected or altered until approved by the Zoning Administrator (ZA). After approval, the required sign permit shall be issued by the ZA.

B. No signs shall be located on any street corner which would obscure the vision of drivers using said streets, or conflict with traffic control signals at the intersection of any streets. No signs shall obstruct the vision of drivers at any driveway, parking lot or other route providing ingress or egress to any premises.

C. Signs containing flashing, intermittent or moving lights are prohibited.

D. Not more than two (2) off-premises directory signs per business shall be permitted subject to review and approval of location by the Zoning Administrator. Not more than one (1) freestanding sign per three hundred (300) feet of road frontage or per lot may be allowed, and approved by the Zoning Administrator. No off-premises sign shall be permitted in Wilderness Overlay or Forest Management Zoning Districts.

E. Freestanding signs may be permitted in the front yard provided the sign is located at least fifteen (15) feet behind the front lot line. No freestanding sign shall exceed a maximum of ten (10) feet height, measured from the ground to the top of the sign, regardless of the zoning district.

F. Both sides of any freestanding or overhanging sign may be used for display.

G. All directional signs required for the purpose of orientation, when established by the Township, County, State, or Federal governments, shall be permitted in all districts.

H. No sign shall project beyond or overhang the wall, roof or any architectural feature by more than five (5) feet and shall be no less than fourteen (14) feet above the right-of-way. However, prior to the erection or overhanging of a sign in a public right-of-way, the sponsor of such sign shall receive the approval of the proper governmental agency having jurisdiction over such right-of-way.

I. Roof position signs are specifically prohibited, when projecting above the high point of the roof.

J. Advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics are prohibited, except when used temporarily for period not to exceed thirty (30) days to announce the opening of a new type of business or new owner.

K. In the case of non-commercial special events, advertising devices such as banners, balloons, flags, pennants, pinwheels or other devices with similar characteristics, are permitted, for a period of not more than fourteen (14) days prior to the event and shall be removed within one (1) day of the completion of the event.

L. Political signs shall be removed within three days after the election or ballot issue.

Section 3.14 Permitted Uses (Towers)

1. Telecommunication towers and alternative tower structures located on property owned, leased, or otherwise controlled by Bois Blanc Township shall be permitted provided a license or lease authorizing such telecommunication tower or alternative tower structure has been approved by Bois Blanc Township.
2. Antenna co-located on telecommunication towers and alternative tower structures which have received a special land use approval under Article 5 of this Ordinance.

Section 3.15 Off-Street Parking, Loading and Unloading Requirements and Standards

1. For each dwelling, business, commercial, industrial, or similar building hereafter erected or altered, and located on a public highway in the township, including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable off-street parking in accordance with the following schedule:

A. Residential Uses: Two (2) parking spaces per dwelling unit.

B. Commercial, Service and Office Uses: Two (2) parking spaces plus per 1,000 square foot of gross floor area. Maximum five (5) parking spaces per 1,000 square feet of gross floor area.

C. Industrial Uses: one parking space for every 1,000 square foot of gross floor area.

2. Two (2) or more buildings or uses may collectively provide the required off-street parking. In which case the required number of parking spaces for the individual uses may be reduced by up to twenty-five (25%) if a signed agreement is provided by the property owners.

3. Parking Lot Deferment: Where the property owner can demonstrate that the required amount of parking is excessive, the Planning Commission may approve a smaller parking area. Area of sufficient size to meet the parking space requirements of this Article shall be retained as open space, and the owner shall agree to construct the additional parking at the direction of the Planning Commission based on observed usage within one (1) year of being informed of such request in writing by the Zoning Administrator. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout. Any required landscaping placed in this area shall be relocated when the parking area is expanded.

4. In order to minimize excessive areas of parking, which may be unsightly and contribute to high rates of storm water runoff, exceeding the minimum parking space requirements by greater than ten percent (10%) shall not be allowed, except as approved by the Planning Commission. In granting such additional space, the Planning Commission shall determine that such parking will be required, based on documented evidence, to accommodate the use on a typical day.

5. In case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the most similar use listed.

Section 3.16 Camping

Overnight camping on private property with or without a dwelling unit shall be an allowable use in all districts, provided the recreational vehicle or tent shall occupy such a parcel for not longer than 15 consecutive days. Camping for periods of greater than 15 days, shall require a zoning permit. No more than two (2) such zoning permits for camping shall be granted for a parcel in any calendar year and each permit shall be valid for a period of not greater than forty-five (45) days.

Section 3.17 Animals

The following shall apply to the keeping of animals and livestock:

The keeping of large livestock, such as hogs, horses or cattle is allowed on any parcel of land five (5) or more acres in size in the Forest-Management or Low Density Residential district. Such animals or animal waste shall not be kept closer than seventy-five (75) feet from a neighboring residential structure, or fifty (50) feet from the property line whichever is greater. In all districts, such animals shall be fenced, managed, and the animal waste shall be managed in accordance with Generally Accepted Agricultural Management Practice Standards (GAAMPS), so as not to be a nuisance.