

**SAGOLA TOWNSHIP
ZONING ORDINANCE**

**Dickinson County,
Michigan**



ADOPTED - JANUARY 1992 (No maps)

AMENDMENT #1 - APRIL 1996 (no maps)

AMENDMENT #2 - DECEMBER 1999

AMENDMENT #3 - JANUARY 2014

AMENDMENT #4 - JULY 18, 2022

AMENDMENT #5 - SEPTEMBER 13, 2024

PRICE: \$25.00

Contents

GENERAL PROVISIONS	4
Section 101: PURPOSE	4
Section 102: SHORT TITLE	4
Section 103: APPLICATION OF THIS ORDINANCE	4
Section 104: EXEMPTIONS	6
Section 105: DEFINITIONS	6
ESTABLISHMENT AND USE OF DISTRICTS	16
Section 201: ESTABLISHMENT OF DISTRICTS	16
Section 202: R DISTRICT: RESIDENTIAL	16
Section 202-1: R-1 DISTRICT: RESIDENTIAL ONE	17
Section 203: RP DISTRICT: EXCLUSIVE RESOURCE AGRICULTURE PRODUCTION	18
Section 204: B DISTRICT: BUSINESS	20
Section 205: I DISTRICT: INDUSTRIAL	22
Section 301: USES PERMITTED BY DISTRICTS	23
Section 302: USES PERMITTED BY STIPULATIONS AND THOSE STIPULATIONS	26
SECTION 303: SPECIAL USES	31
HEIGHT AND PLACEMENT REGULATIONS	36
Section 304: HEIGHT, PLACEMENT, AND LOT SIZE REGULATIONS	36
Section 305: ZONING DISTRICT BOUNDARY SETBACK REGULATIONS	37
Section 306: GENERAL REGULATIONS	37
Section 307: HOME OCCUPATIONS	37
Section 308: OFF-STREET PARKING REQUIREMENTS	38
Section 309: REQUIRED OFF-STREET LOADING SPACES	40
Section 310: BUFFER REQUIREMENTS	40
Section 311: FENCES AND SIGNS	41
MINERAL EXTRACTIONS AND PERMITS	41
Section 312: MINERAL EXTRACTION	41
Section 313: APPLICATION FOR MINERAL EXTRACTION PERMIT	42
Section 314: GENERAL STANDARDS FOR MINERAL EXTRACTION PERMITS	44
Section 315: SITE PLAN APPROVAL REQUIREMENTS	45
Section 316: SITE PLAN REVIEW PROCEDURE	45
ADMINISTRATION PROCEDURES & FEES	45
Section 401: ZONING ADMINISTRATOR	45

Section 402: ZONING BOARD OF APPEALS.....	46
Section 403: DUTIES OF THE PLANNING COMMISSION.....	46
Section 404: ADMINISTRATIVE STANDARDS AND PROCEDURES	46
Section 405: FEES	47
Section 406: ZONING COMPLIANCE PERMIT.....	47
Section 407: CERTIFICATE OF OCCUPANCY.....	48
Section 408: DEFINITION AND EXPANSION OF NONCONFORMING USES AND STRUCTURES .	48
Section 409: VARIANCES, DIMENSIONAL ONLY	49
Section 410: SPECIAL USE PERMITS.....	49
Section 411: ZONING AMENDMENTS	50
Section 412: ZONING ADMINISTRATOR REPORT	50
VIOLATIONS AND PENALTIES	50
Section 413: VIOLATIONS AND PENALTIES	50
Section 501: SEVERABILITY	51
Section 502: EFFECTIVE DATE.....	51
Section 503: RELATIONSHIP TO OTHER LAWS.....	51
LAND SPLITS AND PUBLIC HEARING PROCEDURES	52
Section 600: LAND DIVISION.....	52
Section 601: BASIC PROCEDURES FOR PUBLIC HEARINGS.....	52
MAPS	57
Section 700: INTERPRETATION OF THE ZONING MAP.....	57
Section 701: MAP Township 41N – Range 30 W.....	58
Section 701: MAP Township 42N – Range 30W.....	59
Section 701: MAP Township 44N – Range 29W.....	61
Section 701: MAP Township 44N – Range 30W.....	62
CERTIFICATION.....	63

SAGOLA TOWNSHIP ZONING ORDINANCE Dickinson County, Michigan

AN ORDINANCE to promote the public health, safety and general welfare in accordance with P.A. 184 of 1943, as amended, and the adopted Dickinson County Comprehensive Plan; to establish zoning districts and regulations governing the development and use of land within the unincorporated areas of Sagola Township, Dickinson County, Michigan; to provide for regulations governing nonconforming uses and structures; to provide for a Zoning Administrator and a system of inter-governmental cooperation in ordinance administration; to provide for a Board of Appeals and its powers and duties; to provide for the powers and duties of the Township Planning Commission concerning zoning; to provide for permits and the collection of fees; to provide penalties for the violation of this Ordinance; and to provide for coordination with other ordinances or regulations.

THE TOWNSHIP OF SAGOLA ORDAINS:

GENERAL PROVISIONS

Section 101: PURPOSE

This Ordinance is based upon the adopted Dickinson County Comprehensive Plan with the purpose of furthering the goals, objectives, and policies of that plan, including efficient and planned provision of governmental services, protection of property values, protection of the character and quality of inland lakes, provision for the wise use of natural resources, provision for development in areas best suited for development, and provision for local control of land use.

Section 102: SHORT TITLE

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

Section 103: APPLICATION OF THIS ORDINANCE

No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within the unincorporated parts of the Township, except as specifically, or by necessary implication, authorized by this Ordinance. Special uses are allowed only on permit granted by the Township Planning Commission upon finding that the specified conditions are met. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication. No more than one principal structure or use may be permitted on a lot or parcel, unless specifically provided for elsewhere in this ordinance.

Section 104: 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 105: DEFINITIONS

As used in this Ordinance:

ACCESSORY BUILDING. A detached building whose purpose is related to, but subordinate to, that of the principal building on a given parcel of land. Detached garages, tool sheds and barns are all examples of accessory buildings.

ACCESSORY USE. A land use whose purpose is related and incidental to the permitted use. An accessory use must in some way serve the principal use, and usually must be located on the same building lot.

ADULT FOSTER CARE HOME: Public or private buildings used principally for the occupancy and therapy of mentally and emotionally ill persons (6 or more) not requiring intensive care, constant care, constant supervision or confinement.

ADVERTISING SIGN/STRUCTURE. Any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other comparable object, used as a means to convey information or direct attention to a business, product, service or commodity.

AGRICULTURAL LAND USE. The use of land primarily for farming, ranching, horse breeding, dairy farming and other forms of food and crop production.

APPRAISED VALUE. The value of property as estimated by an individual qualified to appraise that type of property.

AREA VARIANCE. A zoning variance that is granted concerning the size and shape of a building lot and the size, shape and location of the physical structure to be located on the lot. This type of variance concerns such zoning requirements as density, required yards, number of parking and unloading spaces, frontage, lot size or height.

AUTOMOBILE REPAIR AND COMMERCIAL GARAGES. A premise where the following services may be carried out in a completely enclosed building: general repairs; engine rebuilding; collision service such as body, frame or fender straightening and repair; painting and undercoating of vehicles.

AUTOMOBILE/GASOLINE SERVICE STATIONS. Structures and premises used or designed to be used for the retail sale of fuels, lubricants, or grease and other operating commodities for motor vehicles, including the customary space and facilities for the installation of such commodities; and including space for temporary minor repairs, or services such as polishing, washing, cleaning, greasing, but not including bumping, painting, or refinishing thereof.

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.

BUILDING. A structure that is permanently affixed to the ground, has a roof and is used for the shelter of humans, animals, property and goods.

BUILDING AREA. For the purpose of calculating ground cover ratio, the total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

BUILDING HEIGHT. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average ground level of the grade at the building wall.

BUILDING LINE. The line that coincides with the face of the building nearest the front line of the lot, which includes sun parlors and enclosed porches, but not steps.

BUILDING LINE(S). A line defining the front, side and rear yard requirements outside of which no building or structure may be located.

CAMPGROUND. A public or private open area divided into campsites that, at a minimum, provides a potable water supply and some form of toilet facilities.

CARPORT. A partially open structure, intended to shelter one or more vehicles. Such structure(s) shall comply with all yard requirements subject to a private garage.

CHURCH USES/RELIGIOUS INSTITUTIONS. Churches, synagogues, mosques, church schools, church residences and church owned land used for related church functions.

CLINIC (MEDICAL). A building where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists, or similar professionals.

CLINIC (ANIMAL). A building where animal patients, who may or may not be lodged overnight, are admitted for examination and treatment by a veterinarian or similar professionals.

COMMERCIAL TOWER. Any tower used for non-residential use.

COMMERCIAL VEHICLE. Any motor vehicles which has a commercial license and which has a gross vehicle weight rating (GVWR) of over 12,000 pounds.

CONDOMINIUM UNIT. The portion of a condominium project designed and intended for separate ownership and use as described in the master deed. Each condominium unit shall be considered a lot for purposes of the dimensional requirements of this Ordinance.

CORNER LOT. A lot that is situated at the junction of at least two streets, at which the angle of interception is no greater than 135 degrees. This Ordinance specifies that corner lots have two front yards, one rear yard and one side yard.

CUL-DE-SAC. A street with an outlet at only one end and a turnaround area at the other end.

DIRECTIONAL SIGN. A sign which gives a name place, location and general nature of a specific establishment or attraction and is intended to give directions to that place.

DISMANTLED MOTOR VEHICLE. A motor vehicle from which some part of parts, which are ordinarily a component thereof, have been removed or are missing and which render the vehicle incapable of being operated or propelled under its own power for more than twenty-four (24) hours.

DRIVE-IN FACILITIES. Commercial enterprises that permit the consumer to do business or be entertained without leaving his car.

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

(A) The dwelling shall meet the dimensional requirements of the State of Michigan Residential Building Code.

(B) The dwelling shall have a minimum exterior breadth/caliper/width of twenty (20) feet to be permitted in "R" , "R-1" , or "B" Districts. It shall have a minimum exterior breadth/caliper/width of fourteen (14) feet to be permitted in "RP" District, allowable only with stipulations. (This is to imply that the minimum dimension between any two opposing exterior walls, measured at any point on the horizontal.) Breezeways, garages, porches, and other appurtenances shall not be considered part of the minimum required.

- (C) The dwelling shall be placed upon and secured to a permanent foundation in accordance with the Michigan Building Code and, where applicable, the manufacturer's installation instruction. In the event that the dwelling is a mobile home, such dwelling shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system complying with the rules and regulations of the Michigan Mobile Home Commission.
- (D) Skirting shall be installed if the dwelling is not placed upon a basement or crawl space. The skirting shall be installed in accordance with the Mobile Home Commission Rules.
- (E) If the dwelling is manufactured off the site, it shall be installed with the wheels removed. In addition, a dwelling shall not have an exposed towing mechanism, undercarriage or chassis.
- (F) The dwelling complies with all pertinent building and fire codes. In the case of a mobile home, all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality confirming to the "Mobile Home Constructions and Safety Standards" as promulgated by the US Dept of Housing & Urban Development. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.

DWELLING UNIT. One room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease and physically separated from any other rooms or dwelling units which might be located within the same structure. A dwelling unit shall contain independent kitchen, bathroom, sleeping, and living facilities, and shall be designed for and occupied by one family only.

FAMILY. An individual, two or more persons related by blood, marriage or adoption, or a group not to exceed six persons not related by blood or marriage, occupying premises and living as a single nonprofit housekeeping unit with single culinary facilities as distinguished from a group occupying a boarding house, lodging house, club, fraternity, hotel or similar dwelling for group use.

FARM. A parcel of land which is used for gain in the raising of agricultural products, livestock, poultry and dairy products, which include necessary farm structures, and the storage equipment used, but does not include the raising of fur bearing animals, livery or boarding stables and dog kennels.

FILING DATE. The date upon which any application pursuant to this ordinance is submitted and the required filing fee is paid.

FLOOD. A rise in the water level of a water body, or the rapid accumulation of water from runoff or other sources, so that land that is normally dry is temporarily inundated by water.

FLOOD PLAIN. That area of land adjoining a lake, river or stream which will be inundated by a base flood.

FLOOD, BASE. A one hundred year flood, which is a flood with a 1 percent chance of occurring in any given year. This is the minimum level of flooding that the National Flood Insurance Program requires a community to protect itself against in floodplain management regulations.

GARAGE, PRIVATE. An accessory building used for parking or storage of vehicles as may be required in connection with the permitted use of the principal building.

GOVERNMENT, COMMUNITY-OWNED BUILDINGS OR PUBLIC BUILDINGS. A building or buildings which shall serve as essential services and safety of the community but shall not serve as a residential facility.

GRANDFATHER CLAUSE. A provision in a newly adopted law regulating certain conduct or activities that allows the regulated activity to continue as previously conducted or otherwise exempts it from compliance with the new law or ordinance.

HOME OCCUPATION. An accessory use of a professional or service character conducted within a dwelling by the family residents thereof, and which does not change the character thereof. Furthermore, adequate parking spaces shall be provided on the premises for persons patronizing the establishment. The use of computers, facsimile machines and photocopiers may all be used as part of a home occupation. The following uses shall not be deemed as a home occupation: clinics, hospitals, animal boarding establishments, commercial garages, bump and paint shops and commercial production of any kind of livestock.

HOTEL. A building in which the room are occupied or designed for temporary occupancy by individuals who are lodged with or without meals and in which there are more than ten sleeping rooms served only by a general kitchen and dining facility located within the building.

HOUSEHOLD PETS. Any domesticated dog, cat or other animal kept for friendship or hunting purposes. Household pets do not include exotic (regulated by USDA) wild animals or any farm-yard animals.

JUNK. Shall be considered to be miscellaneous dry solid waste material resulting from housekeeping, mercantile and manufacturing enterprises and offices, including but not limited to scrap metals, rubber and paper; abandoned, wrecked, unlicensed and inoperable automobiles and motor vehicles; rags, bottles, tin cans, and comparable items.

KENNEL, COMMERCIAL. Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats or other domestic animals and which has a license from the Animal Control Office.

LOT. A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet the minimum requirements for use, coverage and lot area, and to provide such setback area and other open space as required by this Ordinance. Such lot shall have access to a public street, and may consist of:

- (A) A single lot of record.
- (B) A portion or portions of lot(s) of record.
- (C) Any combination of complete and/or portions of lots of records; or
- (D) A parcel of land described by metes and bounds, provided that in no case of division or combination shall the area of any lot or parcel created, including residuals, may be less than that required by this Ordinance.

LOT AREA. The area of land within the boundary of a lot excluding any part under water, and in addition, it is the area of land bounded by any back lot line, the right-of-way line of the highway on which it fronts, and the side lot lines intersecting the back lot line and extending to the right-of-way line of the highway.

LOT, CORNER. A parcel of land at junction of and fronting or abutting on two or more intersecting streets or roads.

LOT DEPTH. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

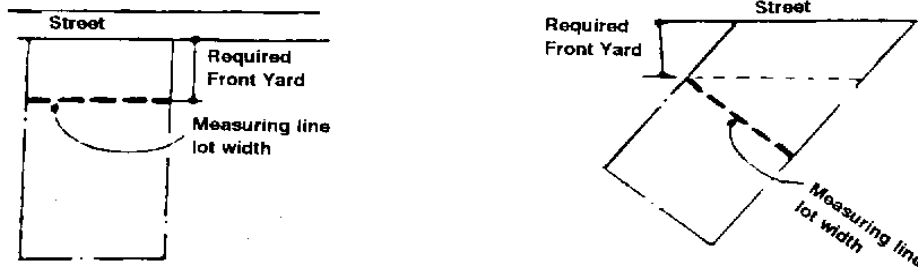
LOT COVERAGE. The part of percent of the lot occupied by buildings or structures, including accessory buildings or structures.

LOT OF RECORD. A parcel which is part of a subdivision and is shown on a map thereof which has been recorded by the Register of Deeds of Dickinson County, or a lot described by metes and bounds, the deed to which has been recorded in said office.

LOT WIDTH. Lot width shall be measured as follows:

- (A) Lot width with parallel side lot lines - The required width shall be measured on a straight line which is perpendicular to the side lot lines. No part of such measuring line shall be closer to the front property line than the depth of the required front yard.

The following drawings are illustrative of this definition and part thereof.

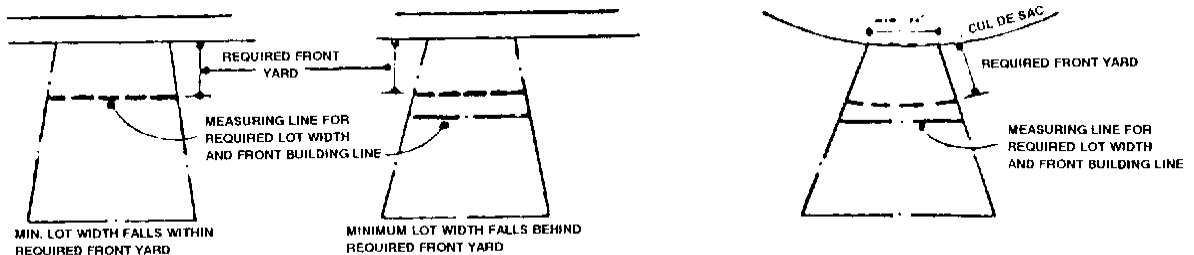


- (B) Lot with non-parallel side lot line - The required lot width shall be measured on a straight line which shall be a measuring line, which is parallel to a straight line which connects the side lot lines where they intersect the front property line. The measuring line shall be located at least the distance of the required front yard from the front property line. If the measuring line is located behind the rear line of the required front yard, the measuring line shall be the front building line.

The required minimum straight-line distance between the side lot lines where they intersect the front property lines shall be determined as follows:

- (1) For all lots not located on a turning circle of a cul-de-sac street, said distance shall not be less than eighty percent of the required lot width.
- (2) For lots located on a turning circle of a cul-de-sac street said distance shall be at least eighty feet.

The following drawings are illustrative of this definition and part thereof:



MINIMUM LOT SIZE. The smallest or least area of a parcel allowed in said district.

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 a 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.

MULTIPLE-FAMILY HOUSING. A structure having three or more dwelling/housing units under a single roof and often having a common heating, electrical or water system (but may be metered separately) and may also have common hallways, stairs or elevators.

MOTEL. A building or group of buildings, whether detached or in connecting units, used as individual sleeping or dwelling units, designed primarily for transient automobile travelers and providing accessory off-street parking facilities. The term "motel" shall include buildings designated as "auto courts," "motor courts," "motor motels" and similar appellations which are designed as integrated units of individual rooms under common ownership.

MINI-WAREHOUSING. A building or portion thereof designed or used exclusively for storing personal property of an individual or family when such is not located on the lot with their residence. Personal property may include, but is not limited to, passenger motor vehicles, house trailers, motorcycles, boats, campers which are generally stored in residual accessory structures.

NONCONFORMING LOT. A nonconforming lot is one that, at the time of its establishment, met the minimum lot size requirements for the district in which it is located, but which because of subsequent changes to the minimum lot size applicable to the district, is now smaller than the minimum lot size.

NONCONFORMING USE. A building, structure, plot, premises or use of land lawfully existing at the time of the effective date of this ordinance which does not conform to the regulations of the district in which it is situated.

NONCONFORMING BUILDINGS/STRUCTURES. A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

NUISANCE. An activity consisting of an unlawful or unreasonable use of property by an individual that causes injury or damages to another or to the public in general. Common examples of phenomena generally considered to constitute nuisances include excessive noise, odor, smoke, vibration (not all inclusive).

NURSING HOME. A building wherein infirm, aged or incapacitated persons are furnished shelter, care, food, lodging and medical attention and which is licensed by the State of Michigan.

POLICY PLAN. An official document that serves as a guide to the long-range development of the Township.

REAR LOT LINE. Generally considered to be the line that is opposite from the front lot line and also farthest in distance from the front lot line.

REAR YARD. A yard that extends across the entire width of a lot containing a building and is located between the rear lot line and a parallel line running through the point of the building closest to the rear lot line.

RECREATIONAL VEHICLE. Recreational Vehicle or RVs are defined as a camper, fifth-wheel trailer, motor home, park models, and tiny house on wheels. If it is on wheels, it is a vehicle not a building or structure. Recreational vehicles are self-contained units regarding septic systems and water storage. Recreational vehicle is a vehicle with or without motive power, this is designed for sport or recreational use, or which is designed for human occupancy on an intermittent basis.

RVs cannot be used as housing in residential zones. Dwellings, single family is a use defined in the zoning ordinance. RVs are not structures built on or in the ground. RVs cannot contain a household living use. This prohibits the use of campers, motor homes, or recreational vehicles for residential occupancy if not operated at a legal RV Park.

RESTAURANT. An establishment where food and/or beverages are cooked or prepared and offered for sale and where consumption is permitted on the premises whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns and nightclubs permitting consumption on the premises.

ROADSIDE STAND. A structure for seasonal display and sale of farm products.

SEASONAL DWELLING. A dwelling unit designed and utilized for occasional use.

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.

SITE CONDOMINIUM. A condominium development containing residential, commercial, office, industrial or other structures or improvements for uses permitted in

the zoning district in which it is located, and in which each co-owner owns exclusive rights to a volume of space within which a structure or structures may be constructed, herein defined as a condominium unit, as described in the master deed.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored to the condition before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications, or (2) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

SWIMMING POOL. The term "swimming pool" shall mean any structure or container located either above or below grade designed to hold water to a depth of greater than twenty-four (24) inches, intended for swimming or bathing. A swimming pool shall be considered as an accessory building for the purposes of determining required yard spaces and maximum lot coverage.

SPECIAL USE PERMIT. A permit issued by the Zoning Board 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 special uses possess unique characteristics and are found to be not injurious to the health, safety, convenience, and general welfare of the County's inhabitants.

SPOT ZONING. The assignment of a zoning classification different from the surrounding zoning classifications (to a relatively small land parcel). The term is usually employed when the use classification is intended to benefit a particular property owner and is incompatible with the surrounding area.

TOWER – REFER TO COMMERCIAL TOWER

VARIANCE. A modification of the literal provisions of the zoning ordinance granted in specific cases when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted.

WAREHOUSE. A building or portion of one where goods and merchandise are deposited or stored primarily for use or for sell elsewhere.

YARD, FRONT. An open, unoccupied space extending the full width of the lot between the front lot line and the nearest line of the principal building on the lot.

YARD, FRONT-REQUIRED. The minimum required yard extending the full width of the lot and situated between front line and the front building line, parallel to the street line. The depth of the required front yard shall be measured at right angles to the road row, in the case of a straight street line, and radial to the street line, in the case of a curbed road row.

YARD, REAR. An upon occupied space extending the full width of the lot between the rear line of the lot and the rear line of the principal building on the lot, except for permitted accessory buildings/structures.

YARD, REAR-REQUIRED. The minimum required yard extending the full width of the lot and situated between a rear property line and the rear principal building line, parallel to the rear property line. The depth of the required rear yard shall be measured at right angles to the rear property line.

YARD, SIDE. An open, unoccupied space on the same lot building, between the sideline of the building and the adjacent side of the lot and extending from the rear line of the front yard to the front line of the rear yard (except for permitted uses).

YARD, SIDE-REQUIRED. The minimum required yard extending between the front yard and rear building lines and situated between a side property line and the side building line, parallel to the side property line. The width of the required side yard shall be measured at right angles to the side property line (except for permitted exceptions).

ESTABLISHMENT AND USE OF DISTRICTS

Section 201: ESTABLISHMENT OF DISTRICTS

The Township of Sagola is hereby divided into zoning districts, as named and described in the following sections. The boundaries of zoning districts are hereby established as shown on the Official Sagola Township Zoning Maps.

Section 202: R DISTRICT: RESIDENTIAL

(A) INTENT AND PURPOSE. It is the intent and purpose of this district to provide for a variety of housing types in portions of the Township which immediately adjoin areas which are well serviced by hard surfaced roads, public utility services, and presently have or will have within the foreseeable future public sanitary sewers, and which are also situated within relatively easy access to schools, work, shopping and recreational facilities. Low density single-family residences are permitted by right

while other housing types and more densely developed single-family residences may be permitted only where public sewer and water facilities are currently in place and in localities where more dense development will not adversely impact adjoining properties.

(B) USES PERMITTED BY RIGHT

1. Community Residential Care Facility (Six persons or less)
2. Family Day Care Facility
3. Single-Family Dwellings and Mobile Homes
4. Seasonal Dwelling

(C) USES PERMITTED UNDER STIPULATIONS

1. Bed and Breakfasts
2. Cemeteries
3. Commercial Kennel
4. Commercial Riding Stable
5. Convenience Retail
6. General and Specialized Farms and Other Agricultural Activities
7. Home Occupations
8. Medical Services
9. Roadside Stands, Seasonal Farm Markets
10. Seasonal Dwellings
11. Two-Family Dwellings

(D) USES PERMITTED BY SPECIAL USE PERMIT

1. Adult Foster Care Homes
2. Commercial Tower
3. Condominiums and Site Condominiums (parcels with more than one permitted use regardless of whether the uses are the same)
4. Educational Institutions
5. Golf Courses
6. Group Day Care Facilities (6 or more)
7. Multiple-Family Dwellings
8. Nursing Homes
9. Parks and Recreational Facilities, Public or Private
10. Public Buildings (Government)
11. Religious Institutions

Section 202-1: R-1 DISTRICT: RESIDENTIAL ONE

(A) INTENT AND PURPOSE. It is the intent and purpose of this district to provide for and preserve areas within the Township which have developed and/or where it is desired that they develop such that existing and future dwellings meet the standards provided in the definition of a single-family dwelling. It is also the intent and purpose of this district to provide for a variety of housing types in a portion of

the Township which immediately adjoins areas which are well serviced by hard-surfaced roads and public utility services, and presently have or will have within the future public sanitary sewers, and which are also situated with relatively easy access to schools, work, shopping and recreational facilities. Low density single-family residences are permitted by right while other housing types and more densely developed single-family residences may be permitted only where public facilities are currently in place and under stipulations or special use permit in areas where more dense development will not adversely impact adjoining properties.

(B) USES PERMITTED BY RIGHT

1. Community Residential Care Facility (six persons or less)
2. Family Day Care Facilities
3. Home Occupation
4. Seasonal Dwelling
5. Single-Family Dwellings

(C) USES PERMITTED UNDER STIPULATIONS

1. Bed and Breakfasts
2. Cemeteries
3. General and Specialized Farms and Other Agricultural Activities
4. General Retail
5. Medical Services
6. Roadside Stands, Seasonal Farm Markets
7. Two-Family Dwellings

(D) USES PERMITTED BY SPECIAL USE PERMIT

1. Adult Foster Care Home
2. Commercial Tower
3. Condominiums and Site Condominiums (Parcels with more than one permitted use regardless of whether the uses are the same)
4. Educational Institutions
5. Golf Courses
6. Group Day Care Facilities
7. Multiple-Family Dwellings
8. Nursing Home
9. Parks and Recreational Facilities, Public or Private
10. Public Buildings (Government)
11. Religious Institutions

Section 203: RP DISTRICT: EXCLUSIVE RE-SOURCE AGRICULTURE PRODUCTION

(A) INTENT AND PURPOSE. It is the intent of this district to ensure that lands within

the Township which are well suited for the production of timber, minerals, food or fiber are retained for such production, unimpeded by the establishment of incompatible uses which would hinder timber or mineral extraction or farm operations and irretrievably deplete these resources. The RP District acknowledges that forestry, mining and agriculture are specialized forms of industry characterized by the production, harvesting or extraction of saleable products as a result of the combination of raw materials, manpower, and energy.

Other purposes for which this district is established includes:

1. Preserving woodlands and wetlands associated with forests and farms, which, because of their natural physical features, may be useful as water retention and groundwater recharge areas, and as habitat for plants and animals; and which have an important aesthetic and scenic value which contributes to the unique character of this District.
2. Providing the basis for land assessments which reflect its existing forested, mineral, or agricultural nature, and, owing to these regulations, its limited use for other purposes.
3. Preventing the conversion of subject lands to scattered unrelated development which, when unregulated, unnecessarily increases the cost of public services to all citizens and, in the case of agriculture, may result in the premature disinvestment in agriculture.

(B) USES PERMITTED BY RIGHT

1. Community Residential Care(6 persons or less)
2. Forest Harvesting Operation
3. Forest Production
4. General and Specialized Farms & Other Agricultural Activities
5. Home Occupations
6. Seasonal Dwellings
7. Single Family Dwelling
8. Two Family Dwellings (duplex)

(C) USES PERMITTED UNDER STIPULATIONS

1. Bed and Breakfast
2. Cemeteries
3. Cord Storage Facilities
4. Commercial Kennel
5. Commercial Riding Stable
6. Family Day Care Facilities
7. Public Service Installations
8. Keeping of Wild Animals
9. Retail Greenhouse or Nursery

10. Roadside Stands
11. Sawmills
12. Wood-yards

(D) USES PERMITTED BY SPECIAL USE PERMIT

1. Adult Foster Care Home (more than 6 persons)
2. Airfield, Private or Public
3. Campgrounds and R.V. Parks
4. Commercial Tower
5. Condominiums and Site Condominiums (Parcels with more than one permitted use regardless of whether the uses are the same)
6. Educational Institutions
7. Extraction of Minerals and Processing
8. Food Processing
9. Golf Courses
10. Grain and Seed Elevators
11. Group Day Care Facilities
11. Junkyards
12. Paper Plant
13. Parks and Recreational Facilities, Public or Private
14. Public Building (Government)
15. Religious Institutions

Section 204: B DISTRICT: BUSINESS

(A) INTENT AND PURPOSE. It is the intent of this district to provide for a variety of compatible commercial and business establishments and professional offices, located on surfaced primary and local roads, and situated near the population being served so as to minimize the distance traveled day to day for goods and services. The district is also intended to provide for highway oriented commercial development which is intended to serve a greater segment of the population than those persons who reside in the immediate area. Whether the intensity of the commercial activity is high or relatively benign, it shall be developed so as to not harm adjacent residential areas. Public utilities and public sanitary sewer and water may be required before larger, more dense commercial development can proceed and are desirable in the future for those areas where less intensive commercial development is proposed.

(B) USES PERMITTED BY RIGHT

1. Auto Repair and Commercial Garages
2. Banks and Other Financial Institutions
3. Bed and Breakfast
4. Community Residential Care (6 persons or less)
5. Convenience Retail

6. Family Day Care Facilities
7. Funeral Homes
8. General Retail
9. Home Occupation
10. Laundromats and Dry Cleaners
11. Medical Services
12. Miscellaneous Business Service Establishments
13. Office Establishments
14. Pool Halls, Video Arcades, Bowling Alleys, etc.
15. Restaurants and Taverns
16. Single Family Dwelling
17. Two Family Dwelling

(C) USES PERMITTED UNDER STIPULATIONS

1. Animal Clinic
2. Building Materials, Farm Implements, etc.
3. Cold Storage Facilities
4. Commercial kennel
5. Commercial Riding Stable
6. Drive-Thru Facilities
7. General & Specialized Farms
8. Home Occupations
9. Motels and Hotels
10. Parks and Recreational Facilities, Public or Private
11. Retail Greenhouse or Nursery
12. Roadside Stands and Farm Markets
13. Two Family Dwellings (Duplex)
14. Vehicle Sales and Service

(D) USES PERMITTED BY SPECIAL USE PERMIT

1. Above Ground Storage of Flammable Liquids
2. Automobile & Gasoline Service Station
3. Adult Day Care Facilities
4. Adult Foster Care Home
5. Campgrounds and R.V. Parks
6. Commercial Tower
7. Condominiums and Site Condominiums (Parcels with more than one permitted use regardless of whether the uses are the same)
8. Contractor Yards
9. Educational Institutions
10. Group Day Care Facilities
11. Mobile Home Park
12. Multi Family Dwellings
13. Nursing Homes
14. Public Buildings (Government)

15. Religious Institution
16. Shopping Centers
17. Pool Halls, Video Arcades, Etc.
18. Warehousing
19. Windmills

Section 205: I DISTRICT: INDUSTRIAL

- (A) INTENT AND PURPOSE. It is the intent and purpose of this district to accommodate by right a variety of light industrial and commercial uses, characterized by relatively low traffic generation and the absence of objectionable external effects, in areas of the Township affording direct access to surfaced primary roads and, where applicable, railroads. Such areas are intended to have existing utilities, including power, public water, sanitary sewer and adequate storm water drainage. Such industrial areas should be free from incompatible uses and designed so as not to harm adjoining uses. This district will also accommodate, under stipulation or special use permit those uses which are generally considered to have objectionable external effects; however, it is intended that provisions be implemented in each instance to minimize any harmful effects the use(s) might otherwise have on adjoining properties.
- (B) USES PERMITTED BY RIGHT
1. Automobile or Gasoline Service Stations
 2. Automobile Parts and Tires
 3. Building Materials, Farm Implements, etc., Sales and Service
 4. Contractor Yards
 5. Forest Harvesting Operations
 6. Forest Production
 7. Grain and Seed Elevators
 8. Jobbing and Machine Shops
 9. Lumber and Building Supply Yards
 10. Manufacturing Plants
 11. Millwork Plants
 12. Printing and Publishing Establishments
 13. Research and Development Establishments
 14. Warehousing
- (C) USES PERMITTED UNDER STIPULATIONS
1. Heavy Construction Contractor Establishment
 2. Open Outdoor Storage
 3. Portable Asphalt Plants and Cement Plants
 4. Sawmills
 5. Truck Terminal
 6. Wood-yards

(D) USES PERMITTED BY SPECIAL USE PERMIT

1. Above Ground Storage of Flammable Liquid
2. Airfield, Private or Public
3. Commercial Tower
4. Condominiums and Site Condominiums (Parcels with more than one permitted use regardless of whether the uses are the same)
5. Drop Forging, Punch Pressing, Plating, etc.
6. Extraction of Minerals and Processing
7. Food Processing
8. Junkyards
9. Paper Plant
10. Refineries and Power Generation
11. Slaughterhouses

Section 301: USES PERMITTED BY DISTRICTS

R-PERMITTED BY RIGHT

N - NOT A PERMITTED USE

S-ALLOWED UNDER STIPULATIONS

SUP - SPECIAL USE PERMIT REQUIRED

	R	RP	B	I	R-1
Above ground storage of flammable liquid	N	N	SUP	SUP	N
Adult foster care home	SUP	SUP	SUP	N	SUP
Airfield, private or public	N	SUP	N	SUP	N
Animal clinic	N	N	S	N	N
Automobile and gasoline service station	N	N	R	R	N
Automobile parts and tires	N	N	R	R	N
Automobile repair and commercial garages	N	N	R	N	N
Banks and other financial institutions	N	N	R	N	N
Bed and breakfast	S	S	R	N	S
Building materials, farm implements, etc	N	N	S	R	N
Campgrounds and R.V. parks	N	SUP	SUP	N	N
Cemeteries	S	S	N	N	S
Cold storage facilities	N	S	S	N	N
Commercial kennel	S	S	S	N	N
Commercial tower	SUP	SUP	SUP	SUP	SUP
Commercial riding stable	S	S	S	N	N
Community residential care facility,6 person or less	R	S	R	N	R
Condominiums & site condominiums	SUP	SUP	SUP	SUP	SUP
Contractor yards	N	N	S	R	N

Convenience retail	N	N	R	N	N
Day care facilities, family	R	S	R	N	R
Day care facilities, group	SUP	SUP	SUP	N	SUP
Drive-thru facilities	N	N	R	N	N
Drop forging, punch pressing, plating, etc.	N	N	N	SUP	N
Educational institutions	SUP	SUP	SUP	N	SUP
Extraction of minerals & processing	N	SUP	N	SUP	N
Food processing	N	SUP	N	SUP	N
Forest harvesting operations	N	R	N	R	N
Forest production	N	R	N	R	N
Funeral homes	N	N	R	N	N
General & specialized farms	S	R	S	N	S
General retail	N	N	R	N	S
Golf courses	SUP	SUP	N	N	SUP

	<u>R</u>	<u>RP</u>	<u>B</u>	<u>I</u>	<u>R-1</u>
Grain & seed elevators	N	SUP	N	R	N
Heavy construction contractor establishment	N	N	N	S	N
Home occupations	S	R	R	N	S
Hunting preserves	N	S	N	N	N
Jobbing & machine shops	N	N	N	R	N
Junkyards	N	SUP	N	SUP	N
Keeping of wild animals	N	S	N	N	N
Laundromats	N	N	R	N	N
Lumber & building supply yards	N	N	S	R	N
Manufacturing plants	N	N	N	R	N
Medical services	S	N	R	N	S
Millwork plants	N	N	N	R	N
Misc. business service establishments (crafts)	N	N	R	N	N
Mobile home parks	N	N	SUP	N	N
Motels & hotels	N	N	S	N	N
Multiple-family dwellings	SUP	N	SUP	N	SUP
Nursing homes	SUP	N	SUP	N	SUP
Office establishments	N	N	R	N	N
Open outdoor storage	N	N	N	S	N
Paper plant	N	SUP	N	SUP	N
Parks & recreational facilities, public or private	SUP	SUP	SUP	N	SUP
Pool halls, video arcades, bowling alleys, etc.	N	N	R	N	N
Portable asphalt or cement plants	N	S	N	S	N
Printing/publishing houses	N	N	N	R	N

Public building (Government)	SUP	SUP	SUP	N	SUP
Refineries & power generation	N	N	N	SUP	N
Religious institutions	SUP	SUP	SUP	N	SUP
Research & development establishments	N	N	N	R	N
Restaurants & taverns	N	N	R	N	N
Retail greenhouse or nursery	N	S	S	N	N
Roadside stands, Farm markets	S	S	S	N	S
Sawmills	N	S	N	S	N
Shopping centers	N	N	SUP	N	N
Slaughterhouse	N	N	N	SUP	N
Truck terminal	N	N	N	S	N
Two-family dwellings (duplex)	S	R	S	N	S
Vehicle sales & service	N	N	SUP	N	N
Warehousing	N	N	S	R	N
Wood-yards	N	S	N	S	N

Section 302: USES PERMITTED BY STIPULATIONS AND THOSE STIPULATIONS

NOTE: SITE PLAN REVIEW IN ACCORDANCE WITH SECTIONS 308, 315, and 316 IS REQUIRED.

USES BY STIPULATIONS

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADDITIONAL SETBACKS	EXTERIOR STORAGE	ROAD REQUIREMENTS	OTHER & NOTES
Animal clinic	B	Per district	Screened animal runs	None	Not permitted	Year-round road	None
Asphalt/cement, portable	RP, I	5 acres	Berm unused road entrances	100' all sides	Screened only	Year-round road	With aggregate extraction
Auto Parts & Tires	B	Per district	Buffer per Sect 310 when adjacent to dwelling or district boundary	None	Screened only	Year-round road	No parking or storage in required yards
Bed & breakfast	R, R-1, RP	Per district	None	No parking or signs in required yards	Not permitted	Year-round road	None
Building materials/farm implements	B	Per district	None	50'all sides. No materials in required yards	Not permitted	Year-round road	None

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADDITIONAL SETBACKS	EXTERIOR STORAGE	ROAD REQUIREMENTS	OTHER & NOTES
Cemeteries	R, R-1, RP	5 acres	Fence entire site	None	Not permitted	Year-round rd	None
Cold Storage Facilities	RP, B	5 acres	None	No parking or signs in required yards	Not permitted	Year-round road	None
Commercial kennel	R, RP,B	2 acres	Runs fenced 8' high min.	100' all sides	Not permitted	Year-round road	Licensed
Commercial riding stable	R, RP,B	20 acres	Fence entire parcel	None	Not permitted	Year-round road	None
Community residential care facility	RP	Per district	None	None	Screened only	Year-round road	None
Day care facility, Family	RP	Per district	None	None	Screened only	Year-round road	None
General & special farming	R, R-1,B	Per district	None	100' for animals	Not permitted	None	None
General retail	R-1	Per district	Buffer per Sect 310 when adjacent to dwelling	None	Not permitted	Year-round road	None

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADDITIONAL SETBACKS	EXTERIOR STORAGE	ROAD REQUIREMENTS	OTHER & NOTES
Heavy construction contractor establishment	I	Per district	Buffer per Sect 310 when adjacent to district boundary	None	Screened only	Year-round road	None
Home occupations	R, B	Per district	None	None	Not permitted	Year-round rd	see Sect 307
Hunting preserve	RP	40 acres	Fence entire parcel	450' all residences	Not permitted	None	Off-road parking
Keeping of wild animals	RP	20 acres per animal (limit 2)	Animals secured	100' all sides	Not permitted	None	Liability insurance
Medical	R, R-1	Per district	Buffer per Sect 310 when adjacent to dwelling	None	Not permitted	Year-round road	No parking in required yards
Mobile homes	R1, R, RP,B	Per district	None	None	Screened only	Year-round road	None
Motel and hotel	D, B	Per district	Buffer per Sect 310 when adjacent to dwelling	25' all sides	Not permitted	Paved road	None
Open outdoor storage	I	Per district	Screened from view	None	Not applicable	Year-round Road	With approved use only

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADDITIONAL SETBACKS	EXTERIOR STORAGE	ROAD REQUIRE- MENTS	OTHER & NOTES
Retail Greenhouse	RP, B	1 acre	None	25' all sides	Plants & landscapi ng supplies only	None	None
Roadside stand, seasonal farm market	R, R-1, RP	1/2 acre	None	None	Produce only	None	None
Sawmills	RP, I	20 acres	Buffer per Sect 310, all sides	400' from residences	Permitted	Year-round road	Control runoff
Truck terminal	I	10 acres	Buffer per Sect 310 when adjacent to district boundary	50' all sides	Licensed tractor/trai lers	Year-round road	PIP Plan required
Two –Family Dwellings (Duplex)	R,RP, R- 1,B	Per District	Fencing based on site plan	1500' from another day care home, foster care, or group home or corrections facility.	No permitted	Year-round road	None

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADDITIONAL SETBACKS	EXTERIOR STORAGE	ROAD REQUIRE- MENTS	OTHER & NOTES
Vehicle sales & service	B	Per district	Buffer per Sect 310 when adjacent to dwelling	No vehicles in required yards	Not permitted	Paved road	Must be State of MI licensed
Warehousing	B	Per district	Screen entire parcel	None	Not permitted	Year-round road	None
Wood-yards	RP, I	10 acres	None	400' from residences	Wood only	Year-round road	Control runoff per Soil Erosion Act

SECTION 303: SPECIAL USES

SITE PLAN REVIEW IN ACCORDANCE WITH SECT 308, 315, & 316 IS REQUIRED. ADDITIONAL CONDITIONS MAY BE IMPOSED.

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADDITIONAL SETBACKS	EXTERIOR STORAGE	ROAD REQUIREMENTS	OTHER & NOTES
Above ground storage of flammable liquids	B, I	Per district	Fence entire parcel	400' from all residences	Not permitted	Year-round road	PIP Plan reqd. Storage must comply w/ Fire Marshal
Adult foster care home>6	R, R-1, RP, B	4000 sq ft per bed	None	None	Not permitted	None	None
Airfield, public or private	RP, I	20 acres	Fence entire parcel. Buffer per Sect 310, adjacent to dwelling	100' all sides	Screened only	Year-round road	None
Campground or RV park	RP, B	5 acres	Buffer per Sect 310, adjacent to dwelling.	400' all residences	Screened only	Year-round road	None

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADDITIONAL SETBACKS	EXTERIOR STORAGE	ROAD REQUIREMENTS	OTHER & NOTES
Commercial Tower	All	Per district	Fence tower and wires	Setback= > tower height	Not permitted	Year-round road	None
Condominium & site condominium	All	Per district	Buffer per Sect 310, all sides	None	Per district /unit	None	None
Day care facilities, group	All	Per district	Fencing per Planning Commission, based on site plan review	1500' from another licensed group day care home, adult foster care, or group home, rehab facility, or corrections facility	Not permitted	Year-round road	See sect 16g(3) , P.A. 183 of 1943, as amended, for further details
Drop forging, punch pressing, plating, etc.	I	Per district	Buffer per Sect 310 when adjacent to district boundary	400' from dwellings	Not permitted	Year-round road	None

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADDITIONAL SETBACKS	EXTERIOR STORAGE	ROAD REQUIREMENTS	OTHER & NOTES
Educational institutions	All	1 acre	Buffer per Sect 310 when adjacent to dwelling.	50' all sides	Not permitted	Year-round road	None
Extraction of minerals and processing	RP, I	5 acres	Fence entire parcel. Buffer per Sect 310 all sides	400' from dwellings	Permitted	Year-round road	Must comply W/all sections
Food processing	RP, I	Per district	Buffer per Sect 310 when adjacent to dwelling or district boundary	400' from all residences	Not permitted	Year-round road	None
Golf Course	R, R-1, RP	40 acres	None	None	Screened only	Year-round road	No Rights
Grain & seed elevator	RP	Per district	None	400' from all residences	Not permitted	Year-round road	Setback => silo height
Junkyards	RP, I	10 acres	Fence parcel. Buffer: sec 310 when adjacent to dwelling/boundary	50' all sides	Screened only	Year-round road	None

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADD SETBACKS	EXT STORAGE	ROAD REQUIREMENTS	OTHER & NOTES
Mobile home parks	B	5 acres	Buffer per Sect 310 when adjacent to dwellings	50' all sides	Not permitted	Year-round road	STATE REQUIREMENT
Multiple family	R, R-1,B	Per district/unit	None	None	Not permitted	Year-round road	None
Nursing home	B,R,R-1	>5 acres or 4000 sq ft per bed	None	100' from dwellings	Not permitted	Year-round road	None
Parks & rec facilities, public or private	R, RP,	All	None	50' all sides	Not permitted	Year-round road	None
Public building	R, RP, R-1,B	1 acre	Buffer per Sect 310 when adjacent to dwellings	50' all sides	Not permitted	Year-round road	None
Refineries & power generation facilities	I	10 acres	Buffer per Sect 310 all sides	100' all sides	Screened only	Year-round road	PIP Plan req'd & EIS

USES	DISTRICT	MIN PARCEL SIZE	BUFFER/FENCE	ADD SETBACKS	EXT STORAGE	ROAD REQUIREMENTS	OTHER & NOTES
Religious institutions	R, RP, R-1, B	1 acre	Buffer per Sect 310 when adjacent to dwellings	50' all sides	Not permitted	Year-round road	None
Shopping center	B	10 acres	Buffer per Sect 310 when adjacent to dwellings	50' all sides	Not permitted	Paved road	Drainage plan. No parking in req'd yards
Slaughterhouse	I	10 acres	Buffer per Sect 310 when adjacent to dwelling or district boundary	400' from residences	Not permitted	Road	None

HEIGHT AND PLACEMENT REGULATIONS

Section 304: HEIGHT, PLACEMENT, AND LOT SIZE REGULATIONS

Except as otherwise specifically provided in this Ordinance, no structure shall be erected or maintained between any lot line and the pertinent required yard listed below and no structure shall be erected or maintained which exceeds the height limit specified below. Where there is no rear lot line as otherwise defined herein, the required rear setback distance shall be measured from a line through the point on the lot most distant from any front line of the same lot, which line shall be perpendicular to a line from said point to the closest point on any front lot line. If there is more than one such line, the rear setback shall be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within 30 degrees of being parallel but not of their intersection, no rear setback is required. The side yard requirements apply to a side lot line and also to any lot line which is neither a front, rear, or side lot line. All distances are measured in feet.

MINIMUM/MAXIMUM DIMENSIONAL REQUIREMENTS

	R	R-1	RP	B	I
Min Lot Area Without Sanitary Sewer	20,000 Sq.Ft	20,000 Sq.Ft	40,000 Sq.Ft	20,000 Sq.Ft	40,000 Sq.Ft
Min Lot Area With Sanitary Sewer	12,000 Sq.Ft	12,000 Sq.Ft	40,000 Sq.Ft	12,000 Sq.Ft	40,000 Sq.Ft
Min Lot Width	50 Ft	100 Ft	150 Ft	100 Ft	150 Ft
Min Front Yard	20 Ft	20 Ft	40 Ft	30 Ft	40 Ft
Min Side Yard*	10 Ft	10 Ft	25 Ft	30 Ft	30 Ft
Min Rear Yard**	20 Ft	20 Ft	30 Ft	30 Ft	30 Ft
Max Building Ht.	30 Ft	30 Ft	30 Ft	30 Ft	(A)
Max Lot Coverage	35%	35%	35%	35%	30%

(A) Height at any point on a structure shall not exceed the horizontal distance to any lot line.

*** A non-residential structure not exceeding 14' in height may be located 5' from SIDE property line.**

**** A non-residential structure not exceeding 14' in height may be located 5' from REAR property line.**

The minimum lot size and lot width regulations do not apply to any non-conforming parcel of land shown as a lot in a recorded plat or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance.

On any lot which borders on a lake, river, stream or other body of water, a required yard of 100' as measured from the normal high-water mark on water fronting property is required. Water set back is measured by horizontal plane, not following the contour of the land.

Section 305: ZONING DISTRICT BOUNDARY SETBACK REGULATIONS

In Districts B and I, no structure shall be erected or maintained within 30 feet of the boundary line of any R and R-1 Districts. Where a district boundary line divides a lot into two districts, it shall be treated as a lot line for purposes of the setback provisions of this Ordinance.

Section 306: GENERAL REGULATIONS

Every dwelling unit shall have livable/inhabitable floor area of not less than 600 square feet on the ground floor, except for seasonal dwellings, which shall have livable/inhabitable floor area of not less than 400 square feet on the ground floor. No crawl space or area under a mobile home shall be deemed as storage space where storage space is required to be provided.

Section 307: HOME OCCUPATIONS

Home Occupations shall meet the following standards:

1. No persons other than members of the immediate household permanently occupying the dwelling, plus one (1) additional person, shall be employed in the home occupation.
2. No more than fifty percent (50%) of the area of one story of the principal building shall be devoted to the home occupation(s), not to exceed six hundred square feet.
3. The outdoor storage of materials and outdoor activities shall not be permitted.
4. Dwelling units other than single-family residences housing home occupations which generate traffic and result in customers shall have an exterior entrance which is exclusive to that dwelling and accessible to the public.

5. No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, excessive vehicular traffic, or any hazard or nuisance to any greater or more frequent extent than that usually experienced in any average residential district under normal circumstances where no home occupation exists.
6. No home occupation (use) shall be permitted which would change the fire rating of the dwelling.
7. The home occupation shall be conducted entirely within the principal building that is used as the residential dwelling.
8. An accessory building may be used for storage of items incidental to the home occupation and shall not exceed one thousand (1,000) square feet.
9. No home occupation shall be permitted which utilizes explosives or hazardous substances or results in the production of explosives or hazardous materials.

Registration: All persons intending to conduct a home occupation shall register the home occupation with the Zoning Administrator.

Section 308: OFF-STREET PARKING REQUIREMENTS

ADA regulations require that a business owner have a certain number of handicapped parking spots. For small businesses with only **25 or less** parking spots, only **one** accessible parking space is necessary.

A. Residential.

1. One- and two-family dwelling units: two spaces for each dwelling unit,
2. Rooming, boarding, or lodging house: two spaces for the resident owner plus one space for each guest room.
3. Hotel, motel, apartment hotel, and club: one space for each individual guest room, suite, or sleeping or living unit.
4. Mobile home parks: two spaces shall be provided for each mobile home space,
5. Nursing homes and care facilities: one space for each four beds.

B. Assembly Uses (Churches, Funeral Homes, Theatres, Auditoriums, Stadiums and Similar Places of Assembly).

1. Assembly areas with fixed seating: one space for each four seats.
2. Assembly areas without fixed seating: one space for each fifty (50) square feet of floor area.

C. Institutional Uses.

1. Schools: three parking spaces for each classroom and each other room used by students. In addition, one parking space shall be provided for each three hundred fifty(350) square feet devoted to office or administrative uses.
2. Technical and adult education (business, beauty, barber, trade, technical, vocational schools and other similar uses): one parking space shall be required for each forty (40) square feet of classroom space.
3. Hospitals: one space for every four beds or as required by the planning commission.
4. Public libraries, art galleries, museums, and other non-recreational public facilities: one parking space shall be required for each four hundred (400) square feet of floor area open to the public.

D. Development District, Business District, and Industrial District.

1. General commercial and office: one space for each three hundred (300) square feet of building floor area. A minimum of two parking spaces shall be provided for each building or tenant space.
2. Restaurants and Taverns: one space for each four seats.
3. Gas stations: 1 per pump
4. Retail stores: 1 per each 300 sq ft of floor space
5. Barber shop and beauty parlor: 2 per each chair
6. Bank: 1 per 300 sq ft of floor space

- E. Unlisted Uses. The planning commission shall determine the parking requirements for uses not specifically listed. In determining such requirements, the planning commission shall use the above requirements as a general rule and guide.

Section 309: REQUIRED OFF-STREET LOADING SPACES

Loading spaces required under this Section shall be at least 50 feet long and 12 feet wide. Every lot used for commercial or industrial purposes and having a building or buildings with a total floor area of at least 10,000 square feet and every lot used for office or research purposes on which there is a building or buildings having a total floor area of at least 20,000 square feet shall be provided with off-street loading space. An additional off-street loading space shall be required for lots used for commercial or industrial purposes where the floor area of all buildings exceeds 100,000 square feet.

Section 310: BUFFER REQUIREMENTS

Where buffers are required as per Sections 302 and 303, such buffers shall consist of a planting screen of sufficient length and height to interfere with the view of the use or structure in question from the adjoining property. Where, because of intense shade or soil conditions, the planting screen cannot be expected to thrive, a six-foot high fence, whether it be an opaque wooden fence, a chain link fence with interwoven slats, or a masonry wall, may be substituted. Where the view is blocked by a change in grade or other natural or man-made features, a buffer shall not be required.

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	1½ 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.

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 311: FENCES AND SIGNS

Fences, walls, hedges, screens or buffers shall be located in such manner that no part of such fence, wall, hedge, screen or buffer shall intrude into or break the vertical plane of the property line.

To install a sign you must contact Michigan Department of Transportation for rules and regulations.

MINERAL EXTRACTIONS AND PERMITS

Section 312: MINERAL EXTRACTION

Mineral extraction is the extraction and processing of iron ore, copper, stone, gypsum, peat, topsoil, silver, gold, uranium, and 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 for the right to extract mineral deposits where located.

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

1. Any active mineral extraction operation at the date of enactment of this Ordinance to continue mineral extraction from existing holes, pits or shafts, which may be enlarged on the land constituting the site on the effective date of this Ordinance. This exemption does not apply to new holes, pits or shafts.
2. An extraction of less than 100 cubic yards per parcel per year. Contiguous individual parcels under the same ownership shall be considered as one parcel for the purpose of this section.
3. Site preparation authorized by Zoning Compliance Permit.
4. Gravel pits as defined in this Ordinance.

No mineral extraction shall be undertaken without first obtaining a mineral extraction permit from the Sagola Township Planning Commission and upon payment of a reasonable fee established by the Township Board. The Zoning Administrator, upon receipt of the application for mineral extraction permit, shall provide the application and accompanying materials within 30 days to the Planning Commission for their review and action. The Planning Commission shall review the application for mineral extraction permit at a public hearing to be scheduled and held in accordance with the provisions of Sections 313 and 410 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 313: APPLICATION FOR MINERAL EXTRACTION PERMIT

An application for a mineral extraction permit must contain a Site Plan, Operation Plan, and Reclamation Plan 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 at a scale adequate to illustrate the proposed operation shall include:

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, with the survey stakes visible) showing the relationship of the subject property to abutting properties. Site plans for sand and gravel extraction do not require a surveyor or engineer.
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 parcels 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 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. Sight buffers, as described below, as reasonable and practical along all boundaries of the mining operation (except sand and gravel extraction) which abut R, R-1, RP, T or B Zoning Districts. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury. Sand and/or gravel extraction shall only require buffers as described in Section 310 when adjacent to dwellings.

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 three feet horizontal, and shall be planted with grass and trees and/or 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.

3. 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. In the case of sand and/or gravel extraction, unused road entrances should be bermed or blocked.
4. 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 for mineral extraction other than sand and/or gravel shall include a map and description showing:

1. Final grading, final slope angles not in excess of one foot vertical to three feet horizontal, 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. Description of measures to be taken to seal shafts and close all excavations.
4. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.
5. Plans for disposition of surface structures, roads, and related facilities after cessation of mining.
6. A timetable for completion of reclamation requirements.

A reclamation plan for sand and/or gravel extraction shall include a map and description of measures to be taken to slope area after extraction, and to close entrances to site.

Section 314: GENERAL STANDARDS FOR MINERAL EXTRACTION PERMITS

The Planning 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 Dickinson County Comprehensive Plan and Sagola Township Policy 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 facilities and services.
5. Will not create excessive 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.

Section 315: SITE PLAN APPROVAL REQUIREMENTS

Except with respect to single-family dwellings and mobile homes on individual lots, no person shall commence any use or erect or enlarge any structure and no other substantial improvement or construction shall be undertaken except as shown upon an approved site plan.

Section 316: SITE PLAN REVIEW PROCEDURE

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 and all other applicable ordinances of Sagola Township and Dickinson County. Upon demand by the proposer of the site plan, the Zoning Administrator shall, within ten days, approve it in writing or deny approval in writing, setting forth in detail his/her reasons which shall be limited to any defect in form or required information.

The applicant may appeal any denial to the Sagola Township Zoning Board of Appeals or Sagola Township Planning Commission, whichever applies to the situation.

ADMINISTRATION PROCEDURES & FEES

Section 401: ZONING ADMINISTRATOR

A Zoning Administrator shall be appointed by the Township Board of Trustees to administer the provisions of this Ordinance and to carry out all administrative functions not specifically assigned to another office or body. The Zoning Administrator shall serve at the pleasure of the Township Board of Trustees and receive such compensation as they may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or elected or appointed officer of Sagola Township, except as Township Supervisor. The Zoning Administrator shall have no power to vary or waive Ordinance requirements. The Zoning Administrator shall attend Sagola Township Planning Commission meetings and submit a monthly activity report.

Section 402: ZONING BOARD OF APPEALS

A Zoning Board of Appeals is hereby established, which shall consist of three members in accordance with P.A. 184 of 1943, as amended. The Township Board of Trustees shall appoint members to the Zoning Board of Appeals who are residents of the Township and who shall serve terms and be compensated in accordance with said statute. One member of the Zoning Board of Appeals shall be a member of the Sagola Township Planning Commission; one member may be a member of the Township Board. The Zoning Board of Appeals shall have the powers and duties provided by state law and no other except as specifically set forth in this or any other Ordinance of Sagola Township. The Zoning Board of Appeals shall follow the procedures specified in Section 404 and may make any supplementary rules of procedure consistent with law and this Ordinance, which may be necessary or convenient for carrying out its function. Copies of such rules shall be made available to the public by the Zoning Administrator.

Section 403: DUTIES OF THE PLANNING COMMISSION

The Sagola Township Planning Commission has carried out the responsibilities of preparing this Ordinance and is the Township body most closely associated with planning for the future of Sagola Township. It is hereby determined that the Sagola Township Planning Commission shall provide continuing overall direction in the administration of this Ordinance and shall be the first Township reviewing body of zoning actions most closely associated with planning considerations, including proposed amendments, planned unit developments, conditional/special use permits, and site plan appeal procedures. The Planning Commission is required to meet at least four times per year. Special meetings can be called preceded by written notice to planning commission members not less than 48 hours before the meeting.

Section 404: 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 decisions, the Zoning Board of Appeals or Planning Commission shall make the decision in accordance with the standards in this Ordinance. If there are no specific standards applicable to the decision to be made, 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) When a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals or the Planning Commission shall:
 - (1) Base their decision upon facts presented at a public hearing preceded by notice in a newspaper of general circulation appearing at least 15 days prior to the hearing.
 - (2) Notify, by certified mail at least 15 days before the hearing, all owners, residents, or managers of property adjacent to or within 300 feet of the property to be directly

affected by a zoning decision. Notice must be sent by certified mail to each electric, gas, pipeline, telephone, and railroad company that registers its name with the township; at least 15 days prior to the hearing.

- (3) Specify in all notices of a public hearing, the time, place, and exact nature of the meeting, the geographic area included in the zoning proposal, where and at what time copies of this Ordinance and the zoning maps may be examined, and where written comments will be received.
 - (4) Permit all interested parties at the hearing to present or rebut information either supporting or opposing the zoning action under consideration.
 - (5) Prepare a comprehensive summary record of the hearing, including an exact record of motions, votes, and other official actions.
 - (6) Set forth in writing and in detail any denial, approval, conditional approval, or order and the facts supporting such decision; and
 - (7) File the record, written testimony or documents submitted with regard to the hearings, and the decision with the Sagola Township Clerk, within 14 days of the hearing, to be open to public inspection.
- (C) All administrative guides or rules developed to assist the Zoning Board of Appeals or the Planning Commission in the administration of this Ordinance shall be filed with the Sagola Township Clerk and be open to public inspection.

Section 405: FEES

The Sagola Township Board of Trustees may establish by resolution for a schedule of fees to be paid for zoning compliance permits and for the consideration of conditional use permits, variances, or amendments to this Ordinance. Fees, if any, should be collected by the Zoning Administrator to be used to defray the cost of the zoning administration. Any meeting requiring a public hearing, such as Special Planning Commission Meeting or Zoning Board of Appeals due to processing variances, to process Mineral Extractions, etc; the fee will be charged to cover costs incurred.

Section 406: ZONING COMPLIANCE PERMIT

Hereafter, no land use shall be commenced or changed, and no structure shall be erected or enlarged until the person conducting such use or erecting or enlarging such structure has obtained a zoning compliance permit from the Zoning Administrator. The Zoning Administrator shall issue such permit upon the furnishing in writing, over the signature of the applicant, of such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance, a finding by the Zoning Administrator that such is the case, and payment of a permit fee. No zoning compliance permit shall be issued where it appears that any land area required to conform

to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property. Any zoning compliance permit based on any material false statement in the application or supporting documents is absolutely void on the date of issuance and shall be revoked. No zoning compliance permit shall remain valid if the use or structure it authorizes becomes nonconforming.

Any zoning compliance permit issued in accordance with this ordinance shall become invalid if work does not start within ninety (90) days of issuance or if work stops for a period of six (6) months or more. Construction shall be completed as authorized by the permit within two (2) years of the date of issuance, or the zoning compliance permit shall become void. One (1) time extension shall be granted at no charge in the event of extenuating circumstances, upon authorization by the Zoning Administrator.

When filling out the permit, on Section IX the applicant needs to fill out a site plan showing the following:

- (A) All existing and proposed new buildings; label them.
- (B) Label building dimensions
- (C) Label distances to all four lot lines, distance to any bodies of water, and distance to other structures.
- (D) Show and label all roads and driveways.

Original copy of the Zoning Compliance Permit will be returned to the applicant so they can apply for a building permit from the Dickinson County Construction Code Office. Instructions are included with the Zoning Compliance Permit.

Section 407: CERTIFICATE OF OCCUPANCY

No permanent certificate of occupancy shall be issued under any building code applicable in Dickinson County until all requirements of this Ordinance have been met. A temporary certificate may be issued under circumstances where expressly permitted by this Ordinance.

Section 408: DEFINITION AND EXPANSION OF NONCONFORMING USES AND STRUCTURES

NONCONFORMING USES. A building, structure, plot, premises, or use of land lawfully existing at the time of the effective date of this Ordinance which does not conform to the regulations of the district in which it is situated.

NONCONFORMING BUILDINGS/STRUCTURES. A building or structure (or portion thereof) lawfully existing at the time of adoption of this Ordinance or a subsequent amendment thereto, that does not conform to the provisions of this Ordinance relative to height, bulk, area, placement or yards for the zoning district in which it is located.

Where, at the effective date of adoption or amendment of this Ordinance, lawful use of land

exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may continue, so long as it remains otherwise lawful, subject to the following provisions:

- (A) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.
- (B) No such nonconforming use 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.

Exception: Nonconforming uses situated in other than the R: Residential District may be allowed to expand to an extent permitted by the Planning Commission after following the procedures outlined in Sections 314-316 and 410 of this Ordinance.

Section 409: VARIANCES, DIMENSIONAL ONLY

Where practical difficulties or unnecessary hardships would result from the strict application of this Ordinance, the Zoning Board of Appeals may, upon public hearing, grant a variance from the provisions of this Ordinance relating to the dimensional requirements of this Ordinance, such as setbacks, lot size and yard requirements, so that the spirit and purposes of the Ordinance shall be observed and substantial justice done. A variance shall be the minimum necessary to permit reasonable use of land and buildings. A variance shall not be granted from the Ordinance requirements relating to uses permitted in a zoning district. A variance to this Ordinance shall be granted only upon finding that the evidence presented to the Zoning Board of Appeals satisfies each of the following standards:

- (A) Unique physical circumstances applying to the property in question are present, including the irregularity, narrowness, shallowness, shape, or topography of the property. These physical circumstances shall not be common to other nearby property in the zoning district.
- (B) Because of the unique physical circumstances, a possibility that the property may be reasonably developed in conformance with this Ordinance does not exist, and a variance is necessary to obtain reasonable use of the property.
- (C) The hardship has not been created by the applicant.
- (D) The variance will not be in conflict with the intent and purpose of this Ordinance, will not substantially alter the character of the surrounding area, will not impair adjacent property, and will not be detrimental to public health, safety, and welfare.

Section 410: SPECIAL USE PERMITS

No special use shall be established in any zoning district except upon a permit issued by the Planning Commission, which shall be guided by the following standards and other applicable standards in this Ordinance.

- (A) The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area and shall not interfere with the general enjoyment of adjacent property.
- (B) The special use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or property through excessive production of traffic, noise, smoke, odor, or fumes.
- (C) The special use shall be adequately served by essential public facilities & services and shall not place demands on public services and facilities in excess of current capacity.
- (D) Decisions made by Township Planning Commission may be appealed to the Township Zoning Board of Appeals.
- (E) If a previously approved Special Land Use Permit is not used within 5 years it becomes null and void.

Section 411: ZONING AMENDMENTS

Proposals for amendments to the text or zoning maps of this Ordinance shall be presented to the Planning Commission who shall hold a public hearing to discuss the proposals. The Planning Commission shall be guided in its decisions by the Dickinson County Comprehensive Plan and the provisions and zoning maps of this Ordinance. Any decision of the Planning Commission relating to proposed amendments shall be set forth in writing and in detail and shall be transferred to the Sagola Township Board of Trustees as the recommendation of the Planning Commission. The Board of Trustees shall, in accordance with the enabling statute, make the final decision regarding proposed amendments. Any amendment shall be set forth as an Ordinance amending this Ordinance and all amendments rezoning land shall include legal descriptions of the land involved.

Section 412: ZONING ADMINISTRATOR REPORT

The Zoning Administrator shall keep an annual book in which he/she shall have a copy of all the Zoning Applications, all variances, all special use permits, or any other public hearings; including maps per each application. This Annual Report shall be open to public inspection.

VIOLATIONS AND PENALTIES

Section 413: VIOLATIONS AND PENALTIES

Any person who violates any provision of this ordinance or any amendment thereto or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a

misdemeanor.

1. The Zoning Administrator will contact the person or persons in writing to advise them they are not in compliance and will have thirty (30) days to comply with zoning requirements. A copy will be sent to the township supervisor.
2. After thirty (30) days the Zoning Administrator checks to see if in compliance. If not, the supervisor will be contacted to handle the situation with the ST enforcing officer and the prosecuting attorney for court action and trial.

Each and every day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. Any violation of this ordinance is hereby declared to be a public nuisance per se. A fine of \$100.00 per day or imprisonment in the county jail for not more than thirty (30) days or both for each offense will be imposed. In addition, if the offense is contested in court and the offender is found guilty, all court costs and fees will be the responsibility of the offender.

Section 501: 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 other 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 a planned unit development or any conditional use permit, variance, zoning compliance permit, certificate of occupancy, site plan approval, or designation of Class A 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 502: EFFECTIVE DATE

This Ordinance shall take effect and be in force seven (7) days after publication of ordinance adoption preceded by Township Board approval and public Hearing.

Section 503: RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through

legislation, rule, or regulation, the regulations, rules, or restrictions which are more restrictive or which impose higher standards or requirements shall govern. Regardless of any other provision of this Ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

LAND SPLITS AND PUBLIC HEARING PROCEDURES

Section 600: LAND DIVISION

Land divisions must be approved by the township assessor and zoning administrator prior to any split.

Section 601: BASIC PROCEDURES FOR PUBLIC HEARINGS:

BASIC PROCEDURES FOR ISSUING ASPECIAL USE PERMIT

STEP #1 - Applicant meets with Zoning Administrator to discuss project.

STEP #2 - Applicant submits request for special use permit including: application form, fee, legal property description, signature and site plan.

STEP #3 - Zoning Administrator reviews application for completeness and then disseminates information to Planning Commission members.

STEP #4 - Zoning Administrator establishes date for public hearing.

STEP #5 - Zoning Administrator advertises notice of public hearing not less than 15 days before public hearing in the Daily News.

STEP #6 - Zoning Administrator provides notice of public hearing by certified mail or by personal delivery to owners and/or occupants of property within 300 feet of the boundary of the property being considered for the special use permit at least 15 days prior to the hearing.

STEP #7 - Zoning Administrator provides notice of the public hearing by certified mail or personal delivery to owner(s) of subject property, at least 15 days prior to the hearing

STEP #8 - Zoning Administrator posts parcel(s) involved in special use permit not less than 5 days public hearing. Included on posted notice is nature of special land use request, time and place of public hearing, when and where written comments will be received concerning the request and where to contact for additional information.

STEP #9 - Planning Commission conducts public hearing and approves, denies, or approves with conditions the request for special land use permit. The basis for the decision and any conditions imposed shall be incorporated in a statement of conclusions, which shall be submitted to the Township Clerk within 14 days of the public hearing.

BASIC PROCEDURES FOR AMENDING ZONING ORDINANCE

STEP #1 - Applicant meets with Zoning Administrator to discuss project and amendment procedures. Can be initiated by Planning Commission, Township Board, or any citizen.

STEP #2 - Applicant submits request for amendment including: completed application form, fee, legal property description, signature and site plan.

STEP #3 - Zoning Administrator reviews application for completeness and then disseminates information to Zoning Boarders. Zoning Administrator schedules public hearing.

STEP #4 - Zoning Administrator prepares notice of hearing to include:
A. Describe nature of proposed amendment. B. State time and place proposed amendment will be considered. C. Indicate time and place written comments will be received. D. State times and places tentative proposed text may be examined.

STEP #5 - Zoning Administrator publishes notice of public hearing in newspaper of general circulation in Township at least 15 days before public hearing.

STEP #6 - Zoning Administrator sends certified mail notice of public hearing to all owners, residents, and managers of property adjacent to 300'. Also mail to electric, gas, pipeline public utility company, and railroad operating with Township, if they register their name with the township to receive public zoning notices. Mail at least 15 days before date of public hearing.

STEP #7 - Zoning Administrator posts notice of public hearing at Township Hall at least 18 hours before scheduled time of public hearing.

STEP #8 - File affidavits of publications, mailings, and posting in Township records. Prepare agenda for the public hearing.

STEP #9 - At the meeting, Planning Commission: (A) Formally opens public hearing on proposed amendment. (B) Acknowledge written comments received on proposed amendment. (C) Receive comments on proposed amendment by persons attending hearing. (D) Close public hearing and discuss proposed amendment. (E) Planning Commission approves motion recommending approval or disapproval of proposed amendment.

STEP #10 - Zoning Administrator must submit changes to Dickinson County Planning Commission for 30 day review. After that, Zoning Administrator submits to Township Board summary of comments received at Planning Commission public hearing and recommendations of County Planning Commission. Note: Matter is referred to Township board regardless of whether Planning Commission and County Planning Commission recommend approval or denial of proposed amendment.

STEP #11 - Steps to be taken by Township Board:

1. Township Board may on its own initiative hold an additional public hearing regarding proposed amendment and is required to hold public hearing upon request of any property owner by certified mail to Township Clerk. Notice of any such public hearing must be given in same manner as required for public hearing by Planning Commission (See Part 1, Steps 4-6)
2. TOWNSHIP BOARD considers Planning Commission recommendation at any regular township meeting or at special meeting, and:
 - A. Disapproves proposed amendment, with no further action by Planning Commission.
 - B. approves proposed text, in ordinance form, with or without permissible amendments.
 - C. Refers proposed text back to planning Commission for further consideration and comment within time specified by Township Board.

PROCEED TO STEPS 3-9 ONLY IF TOWNSHIP BOARD DESIRES TO APPROVE PROPOSED AMENDEMENT:

3. ADOPT ORDINANCE by motion approved by majority of Township Board, on roll call vote.
4. FILE ORDINANCE with Township Clerk within 15 days after adoption.
5. PUBLISH notice of ordinance adoption in newspaper of general circulation in township, with either complete text amendment ordinance, or legally proper

- summary of ordinance, within 15 days after adoption.
6. FILE AFFIDAVIT OF PUBLICATION from newspaper in Township records.
 7. FILE ATTESTED copy of complete ordinance with County Clerk.
 8. RECORD ORDINANCE in Township ordinance book within one week after publication of ordinance, with Certificate of Township Clerk recording date of adoption of ordinance, names of Board members voting hereon, how each member voted, date of publication and name of newspaper, date of filing of ordinance with county clerk, and date of mailing notice of ordinance adoption.
 9. DISTRIBUTE copies of revised Zoning Ordinance pages to member of Township Board, Planning Commission, Zoning Board of Appeals, and other appropriate Township officials.

STEP #12 - If amendment is adopted, a notice of amendment must be published in the Daily News within 15 days of adoption. The ordinance is in effective 7 days after publication.

BASIC PROCEDURES FOR APPEALS, VARIANCES AND INTERPRETATIONS

STEP #1 - Applicant meets with Zoning Administrator to discuss appeal/variance and how to proceed.

STEP #2 - Applicant submits to Zoning Administrator completed variance and zoning application forms including detailed site plan, fee, legal property description, and signature.

STEP #3 - Zoning Administrator reviews application for completeness and then establishes date for public hearing of the Board of Appeals.

STEP #4- Zoning Administrator advertises notice of public hearing in the Daily News, at least 15 days prior to the hearing Steps 6 and 7 do not apply to meetings to provide interpretation. Township Clerk shall be notified that a public hearing is scheduled.

STEP #5 - Zoning Administrator provides notice of public hearing by certified mail or personal delivery not less than 15 days before the public hearing to owner(s) of subject property and/or applicant.

STEP #6 - Zoning Administrator provides notice of the public hearing by

certified mail or by personal delivery not less than 15 days before public hearing to owners and/or occupants of subject property with 300' of the boundaries of the property.

STEP #7 - Board of Appeals conducts public hearing and grants the appeal or variance wholly or partly; grants appeal or variance with conditions; or denies the appeal or variance within 30 days of the public hearing. In the case of interpretations, the Board of Appeals shall hold a meeting and provide an interpretation of the ordinance or map.

STEP #8 - The record of the Board of Appeals decision, including any conditions imposed, shall be incorporated into a statement of conclusions, which shall be submitted to the Zoning Administrator within 14 days of the decision and a copy shall be sent to the Township Clerk for township record.

MAPS

Section 700: INTERPRETATION OF THE ZONING MAP

Where, due to the scale, lack of detail or illegibility of the zoning maps in the Section, there is any uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the Zoning Administrator shall make an interpretation of said map upon request of any person. Any person aggrieved by any such interpretation may appeal such interpretation to the Zoning Board of Appeals. The Zoning Administrator, and the Zoning Board of Appeals, in interpreting the zoning map or deciding any appeal, shall apply the following standards:

- (A) Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, or along the center lines of alleys, streets, rights-of-way or water courses, unless such boundary lines are fixed by dimensions shown on the zoning map.
- (B) Where zoning districts boundary lines are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundary lines.
- (C) Where a zoning district boundary line divides a lot, the location of any such zoning district boundary line, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.
- (D) If, after the application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary line, the boundary line shall be determined in a reasonable manner, considering the history of uses of property and the history of zoning ordinances and amendments in the County of Dickinson and Sagola Township as well as all other relevant facts.

Section 701: MAP Township 41N – Range 30 W

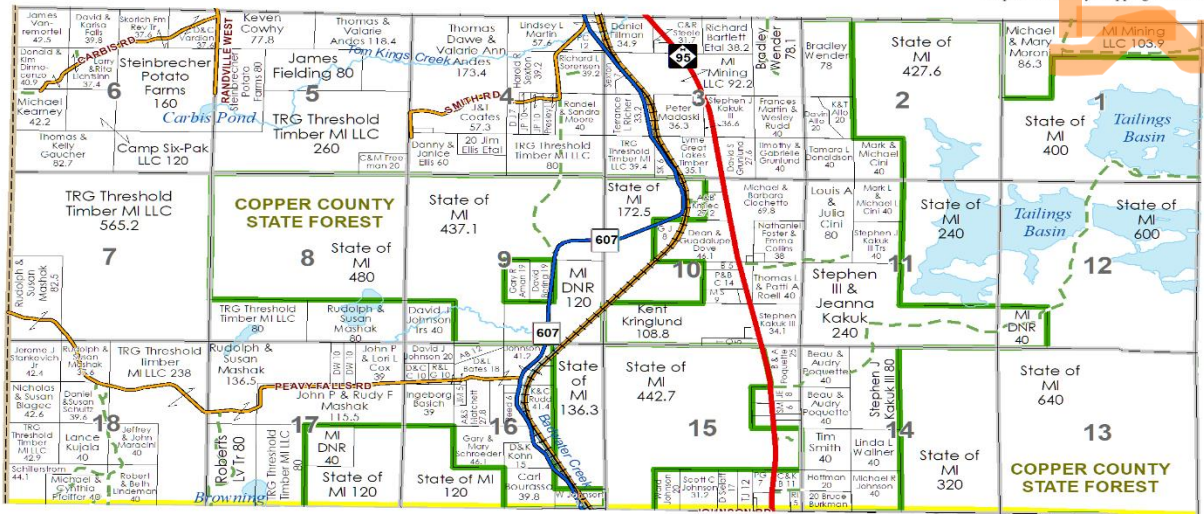
- R - Residential
- R1 - Residential 1
- RP - Resource / Agricultural Production
- B - Business
- I - Industrial



Breitung (N) & Sagola (S)

Township 41N - Range 30W

Copyright © 2020 Mapping Solutions
Maps Licensed by Mapping Solutions



Section 701: MAP Township 42N - Range 30W

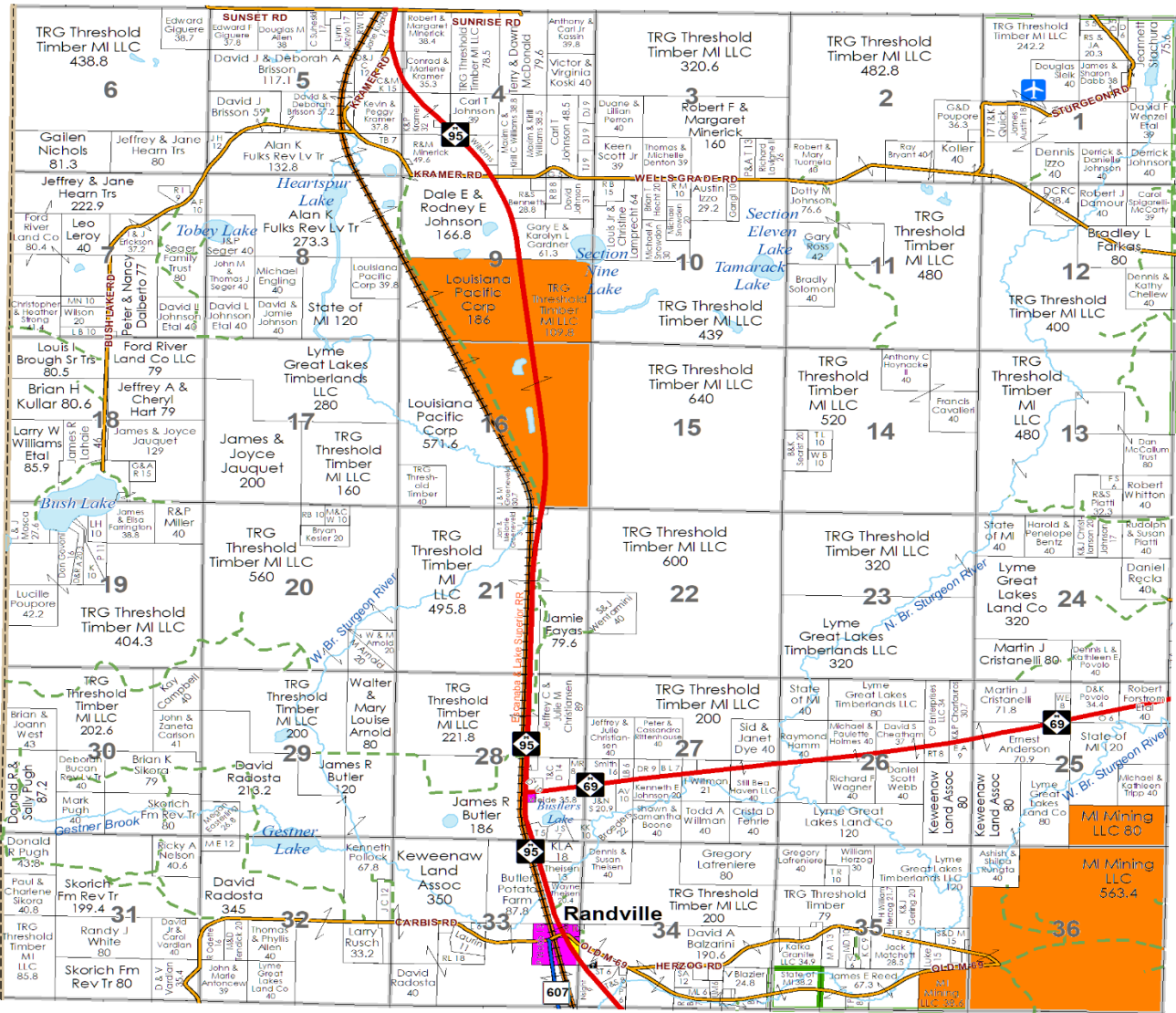
- R - Residential
- R1 - Residential 1
- RP - Resource / Agricultural Production
- B - Business
- I - Industrial



Sagola (SC)

Township 42N - Range 30W

Copyright © 2020 Mapping Solutions
Maps Licensed by Mapping Solutions



Section 701: MAPS Township 43N - Range 30W

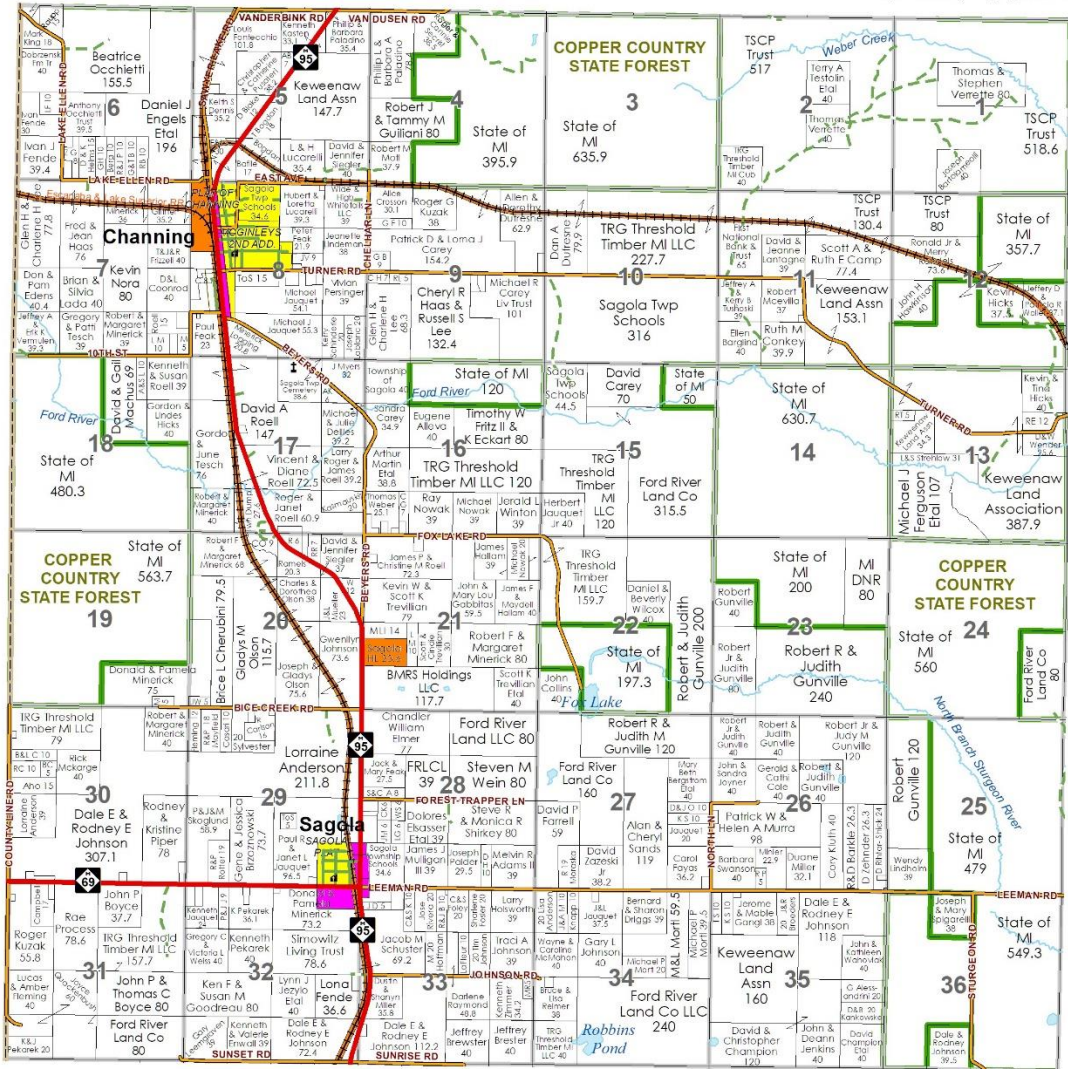
- R - Residential
- R1 - Residential 1
- RP - Resource / Agricultural Production
- B - Business
- I - Industrial



Sagola (NC)

Township 43N - Range 30W

Copyright © 2020 Mapping Solutions
Maps Licensed by Mapping Solutions



Section 701: MAP Township 44N - Range 29W

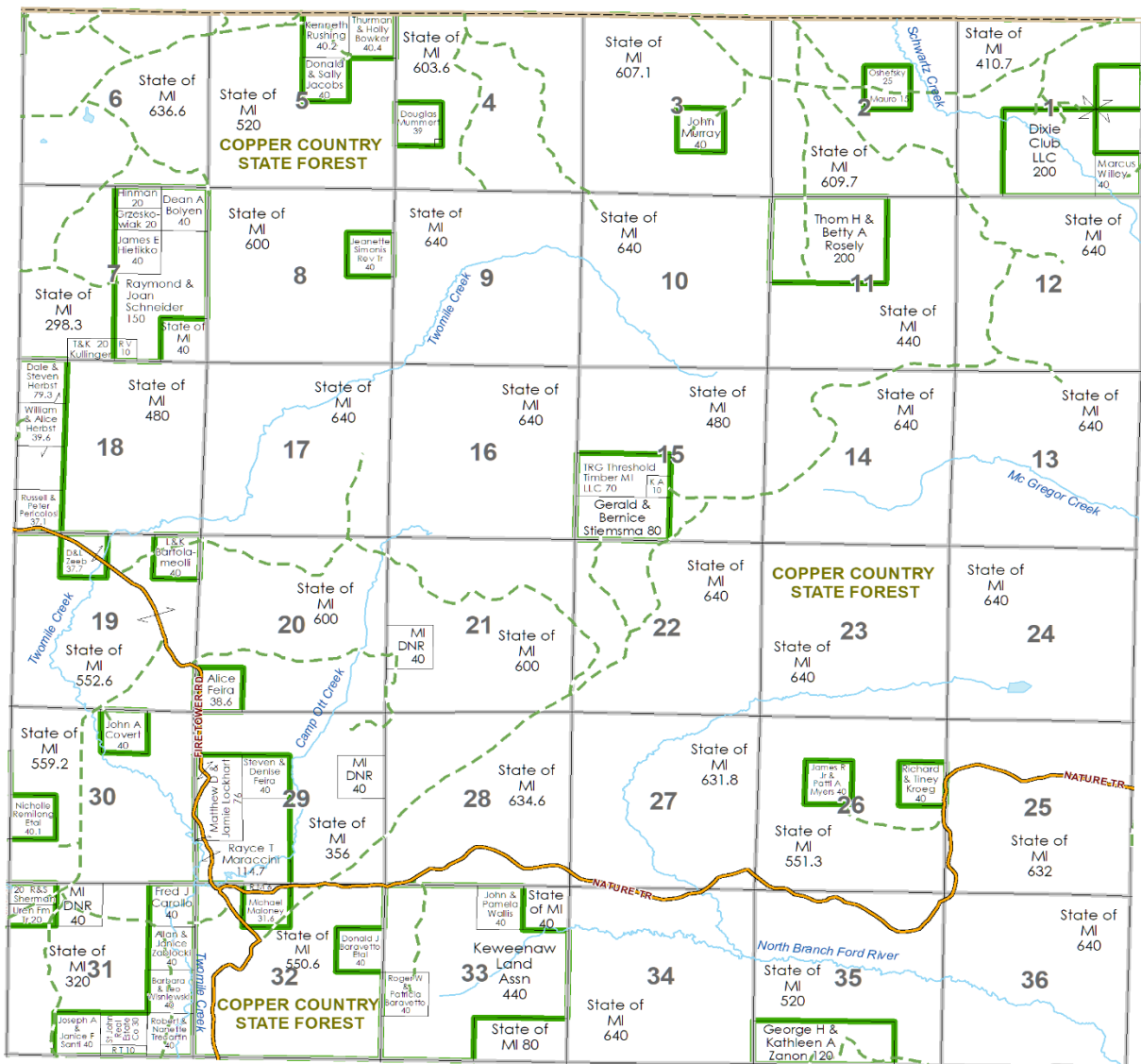
- R - Residential
- R1 - Residential 1
- RP - Resource / Agricultural Production
- B - Business
- I - Industrial



Sagola (NE)

Township 44N - Range 29W

Copyright © 2020 Mapping Solutions
Maps Licensed by Mapping Solutions



Section 701: MAP Township 44N - Range 30W

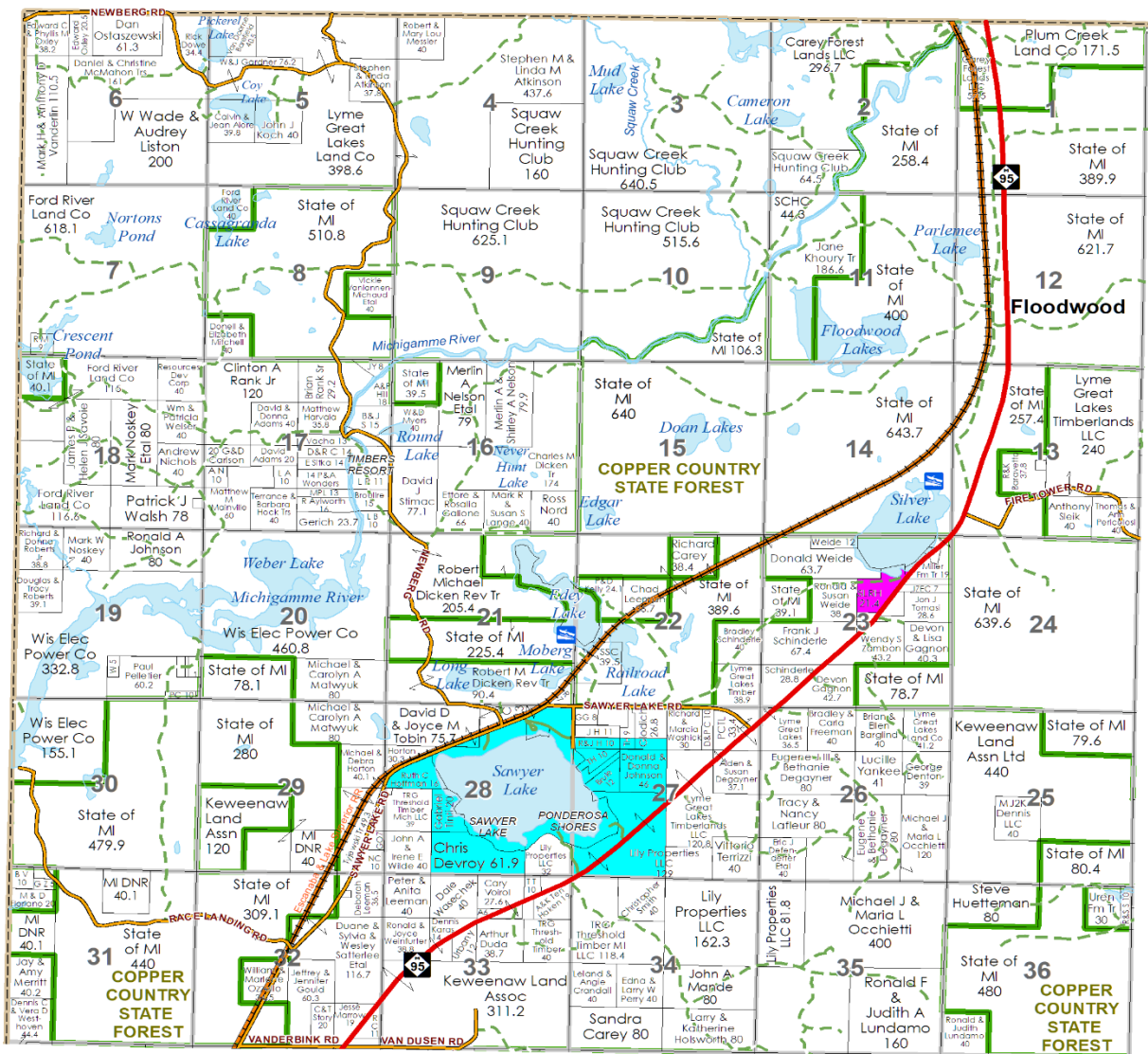
- R - Residential
- R1 - Residential 1
- RP - Resource / Agricultural Production
- B - Business
- I - Industrial



Sagola (NW)

Township 44N - Range 30W

Copyright © 2020 Mapping Solutions
Maps Licensed by Mapping Solutions



CERTIFICATION

Adopted and approved by Sagola Township Board on September 3, 2024, Township of Sagola, Dickinson County, Michigan. Notice was in the newspaper on September 6, 2024.

Effective Date: September 13, 2024.