

ZONING ORDINANCE

BREVORT TOWNSHIP

1984

Third Edition - 2004

**BREVORT TOWNSHIP
ZONING BOARD**

CHAPTER I TITLE AND INTERPRETATION

Section 1.1 - This ordinance shall be known as the Brevort Township Interim Zoning Ordinance.

Section 1.2 - The provisions of this ordinance shall be interpreted to promote the purposes set forth in Chapter II.

It is hereby ordained by the people of Brevort Township, County of Mackinac, State of Michigan, in accordance with the provisions of Act 189 of the Public Acts of 1943, as amended; to provide for the administration, including penalties for the violation thereof; to provide for a Township Zoning Board and to provide for a Board of Appeals.

CHAPTER II PREAMBLE

Section 2.1 - Purpose

The fundamental purpose of this Ordinance is to promote the public health, safety, morals, and general welfare in and of the Township; to encourage the use of lands and natural resources in the Township in accordance with their character and adaptability; to limit and discourage the improper use of lands, buildings and other structures; to provide for the orderly development of the Township; to reduce hazards to life and property; to establish the location and size of and the specific uses for which dwellings, buildings, and other structures may hereafter be erected, altered or moved into the Township; to regulate the minimum open spaces, sanitary, safety and protective measures that shall be required for such dwelling, buildings and structures; to lessen congestion on the public roads, streets and other public places; to provide safety in traffic and in vehicular parking; to facilitate the development of adequate systems of transportation, education, recreation, sewage disposal, safe and adequate water supply and other public requirements; to conserve life, property and natural resources and the expenditure of funds for public improvements and services to conform with the most advantageous uses of land resources and properties.

Section 2.2 - General Procedure

To achieve the purpose of this ordinance, the township has been divided into zoning districts of varied shape, kind and area and regulations adopted for each such district, but with due consideration for the character of each district, its peculiar suitability for particular purposes the conservation of property values and natural resources, and the general trend and character of land, buildings and population development.

CHAPTER III DEFINITIONS

Section 3.1 - For the purpose of this ordinance, certain terms are herewith defined. When not inconsistent with the context, words used in the present tense include the future, words in the singular include the plural number, and words in the plural include the singular number. The word "shall" is always mandatory and not merely directory.

Section 3.2 - Accessory Building

A supplemental building or structure on the same lot, or part of the main building occupied by or devoted exclusively to an accessory use.

Section 3.3 - Accessory Use

A use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the land or building.

Section 3.4 - Alley

A public thoroughfare or way not less than twenty-five (25) feet wide and which affords only a secondary means of access to abutting property.

Section 3.5 - Alteration

Any change in the supporting members of any building or structure including but not to the exclusion of other supporting members, bearing walls, columns, posts, beams and girders and/or any architectural change of the interior or exterior which may affect the structural integrity of the building.

Section 3.6 - Building

Any structure, either temporary or permanent, having a roof and used or built for the shelter or enclosure of persons, animals or property of any kind which shall include vehicles whether mounted or not on wheels, and situated on private property and used for the purpose of a building.

Section 3.7 - Building, Existing

Any building is considered to be in existence if completed or the foundations of which are complete and the construction of which is being constructed at the time this ordinance takes effect.

Section 3.8 - Building, Height Of

The vertical distance from the established grade at the center of the front of the building, to the highest point of the roof surface if a flat roof, to the deck line for mansard roofs, and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs.

Section 3.9 - Cabin

Any building or structure which is maintained, offered or used for sleeping quarters for transients or for temporary residence shall be considered to be a cabin, but this definition shall not include buildings designated as hotels, motels, lodging houses or tourist homes.

Section 3.10 - Cabin, Hunting or Recreational

Any site, lot, tract or parcel of land on which a cabin is located for hunting or recreational purposes.

Section 3.11 - Dwelling

Any building or part thereof, except automobile trailer coaches, mobile homes, cabins and tents, occupied as a home, residence or sleeping place of one or more persons, either permanently or transiently.

Section 3.12 - Dwelling Unit or Apartment Unit

A room or a suite of rooms designed for occupancy by one family.

Section 3.13 - Dwelling, Multiple

A building or portion thereof, containing two or more dwelling units.

Section 3.14 - Family

One or more persons occupying a single nonprofit dwelling, provided that unless all persons in the family are related by blood or marriage no such family shall consist of more than four persons.

Section 3.15 - Farm

All the contiguous neighboring or associated land operated as a single unit on which bonafide farming is carried on directly by the owner or by his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute actual farming, and for the purpose of this Ordinance, farms may be orchards, chicken hatcheries, poultry farms, apiaries; provided that establishments keeping furbearing animals or game or operating fish hatcheries, stockyards, stone quarries and gravel or sand pits shall not be considered farms hereunder, unless combined with the bonafide farm operations on the same continuous tract of land.

The words "agriculture" and "farming" shall be considered as synonymous.

Section 3.16 - Farm Buildings

Any building or structure, other than the dwelling erected, maintained or moved upon or used on a farm which is essential and customarily used on farms of that type, for the purpose of their agricultural activities.

Section 3.17 - Garage, Private and Commercial

(a) A private garage is any building, or part thereof, used for storage of motor vehicles or trailer coaches where no servicing for profit is conducted.

(b) A commercial garage is any garage other than a private garage.

(c) Gasoline service station is a structure or structures and space combined, used solely for either/or both the sale and installation in or upon water-borne vehicles or motor vehicles of the usual operating commodities such as gasoline, fuel oil, oil, grease, alcohol, water, batteries, tires, light bulbs, windshield wipers and other minor accessories, or services such as washing, wiping, cleaning and waxing, or repair of tires, lights, charging of batteries and tune-ups.

Section 3.18 - Highway

Any public thoroughfare in the township road system, including county, federal and state roads and highways.

Section 3.19 - Hotel

The word "hotel" shall designate any building where lodging with or without meals is furnished to transients or to resident guests for compensation, and contains more than four (4) sleeping rooms, and having no cooking facilities in any individual lodging but in which a restaurant or dining room may or may not be located.

Section 3.20 - Lot

A piece or parcel of land abutting on a street whose area, in addition to the parts thereby occupied, or which may hereafter be occupied by a building and its accessory buildings is sufficient to provide therefor, and for the open places required under the terms of this Ordinance whether the same be a part of a recorded plat or unplatted.

Section 3.21 - Lot, Corner

A corner lot shall mean a lot of which at least two (2) adjacent sides abut for their lengths upon a street, provided that the interior angle at the intersection of such two (2) sides is less than 135 degrees.

Section 3.22 - Lot, Interior

A lot other than a corner lot.

Section 3.23 - Lot, Through

An interior lot having frontage on two (2) streets.

Section 3.24 - Lot Lines, Front

Front lot line in the case of a lot abutting only on one street shall mean the line separating such lot from the street; in all cases in which the street widths have not been specifically recorded, the front lot line shall be considered to be thirty-three (33) feet from the center of the street. In case of a through lot, the owner shall, for the purpose of this Ordinance, have the privilege of electing either street lot line as the front lot line.

Section 3.25 - Lot Line, Rear

That lot line which is opposite and most distant from the front lot line. The rear lot line in any irregular, triangular or gore lot, for the purpose of this Ordinance, shall be a line entirely within the lot, at least ten (10) feet long and generally parallel to and most distant from the front lot line.

Section 3.26 - Lot Line, Side

Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from the street shall be called a side street lot line. A side line separating a lot from another lot or lots shall be called an interior side lot line.

Section 3.27 - Lot Line, Street or Alley

A lot line separating the lot from the street or alley.

Section 3.28 - Non-Conforming Structure

A structure conflicting or land conflicting with the provisions of this Ordinance.

Section 3.29 - Non-Conforming Use

The use of a structure or land conflicting with the provisions of this Ordinance.

Section 3.30 - Public Utility

Any person, firm, corporation, municipal department or board, duly authorized to furnish and furnishing under Municipal regulation to the public, water, gas, electricity, transportation, telephone, steam, telegraph, or sewage disposal and other services.

Section 3.31 - Restaurant

A business located in a building wherein, in consideration of the payment of money, meals are habitually prepared, sold and served to persons for consumption on or off the premises, having suitable kitchen facilities connected therewith containing conveniences for cooking an assortment of foods which may be required for ordinary meals and deriving the major portion of its receipts from the sale of food.

Section 3.32 - Retail Commercial Establishment

A store, market or shop in which commodities or services are sold or offered for sale in small or large quantities to the retail trade. Grocery and general stores, meat markets, public garages, automobile service stations, etc., are included in this classification.

Section 3.33 - Roadside Stand

A farm structure used or intended to be used solely by the owner or tenant of the farm on which it is located for the sale of only seasonal farm products of the immediate locality in which the roadside stand is located.

Section 3.34 - Setback Lines

Lines established adjacent to highways or streets for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained. "Within a setback line" means between the setback line and the highway right-of-way.

Section 3.35 - Sign

Any structure or portion thereof on which lettered or pictorial matter is displayed for advertising purposes.

Section 3.36 - Stable, Private

A building used or to be used for the housing of horses or other domestic animals owned by an individual for the use of himself and his immediate family.

Section 3.37 - Stable, Public

A building used or to be used for the housing and care of horses or other domestic animals for hire by the owner or operator thereof.

Section 3.38 - Story

That part of a building included between the surface of any floor and the next above. When the distance from the average established grade to the ceiling of a story partly below such grade exceeds five (5) feet then the basement or cellar constituting the story partially below grade shall be counted as a story.

Section 3.39 - Story, Half

A story which is situated within a sloping roof, the area of which at a height of four (4) feet above the floor does not exceed two-thirds (2/3) of the floor area directly below it, wherein living quarters are used only as a part of the dwelling situated in the story below.

Section 3.40 - Street

Any public Right-of-Way providing access to adjacent properties not an alley or lane.

Section 3.41 - Structure

A structure is any production or pieces of work artificially built up or composed of parts joined together in some definite manner; any construction including dwellings, garages, buildings, signs, and sign board commonly known as billboards.

Section 3.42 - Tavern

Any place where malt, vinous, or spiritous liquors are sold for consumption on the premises is defined as a tavern for the purpose of this Ordinance.

Section 3.43 - Swimming Pool

The term "swimming pool" shall mean any artificially constructed, non-portable pool capable of being used for swimming or bathing, having a depth of two (2) feet or more at any point. A private swimming pool shall mean that it is not open to the public, that it is not publicly owned, or not otherwise regulated by the State of Michigan either by a statute or by rules or regulations of one of its administrative bodies.

Section 3.44 - Theater

Any building or place (including outdoor) used for presentation of shows, dramatic spectacles, movies or other entertainment.

Section 3.45 - Tent

As employed by this Ordinance, the term "tent" shall not include any tent used solely for children's recreational purposes.

Section 3.46 - Tourist Home

Primarily a family dwelling where lodging with or without meals is furnished for compensation chiefly on an overnight basis and mainly to transients, but not necessarily to anyone who may apply.

Section 3.47 - Township

When used in this Ordinance shall mean Brevort Township, Mackinac County, Michigan.

Section 3.48 - Trailer Coach

Any vehicle used or so constructed as to permit its being used as a conveyance upon the public streets or highways and duly licensable as such, and shall include self-propelled and non-self-propelled vehicles so designed, constructed reconstructed or added to by means of enclosed room or area in such manner as will permit the occupance thereof as a dwelling or sleeping place for one or more persons, whether mounted on wheels or dismounted and located on a foundation or other support.

Section 3.49 - Trailer Coach Park

Any site, lot, field, tract, or parcel of land which is utilized by three (3) or more occupied trailer coaches either free of charge, or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such trailer coach park.

Section 3.50 - Motel

A building made up of two or more separate living or sleeping quarters used independently of each other and used principally for overnight accommodations.

Section 3.51 - Use

The purpose for which land or a building thereon is designed, arranged, or intended to be occupied or used, or for which it is occupied or maintained.

Section 3.52 - Yard

A space open to the sky and unoccupied or unobstructed, except by encroachments permitted by this Ordinance, on the same lot with a building or structure. Yard measurements shall be the minimum horizontal distances.

Yard, Front - A yard extending across the full width of the lot between the front lot line and the nearest line of the main building.

Yard, Rear - A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Yard, Side - A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building or of accessory building attached thereto.

CHAPTER IV GENERAL PROVISIONS

Section 4.1 - Scope

Beginning with the effective date of this ordinance, and except as otherwise provided in this ordinance, no new building, or structure, or part thereof, shall be erected, and no existing building or structure shall be enlarged, rebuilt, or altered, and no building, structure, land, premises, or part thereof shall be used for purposes other than in conformity with the provisions of this ordinance pertaining thereof.

Section 4.2 - Boundaries of Districts

Unless otherwise specified in this ordinance, or otherwise shown on the Zoning Map, the boundary lines of zoning districts shall follow along the section lines indicated on the United States Land Office Survey Maps, or lines of customary subdivision of such section such as quarter and eight lines; or the center line of highways, streets, alleys or waterways; of the shoreline of water bodies; or the boundaries of incorporated areas; or the boundary lines or recorded plats or subdivisions; or the property lines of legal records on the date of enactment of this ordinance; or the extension of any said lines.

Section 4.4 - Non-Conforming Use

A. The lawful use of any land or building or other structure together with the land on which it stands, existing at the time of adoption of this ordinance may be continued although such use does not conform with the provisions hereof; but if any such non-conforming use other than farming is discontinued for more than two years, the future use of said premises shall thereafter be in conformity with the provisions of this ordinance.

B. Expansion - The non-conforming use of any premises, including the land on which it stands, lawfully existing prior to the adoption of this ordinance, may be extended throughout the building, provided such building is not structurally altered or changed and provided such repairs that are made therein are required by law or ordinance, or that may be necessary for reasons of safety, or to secure or insure the advantageous use of the building during its natural life or to extend its erection to the full height as originally intended, and provided that no such repair, alterations or reinforcements shall permit the use of such building or structure beyond its natural life. Such non-conforming use on any

land, exclusive of any building thereon may not be expanded unless permitted by the Township Board. However, this restriction shall not apply to bona-fide agricultural uses.

C. The non-conforming use of any building, structure, lot or other parcel of land shall not be changed to any other non-conforming use.

D. Whenever the non-conforming uses of any building, structure or land other than farming has been changed to a conforming use, the use shall not thereafter be reverted to any non-conforming use.

E. Nothing in this ordinance shall prevent the reconstruction, repair or restoration and the resumption of use of any non-conforming building, or structure damaged by fire, wind, flood, or the Acts of God, or the public enemy following the effective date of this ordinance, provided that such reconstruction, repair or restoration is completed within two years following the granting of a permit therefor, and the resumption of the use of said building for structure takes place within 30 days after completion. Provided however, that the Township Board of Appeals may extend such period of time for the restoration, repair, and reconstruction of such building or structure when a national emergency or further Acts of God shall prevent restoration of such building or structure within the time above prescribed.

F. Nothing in this ordinance shall require any change in the erection or intended use of a building or structure, the construction of which shall have been diligently prosecuted for 30 days preceding the date of passage of this ordinance, and for which plans are filed with the Building Inspector within 30 days following the date of the passage of this ordinance and the construction of which shall be completed within 12 months following the date of the passage of this ordinance.

G. In residential areas no basement, cellar, garage or any incompletely constructed structure in use as a dwelling on the effective date of this ordinance shall be used as a dwelling for more than 24 months following said date, unless such structure has been brought to a state of completion in conformity with the regulations of this ordinance relative to dwellings in the district in which such structure is located. In cases of extenuating circumstances, an extension of time may be granted by request to the Board of Appeals.

Section 4.5 - Non-Conformance Due to Reclassification

The foregoing provisions of this chapter shall also apply to buildings, structures, lands and uses which hereafter become non-conforming, due to the reclassification of districts under this ordinance or any subsequent change in the regulations of this ordinance.

Section 4.6 - Yards and Areas

A. No lot being part of a recorded plat and no parcel of unplatted land or site shall be so reduced that the yard, set-back, open space or area is less than the minimum requirements of this ordinance in effect at the time of such reduction.

B. Accessory buildings, including enclosed and unenclosed porches, and also garages attached to a dwelling or other main buildings, shall be deemed a part of such building for the purpose of determining yard space areas and set-backs.

C. All unattached accessory building or buildings with the exception of roadside stands, where permitted, shall be located in the rear yard of the premises.

D. Where shape of lot or other circumstances result in conditions to which the provisions of this ordinance governing yard requirements are inapplicable, the Board of Appeals shall prescribe such yard requirements.

E. Whenever a lot, site or parcel of land abuts upon an alley, one-half ($\frac{1}{2}$) of the width of said alley may be considered a part of such lot for the purpose of computing the area of such lot, and for the purpose of computing the depth of any rear yard required under this ordinance.

F. Only one dwelling shall be erected on a lot.

Section 4.7 - Vehicular Parking Space, Access Thereto and Lighting Thereof

For each dwelling, commercial, industrial, manufacturing or other similar business or service establishments thereafter erected or altered, and located on a public highway, road or street in the unincorporated portions of the township, and including buildings or structures used principally as a place of public assembly, there shall be provided and maintained suitable space off the public right-of-way that is in general, adequate for the parking or loading of vehicles in proportions shown on the following table and such space shall be provided with safe exit to and safe entrance from the public thoroughfare, but not to exceed one (1) such exit and entrance. Said exit and entrance may be combined or provided separately. Approval for the location of such exit and entrance shall be obtained from the State Highway Department for all truck line highways and from the County Road Commission for all other roads and highways in the township, which approval shall also include the designated construction requirements. A minimum of 200 square feet, exclusive of drives, entrances and exits shall comprise one (1) automobile space. All parking space as required in this section, except that required for dwelling, shall be provided with adequate artificial lighting between any time extending from one-half hour after sunset to one-half hour before sunrise when the use of such space is open to the public.

<u>USE</u>	<u>MINIMUM NUMBER OF SPACES PER UNIT</u>
1 - Banks, business offices, and professional offices of architects, engineers, lawyers and similar professionals.	One for each four hundred (400) square feet of usable space.
2 - Barber shops and beauty parlors.	Two for each beauty or barber shop chair.
3 - Bowling alleys.	Five for each bowling lane.
4 - Churches, theaters, auditoriums.	One for each four seats.

<u>USE</u>	<u>MINIMUM NUMBER OF SPACES PER UNIT</u>
5 - Community clubs, dance halls, fraternal organizations, private clubs.	One for each one hundred (100) square feet of usable floor space.
6 - Dwellings.	Two for each family.
7 - Hospitals, clinics, and similar establishments.	One for each four (4) beds, and one for each two (2) employees and/or staff members.
8 - Laundromats.	One (1) for each two (2) wash machines.
9 - Professional offices: doctors, dentists, and similar professions.	One for each one hundred (100) square feet of useable floor area and not less than 4 spaces per professional whichever is greater.
10 - Restaurants and similar establishments for sale and service of food and drink, except liquor and drive-ins.	One for each one hundred (100) square feet of useable floor space.
11 - Retail stores.	One for each one hundred fifty (150) square feet of useable floor space.
12 - Tourist, boarding, and lodging homes.	One for each guest room.
13 - Bars or cocktail lounges.	One for each 50 square feet of useable floor space.
14 - Loading and unloading space: Every building or structure engaged in loading and unloading goods shall provide space on the premises in addition to that required for parking, for the loading, unloading, and standing of all vehicles, in addition to that required for parking, as here provided, to avoid undue interference with public use of the public highway.	

Section 4.8 - Temporary Dwelling

No cabin, garage, cellar, excavation, basement, tent, or other temporary structure, whether of a fixed or movable nature, may be constructed, erected, altered or moved upon any land or premises within the jurisdiction of this ordinance and used in whole or in part for dwelling purposes whatsoever, for any length of time whatsoever, except under the following limitations: namely that upon application made therefor to the Township Board of Brevort Township, which application shall set forth the purposes of the construction of such temporary dwelling, the Township Board may, in its discretion, grant the construction, erection, alteration or moving of such temporary dwelling, and in the event or permission therefor, the Township Board shall clearly set forth that such structure is intended as a temporary dwelling and the reason therefor, and that the use

thereof shall be terminated at a specified time. Provided however that said permission shall not be granted if such structure shall not be provided with a sufficient and healthful water supply and toilet facilities, and provided further that said temporary dwelling shall be so constructed and maintained that it shall conform to the minimum requirements for safety, health and general public welfare and for the prevention of fire hazards as provided by the terms of this ordinance or any other ordinance of the Township not in conflict herewith for such districts in which such temporary dwelling or dwellings shall not be injurious to the value of the surrounding property or neighborhood. Any person or his servant or agent violating the terms of any such permit shall be in violation of the terms of this ordinance, and subject to the penalties hereinafter provided.

Section 4.9 - Cabins and Cabin Camps

No parcel of lan or premises shall be used for cabin camps, and no cabin shall be erected, altered or moved upon any land or premises without compliance with the following regulations:

- (a) The location and operation of such camp shall not tend to produce noise or annoyance or prove otherwise injurious to the surrounding neighborhood, not be inimical to the public health, safety or general welfare of the community, nor be contrary to the purposes of this ordinance.
- (b) Each cabin shall provide no less than one-hundred fifty (150) square feet of floor area.
- (c) Each cabin shall abut or face on a driveway or unoccupied space of not less than twenty-five (25) feet in width, which space shall have unobstructed access to a public thoroughfare. There shall be a space of no less than ten (10) feet between every cabin and any other cabin and any property line of the parcel of land or premises in which the cabin is located.
- (d) Cabins will conform to County Health Regulations.
- (e) Applications for a permit to erect such a camp shall be made in writing to the Township Clerk who shall refer the same to the Zoning Board for approval under the procedures and provisions of this ordinance for the granting of non-conforming use permits. The application shall show the location and extent of the proposed camp, the size, location and yard space for each cabin and other building or structure to be erected on the land or premises, and such additional information as the Zoning Board may deem essential to take proper action on the application.

Section 4.10 - Trailer Coach Parks

No parcel of land or premises shall be used for a trailer coach park without compliance with the following regulations:

(a) The location and operation of such a park shall not tend to produce noise or annoyance or prove otherwise injurious to the surrounding neighborhood, not be inimical to the public health, safety or general welfare of the community, nor be contrary to the purposes of this ordinance.

(b) Such park shall be provided with not more than one (1) safe entrance from one (1) safe exit to the public highway or street.

(c) Application for a permit to erect such a park shall be made in writing to the Township Clerk who shall refer the same to the Zoning Board for approval under the procedures and provisions of this ordinance for the granting of non-conforming use permits. The application shall show the location and extent of the proposed park, and such additional information as the Zoning Board may deem essential to take proper action on the application.

(d) Will conform to County Health Department Regulations.

Section 4.11 - Combination Business and Dwelling Buildings and Structures

(a) No parcel of land or premises shall be used for a combination trailer coach and cabin camp without compliance with the applicable regulations of this ordinance.

(b) Each building or structure used for combined dwelling and business purposes shall provide an area of not less than four hundred eighty (480) square feet for that part used for dwelling purposes.

Section 4.12 - Water Supply and Sewage Disposal

Every building or structure hereafter erected on any premises and used in whole or in part for human occupancy or frequency shall be provided with a safe and sanitary water supply, a septic tank system of sewage disposal, and a system of waste disposal erected and maintained in accordance with the standards of material and installation recommended by the Michigan Department of Health, provided that an outside privy erected and maintained in accordance with the standards, recommended by the Michigan Department of Health may be permitted.

Where land conditions are inadequate for the erection and maintenance of a safe sewage disposal system, special means shall be provided to safeguard health conditions, which means shall be approved by the Mackinac County Health Department.

Section 4.13 - Interior Plumbing

The installation of all interior plumbing work shall comply with the Michigan State Plumbing Code. The inspection and enforcement procedures for this section shall be at the discretion of the Township Board.

Section 4.14 - Essential Services

Essential services as defined in this ordinance shall be permitted as authorized and regulated by law, it being the intention hereof to exempt such services from the application of this ordinance.

Section 4.15 - Location of Highway Set Back Lines

Set back lines on highways not situated in subdivision or plats on record on the effective date of this ordinance shall be parallel with and 75 feet from the center line of the highway, outside the limits of incorporated villages and cities.

Set back lines for Michigan State Trunklines shall be parallel one hundred (100) feet from center line of highway, provided no construction be within less than twenty-five (25) feet from road right-of-way.

Section 4.16 - Buildings and Structures Relative to Set Back Areas

(a) No building or structure of any kind, except necessary highway and traffic signs, and open fences through which there shall be clear vision, shall be hereafter constructed, erected or moved into the space within such set back lines. Except as herein provided, no building or structure except necessary highway and traffic signs, presently existing within such set back lines, shall be renewed or replaced hereafter in any way, except outside the set back lines.

(b) No building or structure within the established set back lines, except necessary highway and traffic signs and open fences hereinbefore mentioned shall be altered, enlarged or added to in any way which will increase or prolong the permanency of any portion with the established set back lines.

(c) When any highway or part thereof is officially adopted into the Mackinac County road or the Michigan State trunkline system, such highway shall automatically be subject to the provisions of this ordinance.

Section 4.17 - Registration of Property

Every building or structure hereafter erected shall be located on a lot or parcel of land, the description of and the deed to which shall be on record in the office of the Register of Deeds of this County, except in agricultural areas. No more than one main building with the customary accessory buildings and structures shall be erected on such lot or parcel of land except as such shall be approved by the Township Board.

Section 4.18 - Restoring Unsafe Buildings

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

Section 4.19 - Billboards

- (a) All signs mounted on buildings shall be of rigid construction. There shall be no swinging signs.
- (b) No sign or billboard shall use glaring flashing lights.
- (c) No sign shall extend from a building to a point closer than two feet from the curb line.
- (d) Facia signs erected on buildings shall extend no more than 12 inches from the building.
- (e) Any sign above a walkway or sidewalk shall be a minimum of ten feet above the walk.
- (f) All billboards in the rural area shall comply with Michigan Public Highway Standards.

Section 4.20 - Outdoor Lighting

In providing outdoor lighting for any commercial or industrial use in the various commercial districts, the lighting shall be so arranged that it will not shine directly on nearby occupied dwellings or interfere with the vision of traffic on public roads.

Section 4.21 - House-moving

- (a) The Building Inspector of Brevort Township shall henceforth issue no permits for the moving of any building from any part of Brevort Township to any location within Brevort Township except as specified in this ordinance.
- (b) Any person or persons desiring to move any building whatever from any point in Brevort Township or another, or from any area outside of Brevort Township to any location within Brevort Township, shall first make application to the Zoning Board of Appeals of Brevort Township, and pay the published application fee as prescribed from time to time by the Township Board.
- (c) Such application shall contain a complete description of the building to be moved, its location, and the legal description and address of the property to which it is to be moved.
- (d) Upon receipt of such application, said Board of Appeals and the Building Inspector shall make a personal examination of the area in which the building is to be moved, and the building to be moved must basically conform structurally and architecturally to the character of the neighborhood into which same is proposed to be moved or such permit shall be denied.
- (e) A condition of such permit shall be that simultaneously with issuance the applicant shall file a performance bond for the improvements as specified in the application, in such amount as the Board of Appeals and the Building Inspector deem necessary to cover all costs involved, and a time for completion of the house-moving and rebuilding of said house may be required in said permit.

Section 4.22 - Use of Yard Space

No yard encompassing a dwelling shall hereafter be used for the open-air storage, wrecking, parking, dismantling, accumulation or abandonment either temporarily or otherwise of any disused, discarded, or dismantled vehicle, machinery, apparatus, implement, furniture, appliance, junk, or similar property.

Section 4.23 - Accessory Buildings

All attached accessory buildings and structures, including garages, open porches, and breezeways shall be considered a part of the main building in determining yard requirements (but not floor area). All unattached buildings shall be located not less than seven (7) feet from any side lot line, and not less than the required set back of the main building on the premises.

Section 4.24 - Dog Kennels

No dog kennels shall be built or operated in any portion of the Township without written authorization of the Township Board, which may specify such conditions as it deems for the public interest.

Section 4.25 - Gasoline Service Station

No permit shall be granted for the construction or operation of a gasoline service station on other than a corner lot or a corner parcel of land if unplatted, unless the land upon which such service station is situated shall have a minimum frontage upon the street of one-hundred ten feet (110). The Building Inspector of the Township may deny any application for a gasoline service station or may require such changes or alterations in the plans of the locations as in his opinion shall be necessary to promote public safety or welfare, or to conserve property values in the location.

Section 4.26 - Keeping of Domestic Animals

In the residential districts of the Township or in any platted areas or unplatted areas of the Township that are built up for residential purposes, the keeping of domestic animals such as horses and cattle, in any accessory building or other buildings or upon any open spaces, shall be permitted provided that the number of such animals shall not exceed one animal for the first three acres of lot area and one such animal for each one additional acre of lot area, and that a building in which such animals are kept shall be provided which shall be at least 100 feet from any other property or street line, and further provided that prior approval is granted by the Board of Appeals. In no event shall any such animal be kept on less than three acres. This provision is not intended to restrict the keeping of ordinary household pets.

Section 4.27 - Standards

In every case where the Township Board or Zoning Board of Appeals is required to make a decision under this ordinance, such body shall follow and be guided by the following standards via:

(a) Whether or not the proposed use is reasonably related to the furtherance and preservation of health, safety, morals and welfare of the public, and is in harmony with the general purpose and intent of this ordinance.

(b) Whether or not the proposed use is in accordance with the provisions of this ordinance which are designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, and to promote health and the general welfare.

(c) Whether or not the proposed use will interfere with provision for adequate light and air, will overcrowd land, or will cause an undue concentration of population.

(d) Whether or not the proposed use will interfere with or adversely affect routes of transportation, water supply, sewage collection and disposal systems, school facilities, park and recreational facilities, and other public services.

(e) Whether or not the proposed use will be likely to have a substantial and permanent adverse effect on neighboring property.

(f) Whether or not the proposed use will be likely to create any type of blight within the immediate area.

Section 4.28 - Fences

The use of barb-wire fencing shall not be allowed in zoned residential areas.

Section 4.29 - Junkyards

(a) Minimum Land Area - No junkyard shall contain less than three (3) acres.

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

(c) Set Back - All buildings, fences and greenstrips shall be set back no less than one hundred (100) feet from the front property line, or highway right-of-way line, as the case may be.

(d) Glare - Glare from any process, such as acetylene torch, cutting which emits harmful ultra-violet rays, shall not be visible or constitute a hazard or nuisance beyond the property lines of the premises.

(e) Burning - All burning, including emission of smoke or offensive odor beyond the boundaries of the premises, shall at all times be limited to the discretion of the Michigan Department of Conservation.

(f) Application - Application for location of a junkyard shall be accompanied by a written statement bearing the signatures of all owners of property located within 2,640 feet of the perimeter of the premises.

Section 4.32 - Public Utility Buildings and Public Buildings

The Brevort Township Zoning Board shall have the power to permit the erection and use of a publicly-owned building or a public utility building, if the Zoning Board finds such building and use reasonably necessary for the public convenience and service.

CHAPTER V ZONING MAP

Section 5.1 - Interim Zoning Map of Brevort Township

The area assigned to the various districts and the boundaries thereof shall be shown on the map entitled "Interim Zoning Map of Brevort Township" as amended from time to time. The map, to be kept current as to amendments, shall be kept on public display at the Township Hall.

CHAPTER VI ZONING DISTRICTS

Section 6.1

For the purpose of this ordinance, all unincorporated areas of the Township of Brevort, County of Mackinac and State of Michigan are hereby divided into the following zoning districts:

Agricultural District
Residential District
Commercial District
Forestry Management District
Resort/Residential District

CHAPTER VII AGRICULTURAL DISTRICT

Section 7.1

This zoning district is intended for large tracts used for farming or which are idle. It is intended for agricultural, low-density, single-family residential use and other specialized rural uses requiring large tracts of land. This restriction is necessary to prevent development without planning. Rezoning and proper planning are prerequisites to future developments and land sub-division activities.

Section 7.2 - Uses and Restrictions, Residential

A. All uses permitted in the Residential District provided, however, that all of the requirements and restrictions of the Residential District shall apply to single-family dwellings in this District, and further provide that the lot area and width requirements shall be increased by 100 percent.

B. Any area in an agricultural zone which is subsequently platted for residential use, must be rezoned Residential District.

C. Any area in an agricultural zone which is not platted shall have 10 or more acres per lot size for each dwelling unit.

Section 7.3 - Additional Uses

A. Agriculture Buildings - All necessary buildings and their uses when the same are necessary and incidental to the pursuit of farming and agriculture.

B. Roadside Stands - Seasonal and portable display stands for the retail sale of farm produce.

C. Public and semi-public educational and eleemosynary institutions.

D. Churches.

E. Public parks, playgrounds and other municipal recreational uses (not including an amusement park operating for profit except temporarily for the benefit of a charitable or non-profit organization after township board approval).

F. Golf courses, utilities (both public and private) and municipal fire and police stations.

G. Farm products, processing and storage buildings with or without freezing and cooling units for storage and processing of all farm produce.

H. Milk pasturization plants and poultry hatcheries.

Section 7.4 - Non-conforming

No land shall be used or altered and no building shall hereafter be erected, altered or moved into said district, or used for the purpose of conducting any form of commercial business or industrial enterprise whatever, except as stated in the foregoing provisions of this chapter.

CHAPTER VIII COMMERCIAL AND LIGHT INDUSTRY

Section 8.1 - Purpose

The primary purpose of establishing a commercial district is to provide for areas with a suitable variety of commercial and service establishments including personal, professional and other services commonly associated with local commercial and business centers. As in other districts, provisions are also made for other enterprise and property uses by special approval.

Section 8.2 - Property Uses

No land shall hereafter be used and no building or structure erected and used for other than one or more of the purposes listed in Section 4.7 of this ordinance.

Section 8.3 - Minimum Yards

A. Front Yards - The front line of every building hereafter erected shall be set back not less than fifteen (15) feet from the front line of the highway right-of-way line. Where premises have more than one frontage, the same set back shall be provided on both thoroughfares.

B. Side Yards - Every building hereafter erected shall provide side yards on each side not less than twenty (20) feet in width. Provided that if side walls are masonry construction and without openings, no side yard shall be required.

Section 8.4 - Residences

No building structure or part thereof shall be erected, altered or used as a residence on land or premises occupied in this district except by the business owner/operator who shall obtain permit authorized by special application under the procedures provided by Section 14.5 hereof. If used as a permanent residence, such dwelling shall be erected under the requirements pertaining to residential district.

CHAPTER IX RESIDENTIAL DISTRICT

Section 9.1 - Purpose

The purpose of creating residential districts is to provide areas dedicated primarily to residential use with each dwelling located on an individual lot or premises adequate in size to provide safe water and sewage disposal facilities and limit spread of fire, and set back from public thoroughfare to provide safe exist form and entrance to the premises. Each district is established in conformity with existing developments, including areas in which it appears desirable that such development presently take place. Since certain property uses are generally accepted as compatible with residential developments, if properly integrated, the inclusion of such uses is provided by special approval.

Section 9.2 - Regulations

A. The storage of not more than one (1) unoccupied trailer coach, provided that said coach does not obstruct views of adjacent neighbors or cause devaluation of the adjacent property.

B. A sign not over three (3) feet square in area advertising the sale, rental, or lease of the premise. A sign not over three (3) square feet in area identifying an enterprise or activity permitted on the premise when mounted flat on the building so utilized.

C. Keeping of ordinary household pets in resonable numbers but not including domestic livestock.

D. The extended storage of unlicensed and unoperable motor vehicles is prohibited except when enclosed in a garage.

E. Minimum Lot Area - Dwellings. Every one-family or two-family dwelling hereafter erected shall be located on a lot not less than ten thousand (10,000) square feet in area, and not less than one hundred (100) feet in width in front. To use smaller lot size the dimension must be obtained and special permission granted by the procedures provided in Section .

F. Minimum Yards

1. The front line of every building hereafter erected shall be set back not less than fifteen (15) feet from the front lot line of highway right-of-way line. Where premises have more than one frontage, the same set back shall be provided on both thoroughfares.

2. Every one-family and two-family dwelling hereafter erected shall have side yards not less than ten (10) feet wide on each side.

3. Every building other than a dwelling a dwelling hereafter erected shall have side yards on each side not less than ten (10) feet wide on each side.

G. In instances of property destruction from natural causes, a home owner would be allowed to rebuild on said lot.

Section 9.3 - Permitted Uses

A. One-family or two-family dwellings including a private passenger car garage.

B. Publicly-owned parks and playgrounds without buildings.

C. Gardening and farming not to include the raising of animals except as household pets, including dogs and cats, and including other animals approved by the zoning board.

Section 9.4 - Conditional Uses

A. Churches and related religious buildings.

B. Parks and playgrounds with customary buildings.

C. Hospitals and clinics for human services.

D. Community center and publicly owned buildings.

Section 9.5 - Mobile Home Parks

Mobile home parks will be constructed so as to meet all State and local regulations.

Section 9.6 - Foundation Requirements for Lots

Each mobile home must be mounted on parallel rows of pillars placed directly beneath each longitudinal steel girder, and spaced on centers of not over eight (8) feet. A continuous perimeter foundation is also required to provide for a rat wall and base for a skirt to completely box in all four sides the space between the bottom of the structure and the ground. The skirt may be weatherproofed hardboard wood or aluminum siding or other suitable materials designed for this purpose and properly installed. This shall be completed in not more than 60 days.

Section 9.7 - Mobile Homes AMMENDED 4/11/96

Mobile homes are also permitted in this district provided they are ~~10 by 50 feet~~ 720 S.F. in size with permanent foundation and also provided they meet the requirements of Section 9.2 and 9.6.

CHAPTER X FORESTRY MANAGEMENT

Section 10.1 - Purpose

The primary purpose of this district is to promote the proper use and economic return from forest land and woodlots, and promote the conservation and enjoyment of the streams and the animal and vegetative resources of the district. To facilitate such use, certain commercial and other service uses may be provided by special approval.

Section 10.2 - Regulations

A. Not more than one (1) seasonal dwelling or mobile home may be located on each parcel.

B. A parcel may be used and a building or structure located upon a lot having an area not less than ten (10) acres.

C. No building structure or part thereof shall be erected, altered, or used, or land or premise occupied in this district except by permit. Such use shall be limited to structures for use as seasonal hunting and recreational cabins and accessory uses and shall be authorized only upon the condition that the same is accessible to an improved public road or the applicant shall agree to provide and maintain such a road at his own cost and expense. If use as a permanent residence is authorized, such dwelling shall be erected under the requirements pertaining to Section 7.2.

Section 10.3 - Permitted Uses

A. Seasonal dwellings.

B. Mobile homes.

C. Farm or agricultural activities including stock nurseries, animal and livestock raising.

D. Timber harvesting.

CHAPTER XI RESORT/RESIDENTIAL

Section 11.1 - Purpose

This district is established to promote the proper use and conservation of lake frontage of the township, particularly adapted to resort development and residential uses. Lot sizes and set back lines are established to provide proper water safety conditions, including disposal of sewage, safety from storms, and maintenance of the natural environment.

Section 11.2 - Property Uses

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

A. Primary uses

1. Year-round and seasonal one- and two-family dwellings, cottages, and tourist cabins.

B. Uses by special approval.

1. Seasonal campgrounds.
2. Boat liveries.
3. Parks and playgrounds.
4. Mobile Homes

Section 11.3 - Minimum Lot Sizes

<u>Uses</u>	<u>Lot Sizes</u>	<u>Waterfront</u>	<u>Set Back From Water Mark (Av.)</u>	<u>Side Yard</u>
Residential	12,500 sq. ft.	100 ft.	50 ft.	10 ft.
All Other	2 acres	150 ft.	50 ft.	25 ft.

CHAPTER XI PERMISSIVE USES NOT OTHERWISE PROVIDED

Section 12.1

The use of any building, structure or land not otherwise permitted under the provisions of this ordinance for use as a business or commercial establishment including trailer parks and cabin, camps or other non-conforming use which does not tend to constitute a nuisance or prove otherwise injurious to the surrounding neighborhood and is not contrary to the purposes of this ordinance as set forth in the preamble may be permitted upon proper application and approval as hereinafter provided. Application for a permit for the location, erection, alteration or use of such land, building or structure shall be made as provided in Chapter XIII to the Township Clerk who shall refer the application to the Township Zoning Board for its recommendation. The Township Zoning Board shall fi

a time for hearing such application and shall give notice thereof by two (2) publications in a newspaper of general circulation; the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Upon the hearing any party may appear in person or by agent or attorney. The Township Zoning Board shall thereupon make written recommendation to the Township Board to grant or deny the permit or to notify the application as in its opinion ought to be made in the premises. The Township Board at its next regular or special meeting called for that purpose, shall either approve or deny the application and in the event of approval shall authorize the issuance of the permit.

Section 12.2

The provisions of this ordinance shall be administered by the Township Clerk. For the purpose of this ordinance, the administrator shall have the power of police officer.

Section 12.3

The duty of enforcing this ordinance shall rest in the Township Clerk, including, unless otherwise provided, the issuance and revocation of permits. The administrator shall prepare and file an annual report with the Township Board on the operation of the Zoning Ordinance, including recommendations as to the enactment of any amendments or supplements thereto.

CHAPTER XII ADMINISTRATION AND ENFORCEMENT

Section 13.1 - Record of Non-Conforming Uses

A. Immediately following the effective date of this ordinance, the Clerk shall prepare a record of all instances of uses, location, size and construction of buildings, structures, premises, lots and lands which, on the effective date of this ordinance, are not in conformity with its provisions. Such record shall contain the legal description of the property and the nature and extent of all non-conformities, and on completion be deposited with the Township Clerk.

B. As soon as the record is completed, the Clerk shall provide for the examination thereof in his office for thirty (30) successive days by any interested persons for the purpose of noting errors or omissions, and shall give notice of the provision for examination by publication in a newspaper of general circulation in the county for three (3) successive weeks.

C. Errors and omissions in such record shall be corrected upon appeal and presentation of proof to the Township Board during its first session following the close of said examination period, following which the corrected record shall be permanently filed in the office of the Township Clerk. The corrected record shall constitute prima facie evidence of the nature and extent of non-conformance with reference to any land, premises, lot, building or structure existing at the time this ordinance becomes effective.

D. Following the filing of the corrected record of non-conforming, it shall be the duty of the supervisor to observe these non-conformances when he makes his property assessments, and to report annually to the Township Board on the discontinuance of any non-conformance in his township, including the date thereof. Such reports shall be filed with the Township Clerk.

Section 13.2 - Building Permits

A. Except as otherwise provided, no dwelling or building subject to the provisions of this ordinance shall be erected, altered, enlarged, or moved upon any land, lot or premises until a permit therefor has been issued by the Township Clerk in conformity with the provisions of this ordinance. Such permit shall be non-transferable and must be granted before any work of excavation, construction, alteration, enlargement or movement is begun.

B. All applications for permits shall be submitted in duplicate to the Township Clerk not less than fifteen (15) days prior to the time when erection, alteration, enlargement or movement of a dwelling or building is intended to begin. Such application shall be accompanied by a duplicate drawing to scale showing the location and actual dimensions of the land to which the permit is to apply, the kind of building to be erected; the width of abutting streets and highways, easements and public open spaces; the area, size and location of all dwellings or buildings erected or to be erected, altered or moved upon the premises; and the front yard dimensions for the nearest building on both sides of the proposed dwelling or building.

C. The application shall also show the location, dimensions and description of the water supply and sewage disposal facilities to be constructed, such as septic tanks and disposal fields, or any other facility used in the disposition of human excreta, sink wastes, and laundry wastes; the location of existing wells on the premises adjoining the premises to be built upon, and location of existing sewage disposal facilities on such adjoining premises; provided however that the Township Clerk is hereby empowered to waive the inclusion of any detail specified in paragraphs (b) and (c) of this section in the case of any application where the facts are not pertinent to the purpose of this ordinance.

D. Nothing in this section shall be construed as to prohibit the owner or his agent from preparing his own plans and specifications, provided the same are clear and legible.

For each building permit issued a fee set by the Township Board shall be paid to the Treasurer who shall place the same in a separate fund to be known as the Zoning Ordinance Fund, which fund shall be used for the administration of this ordinance only, as directed by the Township Board. No permit shall be valid until the required fee has been paid.

E. All building permits shall be submitted to the Township Clerk or Supervisor to insure that the dwelling or building and the land and uses thereof planned are in conformity with the provisions of this ordinance. Within ten (10) days after receipt of the building permit, it shall be returned to the owner or his duly authorized agent unless found to not be in conformity with this ordinance. If not returned, the Township Clerk or Supervisor shall state in writing the cause for non-acceptance.

F. Accessory buildings when erected at the same time as the principal building on a lot and shown on the application therefor shall not require a separate building permit.

G. The Township Clerk shall have the power to revoke or cancel any permit in case of failure or neglect to comply with any of the provisions of this ordinance or in case of any false statements or misrepresentation made in the application. The owner or his duly authorized agent shall be notified of such revocation or cancellation in writing.

H. No permit will be required when work to be done can be considered as maintenance of a piece of property. Examples of such maintenance would be painting, residing, or putting a new roof on a building.

I. Remodeling and/or alteration of a building at a total cost not to exceed \$1,000 will be permitted without a building permit. Any remodeling and/or alteration which cost in excess of \$1,000 will require a building permit.

Section 13.3 - Inspections

All construction or work for which a permit is required and has been issued shall be subject to inspection by the Building Inspector throughout the progress of construction, and said officer is hereby authorized to enter upon said premises for that purpose at any reasonable time, and any person or persons who shall resist or interfere with such officer, whether directly or indirectly while in the exercise of his duties, shall be deemed guilty of violation of the terms and conditions of this ordinance, and subject to the penalties hereinafter provided. It is hereby declared to be the duty of the Building Inspector to inspect all buildings and construction work throughout the progress thereof as often as appears to be necessary.

Section 13.4 - Termination of Permit

Every permit so issued shall become void and of no effect if, within 90 days after its issuance, actual work upon the proposed building or other structure authorized by such permit is suspended or abandoned for a reasonable period by the Building Inspector; provided such time must be so extended before the expiration of the original 90 day period, and provided that such extension of time shall not exceed 60 days. In the event that such permit becomes void, a new permit must be obtained, and the fee therefor paid before work can be commenced or again resumed, as the case may be, upon such building or structure, which fee shall be the same as required for a permit upon the first application.

CHAPTER XIV ZONING BOARD OF APPEALS

There is hereby created a Zoning Board of Appeals for the Township of Brevort, Mackinac County, Michigan. This Board shall consist of not less than three (3) members and it shall perform its duties and exercise its powers and jurisdiction as provided by Act 184 of the Public Acts of 1943, as amended. The Board of Appeals shall formulate and adopt rules and regulations for its procedure and it shall conduct all of its proceedings according thereto.

Section 14.1 - Jurisdiction

The Board of Appeals, in conformity with the provisions of this ordinance and of Act 184 of the Public Acts of 1943, as amended, may reverse or affirm wholly or in part, or may modify the order, requirements, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers to hear and decide all matters referred to it or upon which it is required to pass under this ordinance.

Section 14.2 - Variances

Subject to the provisions of this Chapter, the Board, after public hearing shall have the power to decide applications for variances filed as hereafter provided.

A. Where it is alleged by the appellant that there is error or misinterpretation in any order, requirement, decision, grant or refusal made by the Building Inspector or other administrative official in the carrying out of the provisions of this ordinance.

B. Where, by reason of the exceptional narrowness, shallowness, or shape of a specific piece of property on the effective date of this ordinance, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of the land, building or structure, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulties or would cause undue hardships; provided, that the Board shall not grant a variance on a lot of less area than the requirements of its zone district, even though such lot existed at the time of passage of this ordinance if the owner or members of this immediate family owned adjacent land which could without undue hardship be included as part of the lot.

C. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance relating to the construction of buildings or structures, or alterations of buildings or structures, or the use of land, buildings or structures, so that the spirit of this ordinance shall be observed, public safety secured, and substantial justice done.

Section 14.3 - General

No variance in the provisions or requirements of this ordinance shall be authorized by the Board unless the Board finds from reasonable evidence that all the following facts and conditions exist:

A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question as to the intended use of the properties in the same zoning district.

B. That such variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district and in the vicinity. The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

C. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the intent and purposes of this ordinance or the public interest.

D. That the condition or situation of the specific peice of property or the intended use of said property, for which the variance is sought is not of so general or recurrent a nature as to make reasonably practical the formulation of a general regulation for such conditions or situations.

E. If the Board acts favorably and grants a variance to an appellant, such variance shall be exercised within six (6) months from the date of such action, unless more time is specifically granted by the Board.

Section 14.4 - Conditions of Approval

In authorizing a variance or exception, the Board may, in addition to the sepcific conditions of approval called for in this ordinance, attach thereto such other conditions regarding the location, character, landscaping or treatment reasonably necessary to the furtherance of the intent and spirit of this ordinance and the protection of the public interest.

Section 14.5 - Procedure

The following procedure shall be required.

A. An appeal for variance from any ruling of the Building Inspector or other administrative official administering any portion of this ordinance may be taken by any person or any governmental department affected or aggrieved.

B. An application for special exceptions authorized by this ordinance may be taken by any person or governmental department affected.

C. The Board of Appeals shall not consider any application or appeal without the payment by the appellant to the Township Treasurer of the fee which shall be set by Resolution of the Township Board from time to time. Such application or appeal shall be filed with the Building Inspector, who shall transmit the same, together with all plans, specifications to the application or appeal, to the Zoning Board of Appeals.

D. When an application or appeal has been filed in proper form with the required data, the Secretary of the Board shall immediately place the said application or appeal upon the calendar for hearing and cause notices stating the time, place and object of the hearing (to be served). Such notice shall be sent out at least seven (7) days prior to the day of such hearing to the applicant or appellant, the Building Inspector, and to all owners of real property within 300 feet of the premises in question, (and to the occupants of all single and two-family dwellings within 300 feet). Such notice to be delivered personally or by mail addressed to the respective owners (and tenants) at the address given in the last assessment roll. (If tenant's name is not known, the term occupant may be used.) Any party so notified may appear at such hearing in person or by agent or by attorney.

E. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decided.

Section 14.6 - Decisions of the Board

The Board shall decide all applications and appeals within 30 days after the final hearing thereon. A copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Building Inspector. Such decision shall be binding upon the Building Inspector and observed by him. The Building Inspector shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant whenever a permit is authorized by the Board. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

Section 14.7 - Stay of Proceedings

An appeal to the Board shall stay all proceedings in furtherance of the act appealed from, unless the Building Inspector certifies to the Board of Appeals after notice of appeal shall have been filed with him, that by reason of fact stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown, be granted by the Board of Appeals or by the Circuit Court on application, after notice to the Building Inspector.

CHAPTER XV TOWNSHIP ZONING BOARD

Section 15.1

There shall be a Township Zoning Board composed of five (5) members appointed by the Township Board. The members of said board shall be selected upon the basis of their respective qualifications and fitness to serve as members of a zoning board without consideration for their political activities. Of the members first appointed, three (3) shall be appointed for terms of two (2) years each. The other two (2) members shall be appointed for terms of four (4) years each. Each member of said board shall serve until his successor is appointed and has qualified. Upon the expiration of the terms of the members first appointed, successors shall be appointed in like manner, for terms of four (4) years each. Vacancies shall be filled in the same manner as is provided for the appointment in the first instance for the remainder of the unexpired term. No elected officer of the township nor any employee of the township board shall serve simultaneously as a member or as an employee of the zoning board, and no less than two-thirds (2/3) assessed for taxes in the unincorporated portions of the township. Members of the zoning board shall be removable for non-performance of duty or misconduct in office by the township board upon written charges and after public hearing.

Section 15.2

The township zoning board shall hold a minimum of two (2) regular meetings annually, giving notice of the time and place by publication in a newspaper of general circulation in such township not more than fifteen (15) days nor less than eight (8) days prior thereto at which meetings any person having interests in the township, or their duly appointed representatives, shall be heard relative to any matters that should properly come before the zoning board. The zoning board shall elect from its members a chairman, a secretary, and such other officers or committees as it may deem necessary, and may engage such employees including technical assistance for periods of one (1) year or less as it may require. The election of officers shall be held at least once in every two year period.

CHAPTER XVI VIOLATION AND PENALTY

Section 16.1 - Violation

Any building or structure which is erected, altered, or moved into said Township or moved within the Township and maintained or used, and any use of land which is begun, maintained or changed in violation of any provisions of this ordinance, is hereby declared to be a nuisance per se. Any person, firm, corporation or other organization which violates, disobeys, omits, neglects or refuses to comply with or resist the enforcement of any provision of this ordinance, or an amendment thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one-hundred dollars (\$100), or shall be imprisoned in the court jail for not more than thirty (30) days, or both, such fine and imprisonment is at the discretion of the court before whom the conviction is had. Each and every day during which an illegal erection, construction, reconstruction, alteration, moving of buildings, or structures, maintenance or use shall continue, shall be deemed a separate offense.

Section 16.2 - Enforcement

The Township Board, by its duly constituted officers, the Building Inspector, the prosecuting attorney of the County of Mackinac, or the duly appointed attorney for the Township of Brevort, Mackinac County, Michigan, may cause complaint to be made for the violation of the provisions thereof.

Section 16.3 - Institution of Proceedings by Others

In addition to the above named, any member of the Zoning Board of Appeals, or any person owning real estate in the Township, may institute appropriate court proceedings to enjoin, abate and remove any such nuisance per se, or to prevent the continued violation of such ordinance by and through their duly appointed attorney.

CHAPTER XVII AMENDMENTS

Amendments and supplements to this Zoning Ordinance must be initiated by the Township Board upon its own motion, by the Township Planning Commission, or it may be proposed for consideration by the owner or owners of real estate within the Township; and all amendments to this ordinance, with reference to the text thereof or the zoning of the land as it appears on the zoning map, shall be made in the same manner as provided in Act 184, Public Acts of 1943, as amended, for the enactment of this ordinance.

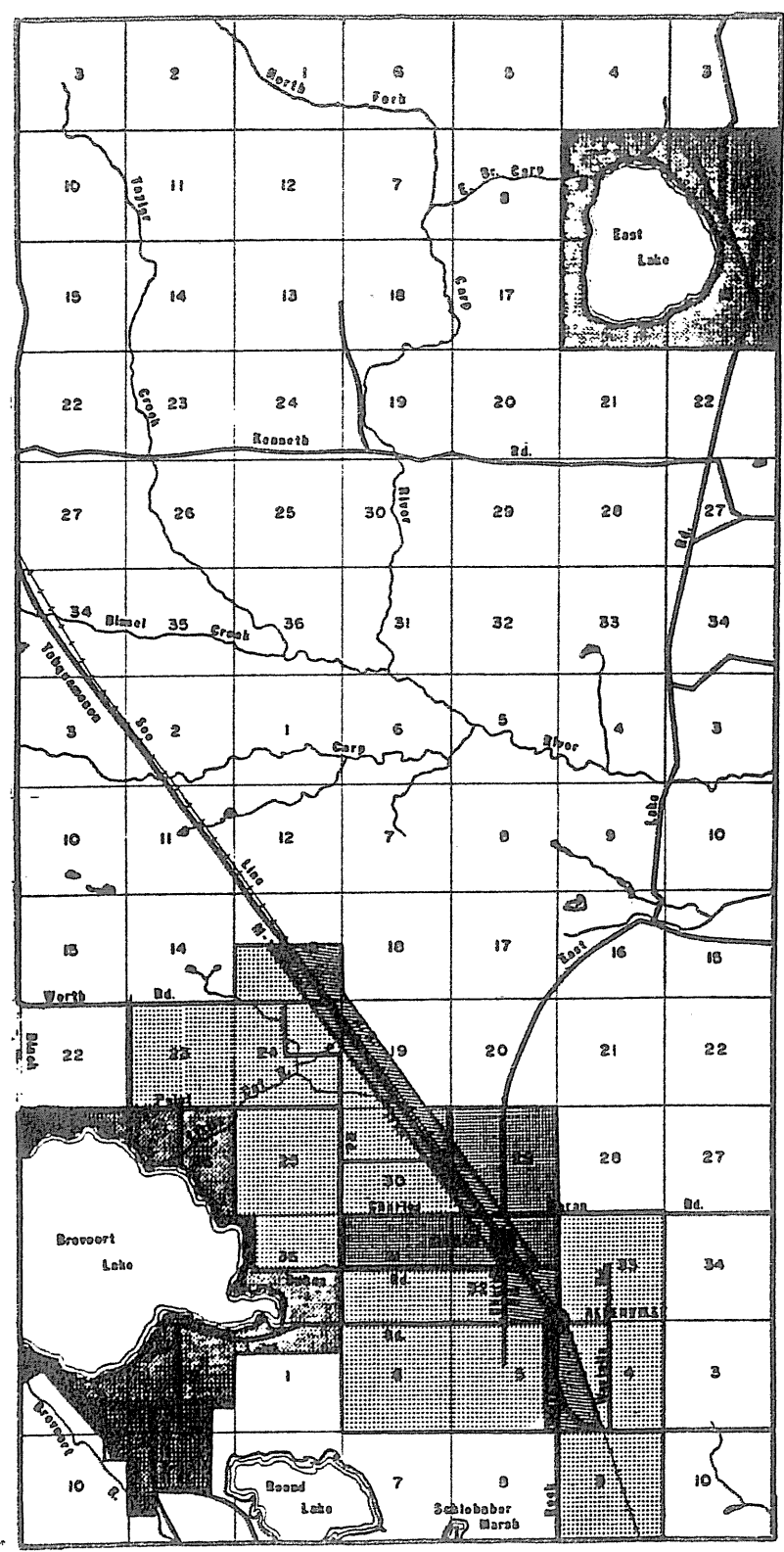
CHAPTER XVIII VALIDITY

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part declared to be invalid.

CHAPTER XIX EFFECTIVE DATE



This Ordinance shall be in effect immediately upon public action as provided by law.




BREVORT TOWNSHIP



INTERIM ZONING MAP

Legend:

- Agriculture 
- Commercial 

- Residential 
- Resort/Residential 
- Forestry Management 



Thursday, April 11, 1996

NOTICE BREVORT TOWNSHIP

At the last regular meeting of the Brevort Township Board a motion was made and supported that the following amendment to the Brevort Township Zoning Ordinance be adopted:

SECTION 9.7 MOBILE HOMES

Mobile homes are also permitted in this district provided they have a minimum living area of 720 square feet in size with permanent foundation and also provided they meet the requirements of Sections 9.2 and 9.6. This amendment shall become effective 60 days after the last date of publication.

Betty Sorrels, Clerk
Brevort Township Board