

MICHIGAMME TOWNSHIP
ZONING ORDINANCE

MAY 24, 1992

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ARTICLE I
PURPOSE OF ZONING

An ordinance to establish zoning districts and regulations governing the development and use of land within Michigamme Township, in accordance with the provisions of ACT 110 of the Public Acts of Michigan for 2006, as amended, Hereinafter referred to as the “Zoning Act”: to provide for regulation governing nonconforming uses and structures; to provide for a Board of Appeals and for its powers and duties; to provide for permits, fees, penalties and other administrative provisions to enforce this Ordinance; and to provide for regulations regarding conflicts with other ordinances or regulations.

SECTION 101: PREAMBLE

Pursuant to the authority conferred by the Zoning Act, as amended, this Ordinance has been established for the purpose of:

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

13. Conserving the expenditure of funds for public improvements and services to conform to the most advantageous use of land;

SECTION 102: SHORT TITLES

The Township of Michigamme, Marquette County, Michigan hereby ordains; this Ordinance shall be known and may be cited as the “Michigamme Township” Zoning Ordinance of the Township of Michigamme, Michigan.

ARTICLE II

DEFINITIONS

SECTION 201: CONSTRUCTION OF LANGUAGE

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

1. All words and phrases shall be understood according to the common and approved usage of the language. Technical words and phrases that have a peculiar and appropriate meaning in the law shall be understood according to such peculiar and appropriate meaning.
2. The particular shall control the general. In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
4. The word "use" includes the words, structures and buildings associated with such use.
5. Words in the present tense shall include the future and words in the singular number shall include the plural.
6. The word "building" includes the "structure," and the word "dwelling" includes the word "residence". A "building" or "dwelling" includes any part thereof.
7. The words "used" or "occupied" includes the words "intended" "designed," or "arranged" to be used or occupied.
8. The word "person" includes any firm, association, organization, partnership, trust, corporation, or similar entity, as well as an individual.
9. The word "lot" includes the words "plot" and "parcel".
10. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or," "either...or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all connected items, condition, provisions, or events shall apply.
 - b. "Or" indicates that the connected items, condition, provisions, or events may apply singularly or in any combination.
 - c. "Either...Or" indicates that the connected items, conditions provisions, or events shall apply singly but not in combination.
11. Words in the singular number shall include the plural number and words in the plural number shall include the singular number. The masculine gender shall include the feminine and the feminine shall include the masculine.
12. Whenever a reference is made to several sections and section number are connected by the word "to," the reference includes both sections whose numbers are given and all intervening sections.

SECTION 202: DEFINITIONS

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

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

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

Act: Act Number 236 of Public Acts of 1961, as amended.

Agricultural Land: Means substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities.

Agriculture Produce Stand: A structure which is used seasonally for display and sale of agriculture produce on the premise.

Airport: An airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

Airport Approach Plan and Airport Layout Plan: A plan, or an amendment to a plan, filed with the zoning commission under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

Airport Manager: A term as defined in section 10 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.10.

Airport Zoning Regulations: Airport zoning regulations under the airport zoning act, 1950 (Excess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

Alley: A public or legally established private thoroughfare, other than a street, affording a secondary means of vehicular access to abutting property and not intended for general traffic circulation.

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

Area, sign: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming and integral part of the display or used to differentiate the sign from the background on which it is placed; excluding the necessary support or upright on which the sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of such a sign shall be computed using the dimension of the rectangle which touches the outermost points of the sign. In the case of a two-sided identification sign where both sides are used, only one side shall be considered in calculation the total area.

Automotive Repair Garage: A premise where the following services may be carried out: general repairs, engine rebuilding or reconditioning of motor vehicles; collision service such as body frame or fender straightening and repair; painting and undercoating of automobiles.

Bar, Tavern, Night Club: An establishment where alcoholic beverages and/or prepared food are sold for consumption on the premises.

Basement: That portion of a building which is partially or wholly below grade, but so located that the vertical distance from the average grade to the floor is greater than vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

Bed and Breakfast: Homes with up to seven (7) rooms to rent for sleeping and dining. If open for public dining, refer to "Restaurant".

Berm: A man-made, formed, earth mound of definite height and width used for obscuring purposes.

Billboard: A sign used for advertising.

Block: The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river, stream, or other barrier to the continuity of development.

Breezeway: A covered structure connecting an accessory building with the principal building. For purposes of determining yard and area requirements, such building shall be considered as one integral unit.

Buffer: A strip of land, including any specified type and amount of planting or structures which may be required to protect one type of land use from another, to minimize or eliminate conflicts between them.

Building: Any structure having a roof supported by columns or walls for shelter, enclosure of persons, animals or property.

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; to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building walls.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is located.

Bulletin Board: A sign whose primary purpose is to announce events or other occurrences related to the premise.

Carport: A partially open structure, intended to shelter one or more vehicles. Such structure shall comply with all yard requirements applicable to private garages.

Car Wash: A place in which motor vehicles are washed or waxed, either by the patron or by others, or by machinery specially designed for the purpose.

Certificate of Zoning Compliance: A certificate issued by the Zoning Administrator to a party intending to initiate any work or change any use of property or build or construct any buildings or structures in the Township.

Child Care Facility: A group home or center licensed by the State to provide child care services. Receiving 1 or more preschool or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child.

Church: A building whose primary purpose is the regular assembly for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory building and uses customarily associated with such primary purpose.

Clear Cutting: Removal of ninety percent (90%) of the vegetation on a lot.

Clinic: A place where medical or dental care is furnished to persons on an outpatient basis by licensed health care professionals.

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

Commercial Vehicle: A vehicle licensed as a commercial vehicle registered to do business in the State of Michigan.

Comprehensive Overview: The statement by the Township Planning Commission relative to the existing features of Michigan Township. The overview consists of a written summary dividing the Planning Commission's overview of the Township into individualized categories, such as existing land use, developmental constraints, population trends, transportation, community facilities and services, community needs, problems and issues and recommendations/implementations.

Conditional Use Permit: A permit issued by the Planning Commission to a person or persons intending to undertake the operation of a use upon land or within a structure or building specifically identified in the affected Zoning District under Conditional Uses Authorized by Permit.

Condominium: That portion of a condominium project designed and intended for separate ownership and use and developed and used under pursuant to the Michigan Condominium Act being Act #59 of the Michigan Public Acts of 1978, as amended, or any such applicable successor statute.

Conservation easement: A term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

Contiguous Property: Any portion of an individual's lot or property which can be identified as one parcel, including those properties in the same ownership which would otherwise be touching except for a public right-of-way or easement running through them. Property which is joined at a common point is not considered contiguous property.

Coordinating zoning committee: A coordinating zoning committee as described under section 307 of 2006 PA 110, MCL 125.3307.

Deck: An outside floor area.

Detract: As used in Section 502, the “Detract” shall mean to take away or otherwise decrease the esthetics of the neighborhood by the use of such colors or the failure of maintenance to cause the depreciation and the assessed value of the neighboring properties.

Development Rights: The rights to develop land to the maximum intensity of development authorized by law.

Development rights ordinance: An ordinance, which may comprise part of a zoning ordinance, adopted under section 308 of 2006 PA 110, MCL 125.3308.

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

District: One zoning district.

Drip Line: That horizontal line at ground level representing the furthest horizontal extent of any building on a lot. The yard on the side of the drip line opposite the building will be an open space unoccupied and unobstructed from the ground upward.

Dwelling, Single Family: A structure, containing one dwelling unit, designed or used for residential occupancy by one family.

Dwelling, Two Family: A structure containing two dwelling units each designed for residential occupancy by one family.

Dwelling, Multiple Family: A structure containing more than two dwelling units each designed for residential occupancy by one family including, but not limited to condominium.

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

Earth Sheltered Home: A building which is partially or entirely below grade and is designed and intended to be used as a single-family dwelling.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water transmission or distribution system, collection, supply or disposal systems, including tower, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith which are necessary for the furnishing of adequate services by such utilities or municipal departments for the general public health, safety, convenience, or welfare, but not including office buildings, substations, or structures which are enclosures or shelters for service equipment or maintenance depots.

Excavation: Any breaking of ground, except common household gardening, general farming or ground care.

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

Family Day Care Home: A private home, licensed by the State as may be required, in which 1 but less than 7 minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Family day care home includes a home that gives care to an unrelated minor child for more than 4 weeks during a calendar year.

Farm: Any parcel of land used for agricultural purposes, including, but not limited to, the necessary farm structures and the storage of equipment used.

Fence: An artificially constructed barrier of wood, metal, stone or any manufactured materials erected for the separation of yard areas. Also see Number 107 (Screen).

Filling: The depositing or dumping of any matter into or onto the ground except common household gardening or general maintenance.

Floor Area, Gross: The sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios, (whether covered or uncovered), basements and breeze ways shall not be considered as a part of the gross floor area unless used for commercial purposes, such as but not limited to nursery beds or sales of outdoor equipment.

Floor Area Ratio: Intensity measured as a ratio, derived by dividing the total floor area of building (s) by the lot area.

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

Fur Farms: The place of confined keeping, raising, or breeding of animals for the purpose of producing fur or pelts.

Garage, Residential: An accessory building, or portion of principal building used for storage of motor vehicles, boats, equipment, or other items and having no public sales or shop services in connection thereof.

Gasoline Service Station: A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, minor motor repair, or servicing.

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

Greenway: A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

Group Day Care Home: A private home licensed by the State as may be required, in which more than six(6) but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. Group day care home includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year.

Home Occupation: Home occupation means a use or occupation conducted on the premises either within the main residential dwelling or an accessory building which is clearly incidental and secondary to residential occupancy and does not change the character thereof and meets the standards set out in Section 404.

Household Pet: Domesticated dogs and cats, small cage birds, and aquatic and amphibian animals kept solely as pets. "Household Pets" specifically excludes cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock and any other wild, vicious or poisonous animal. In the event it is required by law to be licensed, that animal must be licensed, that animal must be properly licensed in order to be otherwise considered as a "Household Pet".

Hotel: A structure designed, used, or offered for residential occupancy, including tourist homes, resorts, lodges, motels, cabins, and youth camps.

Identification Sign: A sign which pertains to the use of a premise and contains any or all of the following information:

- a. The occupant.
- b. The address.
- c. The kind of business and/or the principle commodity sold on the premise.

Improvements: Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval.

Inn: A lodging facility that offers 8 to 20 rentable bedrooms. The owners may or may not be the hosts.

Intensity of Development: The height, bulk, area, density, setback, use, and other similar characteristics of development.

Kennel: The permanent or temporary keeping of more than three dogs that are more than six months of age.

Laundromat: A place where patrons wash or dry clothing or other fabrics by a machine operated by the patron.

Legislative Body: refers to the county board of commissioners of a county, the board of trustees of a township, the council of a city or village, or other similar duly elected representative body of a county, township, city, or village.

Loading Space: An off-street space on the same lot with a building, or group of building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Local Unit of Government: A county, township, city, or village.

Lodges: (See Hotel)

Lot: A parcel of land, excluding any portion in a street or road right-of-way, of at least sufficient size to meet 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 of a lot of record;
- c. Any combination of complete and/or portions of lots of record; 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, be less than required by this Ordinance.

Lot Area: The area of land within the boundary of a lot excluding any part under water, and, in addition, the area of land bounded by any front lot lines, rear lot lines with the side lot lines intersecting the front and rear lot lines.

Lot, Corner: A lot which has at least two adjoining sides abutting upon a street for their full length.

Lot, Depth of: The average distance from the front lot line of the lot to its opposite rear line measured in the general direction of the side lines of the lot.

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

Lot Line(s): Any of the lines bounding a lot as defined herein.

- a. Front Lot Line: In case of an interior lot, it is that line separating, said lot from the street. In the case of a through lot, it is both lines separating said lot from each street. In the case of a corner lot, both sides abutting the street are considered front yards and consequently both are front lot lines.
- b. Rear Lot Lines: That lot line opposite and most distant from the front lot line. In case of an irregular shaped lot, the rear lot line shall be an imaginary line parallel to the front lot line not less than ten (10) feet in length, lying farthest from the front lot line and wholly within the lot. Where the lot has a discontinuous lot line, all lot lines approximately parallel to the front lot line shall be rear lot lines.
- c. Side Lot Line: Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

Lot of Record: A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by township officials, prior to the effective date of this Ordinance, and which actually exists as shown or described.

Lot, Through: A double frontage lot, not a corner lot, having a street for both front and rear lot lines.

Lot, Width: The straight line horizontal distance between the side lot lines, measured at the front lot line.

Marquee: A roof-like structure of a permanent nature projecting from the wall of a building.

Mineral: An organic or inorganic substance in the earth having a consistent and distinctive set of physical properties and composition that can be expressed by a chemical formula and includes, but not limited to, iron ore, copper, sand, gravel, stone, gypsum, peat, silver, gold, diamonds and other precious and semi-precious stones, and uranium.

Mining: The extraction of minerals including the actual removal, processing and transportation of minerals and attendant by-products.

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

Mobile Home Park (As defined by Michigan Public Act 96, of 1987, as amended): A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual nonrecreational basis and which are offered to the public as dwelling units regardless of whether or not a charge is made, and, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home and which is not intended for use as a temporary park.

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

Municipal Civil Infraction: An act or omission that is prohibited to any Ordinance of Michigamme Township, which is not a crime under the Ordinance, for which civil sanctions, including, but without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Public Act 236 of 1961, as amended.

Municipal Civil Infraction Action: A civil infraction action in which the defendant is alleged to be responsible for a municipal civil infraction.

Municipal Civil Infraction Citation: A written complaint or notice prepared by an authorized Michigamme Township Enforcement Officer directing a person to appear in Court regarding the occurrence or the existence of a municipal civil infraction violation by the person cited.

Nonconforming Building (Nonconforming Structure): 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.

Non-Conforming Lot: Means a lot, the boundaries of which are recorded in a plat, deed or land contract executed and delivered prior to the effective date of this ordinance and the width, depth and/or area of which does not meet the minimum dimensional requirements of the district in which it is located.

Nonconforming Use: A use of a building or structure or of a parcel or tract of land, lawfully existing at the time of adoption of this Ordinance or subsequent amendment thereto, that does not conform to the regulations of the zoning district in which it is situated.

Normal High Water Mark: A mark delineating the highest water level which has been maintained for a sufficient period of time to leave evidence thereof upon the landscape. The normal high water mark is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial.

Nursing Home: An installation other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury or an infirmity.

Off-Premise Sign: A sign which advertises goods, services, events, and facilities available at a location other than the premises on which the sign has been placed.

On-Premise Sign: A sign which advertises goods, services, facilities, events, or attractions available on the premises where located, or identifies the owner or occupant or directs traffic on the premises.

Open Space Ratio: The ratio between open space of the lot, and the total lot area.

Open Space, Required: The yard space of a lot which is established by and between the street, or the lot lines and required setback line and which shall be open, unoccupied and unobstructed by any structure or any part thereof, except as otherwise provided in this Ordinance.

Ordinance Enforcement Officer: A police officer or other personnel of Michigamme Township authorized by this Ordinance, or any other Michigamme Township Ordinance, to issue municipal civil infraction citations.

Other Eligible Land: Land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway.

Parking Lot: A use containing one or more parking spaces located at, above, or below grade accessible for the storage or parking of permitted vehicles, exclusive of drives and entrance giving access thereto.

Parking Space: An accessible area for the parking or temporary storage of permitted vehicles.

Personal Services: A type of business providing services for personal atonement and exercise, such as health clubs, spas, chiropractic services, etc.

Planned Unit Development: A tract of land developed as a separate neighborhood or community unit. The development shall be based on an approved site plan. The plan may contain a mixture of housing types, common open space and other land uses.

Planning Commission: The Michigamme Township Planning Commission.

Population: The population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

Premises: A lot as otherwise used in the Ordinance.

Principal Structure: The Main structure or building to which the premises are devoted.

Principal Use: The main use to which the premises are devoted.

Public Park: A parcel of land kept for recreational purposes, owned by a governmental unit.

Private Road: Any non-publicly owned road.

Public Utility: Any person, firm, corporation, municipal department, board or commission duly authorized to furnish, under federal, state, or municipal regulations to the public: gas, steam, electricity, sewage disposal, refuse removal, transportation, water or communication, including, but not limited to, radio, telephone, telegraph, television, cable, or fiber optics.

Reclamation Plan: A plan for reconditioning or rehabilitating of a mining area or portions thereof for useful purposes, and the protection of natural resources, including, but not limited to the control of erosion, visual blight and the prevention of land or rock slides and air and water pollution.

Recreational Structure: A cabin, cottage, camp, hunting camp, mobile home or other similar structure used for recreational or vacation purposes and which is not a permanent place of domicile or residency; not to include recreational vehicles towed or self-propelled.

Recreational Vehicle: A vehicle used for pleasure and designed for recreational use and which requires a permit when parked longer than 7 days.

Resort: (See Hotel)

Restaurant: An establishment where food or beverages are cooked or prepared and offered for sale with consumption permitted on the premises.

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage of person, vehicles, or the location of utilities. The right-of-way is delineated by legally established lines or boundaries.

Salvage Operation: Any land or building used for storage, keeping, collecting, or baling of paper, rags, scrap metals, glass, plastics, other scrap or discarded materials, or for demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.

Sanitary Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety.

Sawmill: The machinery and accessory structures used for the manufacture of wood products. A sawmill includes, but is not limited to circular or band saws, planers, debarkers, chippers and kilns.

Screen: A structure providing separation, such as a fence, and a visual barrier between the screened area and the adjacent property. A screen may also be non-structured, consisting of shrubs or other living vegetation.

Setbacks: The minimum unoccupied distance between the lot line and the principal and accessory building, as measured from the drip line and as required herein.

Setbacks, Front: The minimum required unoccupied distance, extending the full lot width, between any building or structure and the front lot line.

Setback, Rear: The minimum required unoccupied distance, extending the full lot width, between any building or structure and the lot line opposite the front lot line.

Setback, Side: The minimum required unoccupied distance, extending from the front setback to the rear setback, between any building or structure and the side lot line.

Shopping Center: A group of businesses providing a variety of merchandise and/or services located on the same lot.

Sign: A name, identification, image, description, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, structure, facility, service, event, attraction, person, institution, organization, or business and which is visible from any street, right-of-way, sidewalk, alley, park, or other public property. Customary displays of merchandise or objects and material without lettering placed behind a store window are not signs or part of signs.

Sign, Free Standing: A sign having its own support mechanism placed in or upon the ground.

Site plan: Includes the documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes.

Stable, Riding or Boarding: A facility where more than three (3) horses for hire, sale or boarding are kept.

State licensed residential facility: A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care.

Story: That part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when more than fifty (50) percent by cubic content, is below the height level of the adjoining ground.

Street: A public dedicated right-of-way which affords traffic circulation and principal means of access to abutting property.

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

Swimming Pool, Jacuzzi and Hot Tubs: A reservoir designed to hold fresh water, capable of holding two (2) or more people for purposes of swimming, wading, or therapeutic values.

Tavern: An establishment where alcoholic beverages and/or prepared food are sold for consumption on the premises.

Tower: A free standing or a guide wire supported structure designed for the transmission and or reception of but not limited to radio, cellular telephone, broadband internet and microwave.

Township: Michigamme Township, Marquette County, Michigan.

Transfer Station: A tract of land, a building and any appurtenances, or a container, or any combination of land, building, or containers that are used or intended for use in the rehandling or storage of solid waste incidental to transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

Undeveloped state: A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

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.

Windmill Tower: A tower for the express purpose of generating energy from the wind.

Wood Yard: A parcel of land where pulp wood and other logs are gathered from various locations and stored for commercial sale.

Yards: The open spaces on the same lot with a building or structure, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, and as defined herein:

- a. Yard, Front: An open space extending the full width of the lot and lying between the front line of the lot and the nearest line of any building or structure.
- b. Yard, Rear: An open space extending the full width of the lot and lying between the rear line of the lot and the nearest line of any building or structure.
- c. Yard, Side: An open space between the side line of the lot and nearest line of any building or structure and extending from the front yard to rear yard.

Zoning Administrator: The individual as authorized by the Township Board charged with the responsibility of administering this Ordinance.

Zoning Board of Appeals: The Zoning Board of Appeals of the Township of Michigamme.

Zoning Jurisdiction: Refers to the area encompassed by the legal boundaries of Michigamme Township.

ARTICLE III

ZONING DISTRICTS AND MAPS

SECTION 301: ESTABLISHMENT OF DISTRICTS

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

1. R: Residential
2. LS/R: Lake Shore/ River
3. RS-1: Recreational Structure
4. TD-1: Town Development One
5. TD-2: Town Development Two
6. RP-20: Resource Production Twenty
7. TP-40: Timber Production Forty
8. I: Industrial

SECTION 302: ZONING DISTRICT MAPS

The boundaries of the respective districts enumerated in Section 301 are defined and established as depicted on the maps entitled "Michigamme Township Official Zoning Map" which is an integral part of this Ordinance. These maps, along with all notations and explanatory matter thereon, shall become as much a part of this Ordinance as if fully described herein. The following list are Michigamme Township Official Zoning Maps.

1. Map "A" T48N-R30W
2. Map "A-1" Michigamme Enlargement
3. Map "B/C" W½ T49N-R29W, T49N-R30W
4. Map "D/E" T50N-R29W, S ½ T51N-R29W

The Michigamme Township Official Zoning Map shall be identified by the signature of the Township Supervisor, attested by the Township Clerk. If, in accordance with the provisions of this Ordinance, changes are made in the district boundaries, such changes shall be incorporated on the Michigamme Township Official Zoning Map and approved by the Michigamme Township Board together with an entry on the Michigamme Township Official Zoning Map showing the date and official action taken. One copy of the Michigamme Township Official Zoning map is to be maintained and kept up-to-date by the Township Clerk, be accessible to the public and shall be the final authority as to the current zoning status of properties in Michigamme Township.

SECTION 303: REPLACEMENT OF OFFICIAL ZONING MAPS

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

SECTION 304: APPLICATION OF DISTRICT REGULATIONS

The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with Article X herein, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed, public safety secured and substantial justice done.

SECTION 305: SCOPE OF PROVISIONS

1. Except as may otherwise be provided in this Ordinance, every building and structure erected, every use of any lot, building or structure established, every structural alteration or relocation of an existing building or structure occurring, and every enlargement of or addition to an existing use, building or structure occurring after the effective date of this Ordinance shall be subject to all regulations of this Ordinance which are applicable in the Zoning District in which such use, building, or structure shall be located.
2. Uses are permitted by right only if specifically listed as uses permitted by right in the various Zoning Districts. Where not specifically permitted, either by right or conditionally, uses are thereby prohibited unless construed to be similar to an expressly permitted use. The Zoning Administrator shall determine if a use is similar to an expressly permitted use. The Zoning Administrator shall determine if a use is similar to an expressly permitted use. Any appeals of the Zoning Administrator's interpretation shall be to the Zoning Board of Appeals.
3. Accessory uses are permitted as indicated for the various Zoning Districts if such uses are clearly incidental to permitted principal uses.
4. Conditional Uses are permitted subject to special characteristics of such unique special nature (relative to location, design, size, etc.) as necessitating individual standards and conditions in order to safeguard the general health, safety and welfare of the community.

SECTION 306: CONFLICTING REGULATIONS

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

SECTION 307: EXEMPTIONS

The location of pipes, wires, poles, 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.

1. An ordinance adopted under this act is subject to the electric transmission line certification act, 1995 PA 30, MCL 460.561 to 460.575.

2. A township shall not regulate or control the drilling, completion, or operation of oil or gas wells or other wells drilled for oil or gas exploration purposes and shall not have jurisdiction with reference to the issuance of permits for the location, drilling, completion, operation, or abandonment of such wells.

SECTION 308: DISTRICT R: RESIDENTIAL

1. Intent: The R, Residential District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings and two-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District.
2. Permitted Principal Uses:
 - a. Single-family dwellings.
 - b. Two-family dwellings.
 - c. Family Day Care Home
3. Permitted Accessory Uses:
 - a. Accessory structures normally associated with single-family dwellings and two-family dwellings such as a private garage, shed for tools, playhouse, pen, bath house, swimming pool, woodshed and sauna.
 - b. The keeping of household pets.
 - c. Storage of one recreational vehicle.
4. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
 - a. Churches
 - b. Schools
 - c. Public Parks
 - d. Elevated water storage tanks, and wastewater treatment facilities.
 - e. Cemeteries
 - f. Home occupations, subject to the conditions of Section 404C & 101.27.
 - g. Bed and Breakfast
 - h. Child Care or Day Care Centers, Group Day Care Home

SECTION 309: DISTRICT LS/R, LAKE SHORE/RIVER

1. Intent: The LS/R, Lake Shore/River District is established to preserve for residential and recreational uses those areas with frontage on inland lakes and rivers which, because of existing development, natural characteristics and accessibility, are suitable for development.
2. Permitted Principal Uses:
 - a. Single-family dwellings
 - b. Recreational Structures
 - c. Family Day Care Home

3. Permitted Accessory Uses:
 - a. Accessory structures normally associated with single-family dwellings, mobile homes, and recreational structures, such as a private garage, shed for tools, playhouse, pen boat house, swimming pool, woodshed, sauna, deck, gazebo, and recreational dock.
 - b. The keeping of household pets.
 - c. Storage of one recreational vehicle.

4. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
 - a. Marinas, boats liveries, bathing facilities and fishing piers.
 - b. Resorts, lodges, restaurants, campgrounds, and associated facilities.
 - c. Two-family, multiple-family dwellings and condominiums.
 - d. Bed and Breakfast and Inns.
 - e. Churches, church camps and religious institutions.
 - f. Home occupations, subject to the conditions of Section 404 C & 101.27.
 - g. Child Care or Day Care Centers, Group Day Care Home

SECTION 310: DISTRICT RS-1: RECREATIONAL STRUCTURE and RECREATIONAL VEHICLES

1. Intent: The RS-1, Recreational Structure District is established and maintained for recreational uses. The District is designed for areas with frontage on inland lakes and rivers, which because of their natural characteristics, accessibility, and high cost of providing public services, are suited for less intensive development than the LS/R District and intended for recreational development. Governmental services may not be provided on a year-round basis or may not be provided at all.

2. Permitted Principal Uses:
 - a. Recreational structures.

3. Permitted Accessory uses:
 - a. Accessory structures normally associated with recreational structures, such as a private garage, shed for yard tools, playhouse, pen, boathouse, swimming pool, recreational dock, sauna, woodshed, deck and gazebo.
 - b. The keeping of household pets.
 - c. Storage of one recreational vehicle.

4. Conditional Uses Authorized by Permit: The following seasonal uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
 - a. Resorts, lodges, restaurants and associated facilities.
 - b. Marinas, boat liveries, bathing facilities and fishing piers.
 - c. Recreational vehicles limited to 5 contiguous acres.
 - 1) Requires sewer and water hook-up or show waste disposal plan with licensed hauler
 - 2) Permit required for occupancy greater than 7 days and for intermittent occupation greater than 7 days.
 - 3) Generator use limited to hours 8 AM to 9 PM
 - 4) Temporary use allowed with permit to build permanent structure within 2 year
 - 5) Permit for one year increments
 - 6) All existing RVs to comply with conditional use

SECTION 311: DISTRICT TD 1: TOWN DEVELOPMENT ONE

1. Intent: The TD 1, The Town Development One District, is established to preserve a district for residential, retail and service establishments, and certain governmental uses that are compatible with a small town setting serving residents and tourists. This district is designed for small town areas where a mix of residential and retail is in accord with established patterns of land use and the needs of nearby residents.
2. Permitted Principal Uses:
 - a. Single-family dwellings
 - b. Multiple-Family dwellings
 - c. Nursing Homes
 - d. Township Halls
 - e. Fire Halls
 - f. Post Office
 - g. Personal Services
 - h. Offices
 - i. Bed and Breakfast
 - j. General retail sales to consumer
 - k. Family Day Care Home
3. Permitted Accessory Uses:
 - a. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pen, boat house, swimming pool, woodshed, sauna and deck.
 - b. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 - c. Signs, as required and subject to the regulations established in Article V.
 - d. The keeping household pets.
 - e. Storage of one recreational vehicle.
4. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
 - a. Churches
 - b. Schools
 - c. Public parks and similar recreational facilities.
 - d. Public works buildings and maintenance/storage facilities.
 - e. Laundromats
 - f. Home occupations subject to the conditions of Section 404 C & 101.27.
 - g. Water Towers
 - h. Restaurants
 - i. Child Care or Day Care Centers, Group Day Care Home

SECTION 312: DISTRICT TD 2: TOWN DEVELOPMENT TWO

1. Intent: The TD 2, Town Development Two District is established to provide a commercial type setting that is not compatible with a residential setting because of increased traffic, noise, and materials generated due to its day to day operations.

2. Permitted Principal Uses:
 - a. Multiple family dwellings
 - b. Nursing homes and child care or day care centers
 - c. Road commission and public works buildings and maintenance/storage facilities
 - d. Motor vehicle sales and service
 - e. Motor home, camper, recreational vehicle, and boat sales and service
 - f. Retail sales and service
 - g. Hotels and motels
 - h. Gas stations
 - i. Car wash
 - j. Laundromats
 - k. Wastewater treatment facilities
 - l. Offices
 - m. Personal services
 - n. Restaurants and/or bars
 - o. Churches
 - p. Mobile home parks
 - q. Veterinarian offices, animal clinics and kennels
 - r. General Retail Sales to the consumer

3. Permitted Accessory Uses:
 - a. Accessory structures normally associated with residential dwellings, such as a private garage, shed for yard tools, playhouse, pen, boat house, swimming pool, woodshed, sauna and deck.
 - b. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 - c. Signs, as required and subject to the regulations established in Article V.
 - d. The keeping of household pets.
 - e. Storage of one recreational vehicle

4. Conditional Uses Authorized by permit: The following uses of land and structures may be permitted in this District by application for and the issuance of a Conditional Use Permit as provided for in Article VII.
 - a. Research laboratories
 - b. Auto body and paint shops
 - c. Warehouses
 - d. Contractor yards and shops
 - e. Refuse transfer stations
 - f. Single family dwellings

SECTION 313: DISTRICT RP-20: RESOURCE PRODUCTION TWENTY

1. Intent: The RP-20, Resource Production Twenty District is established to maintain very low density rural areas which, because of their location, potential mineral content, accessibility, natural characteristics and high cost of providing public services, are not suitable for year-round development but rather for a wide range of forestry, agriculture, mineral extraction, natural resource and recreational uses. Governmental services may not be provided on a year-round basis or may not be provided at all.

2. Permitted Principal Uses:
 - a. The growing and harvesting of timber
 - b. Campgrounds, day camps
 - c. Parks, sport facilities trails.
 - d. Recreational structures
 - e. Kennels, stables, fur farms
 - f. Agricultural production
 - g. Mineral extraction subject to Sections 414 through 416

3. Permitted Accessory Uses: The following are permitted accessory uses:
 - a. Accessory structures normally associated with recreational structures such as a private garage, shed for yard tools, playhouse, pen, boat house, swimming pool, woodshed, sauna, deck and dock.
 - b. Accessory uses or structures to an agricultural operation.
 - c. Accessory uses and structures normally associated with the operation of a mineral extraction process.

4. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Conditional Use Permit as provided for in Article VII.
 - a. Gun clubs, rifle, trap and pistol ranges.
 - b. Commercial free standing towers.
 - c. Commercial recreational facilities including golf courses, race tracks, motorcycle hill-climbing sites, go-cart tracks and similar facilities.
 - d. Private airport or landing fields.
 - e. Resorts, lodges, restaurants and associated facilities.
 - f. Storage yards, transformer stations, sub-stations, microwave relay towers and similar facilities associated with public utilities.
 - g. Sawmills
 - h. Wood yards
 - i. Single-family dwellings
 - j. Home occupations, subject to the conditions of Sec. 404 C & 101.27
 - k. Churches, church camps and religious institutions
 - l. Contractor yards and shops
 - m. Salvage operations
 - n. Salt facilities
 - o. Sanitary landfills
 - p. Communication towers
 - q. Windmill towers

SECTION 314: DISTRICT TP-40: TIMBER PRODUCTION FORTY

1. Intent: The TP 40, Timber Production District is established to preserve and maintain for timber production purposes those lands which because of their soil, drainage, large tract ownership, potential mineral content, and other characteristics, are especially suited for timber production and mining.

2. Permitted Principal Uses:
 - a. The growing and harvesting of timber.
 - b. Sawmills.
 - c. Wood yards.
 - d. Recreational structures.
 - e. Mineral extraction subject to Sections 414 through 416.

3. Permitted Accessory Uses:
 - a. Any structural or mechanical use customarily incidental to the operation of sawmills or wood yards.
 - b. Accessory structures normally associated with recreational structures, such as a private garage, shed for yard tools, playhouse, pen, recreational dock, swimming pool, sauna, woodshed, and deck.
 - c. Accessory uses and structures normally associated with the operation of a mineral extraction process.

4. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District, by application for and issuance of a Conditional Use Permit as provided for an Article VII.
 - a. Public utility substations.
 - b. Salvage operations.
 - c. Salt storage facility.
 - d. Sanitary landfills
 - e. Communication towers
 - f. Windmill towers

SECTION 315: DISTRICT I: INDUSTRIAL DEVELOPMENT

1. Intent: The Industrial District is designed and intended for manufacturing, assembling, fabricating, and processing businesses, storage, mineral extraction, and other commercial activities which may require larger sites and isolation from many kinds of other land uses and to make provisions for commercial uses necessary to service the immediate needs of an industrial area.

2. Permitted Principal Uses Provided all State and Federal Guidelines are met:
 - a. Manufacturing.
 - b. Processing, assembling and fabrication operation.
 - c. Contractor yards and shops.
 - d. Warehouses.
 - e. Auto body and paint shops.
 - f. Car Wash
 - g. Lumber yards.
 - h. Wood Yards.
 - i. Sawmills.
 - j. Concrete and asphalt plants.
 - k. Research laboratories.
 - l. Mineral extraction, subject to Sections 414 through 416.

3. Permitted Accessory Uses:
 - a. Any structural or mechanical building or use customarily incidental to the permitted principal use.
 - b. Signs as required and subject to the regulations established in Article V.

4. Conditional Uses Authorized by Permit: The following uses of land and structures may be permitted in this District by application for and issuance of a Conditional Use Permit as required in Article VII.
 - a. Other industrial or heavy commercial uses not specifically mentioned in Section B (above).
 - b. Communication towers.

ARTICLE IV

GENERAL REGULATIONS

SECTION 401: HEIGHT, BULK AND PLACEMENT REGULATIONS

Except as otherwise specifically provided in this Ordinance, no lot or parcel shall be created, and structure shall be erected or maintained except in compliance with the Schedule of Regulations specified.

Schedule of Regulations

District	Minimum Lot Size (sq. ft)	Minimum Lot Width (ft) A	Setbacks			Maximum Height Feet
			Front	Side	Rear	
R	20,000	100	25	10B	30C	30D
LS/R	30,000	150	30	I,J	50H (Waterside)	30D
RS-1	1 Acre	150	30	I,J	50H (Waterside)	30D
RP-20	20 Acres G	470	30	30	30	30
TP-40	40 Acres G	660	30	30	30	30
TD-I	20,000	100	25	10B	30C	30D
TD-II	1 Acre	15	30	10	20	30D
I	1 Acre	150	40	30E	20	F

- A. Lot width shall be measured at front setback line and shall not include any encumbrances, such as easements or other such restriction. Regardless of actual lot size, the maximum depth to width ration shall be 4 to 1.
- B. An accessory building or structure may be located six (6) feet from a side lot line.
- C. An accessory building or structure may be located twenty (20) feet from a rear lot line.
- D. An accessory building or structure shall not exceed twenty (20) feet in height.
- E. Minimum setbacks from the lot lines are ten (10) feet for driveways, entrances, exits and parking areas.
- F. Height at any point on a structure shall not exceed the horizontal distance to any lot line.
- G. The determination of lot size when adjoining a road shall be made as if the road was a part of the lot in question. For example, a 20 acre parcel fronting on a road will lose approximately one-half acre in the road right-of-way. This will then make the parcel size 19.5 acres; however, it will still conform to the 20 acre minimum lot size requirement.
- I. Customary accessory buildings or structures excluding garages may be located twenty (20) feet from a rear line or waterside Rear setback for parcels not abutting water courses shall be thirty

(30) feet for all structures. Garages may be located twenty (20) feet from a front lot line.

- J. Side Setback shall be 10% of the lot width to a maximum of fifteen (15) feet and a minimum of ten (10) feet.
- K. An accessory building or structure may be located ten (10) feet from a side lot line.
- L. All setback measurements shall be from the drip line of the building involved.
- M. For any parcel abutting water, a primary structure shall not be closer than fifty (50) feet to the waterline on all sides.

SECTION 402: WATERFRONT DEVELOPMENT

There exists in Michigamme Township certain natural and scenic resources that should be protected and conserved to promote environmental quality and community character.

All waterfront properties, including streams, lakes or impoundment water, will adhere to the following:

1. All structures on lots abutting any body of water, as defined in Act No. 346 of the Public Acts of 1972, including but not limited to inland lakes, rivers, streams and impoundments, shall maintain a minimum setback of fifty (50) feet as measured horizontally from the normal high water mark. All uses shall be subject to this setback except private bathing facilities, saunas, storage sheds, and associated facilities which shall maintain a minimum setback of twenty (20) feet as measured horizontally from the normal high water mark.
2. Health Department permits and approval will be required for any water and septic systems necessary for any of these uses.
3. That part of the setback which lies within thirty (30) feet of the water's edge shall be maintained in its natural tree and shrub condition (native strip). Nothing in these requirements shall be interpreted to prohibit selective tree cutting in the native strip space to remove dangerous trees (windfall hazard) or other trees and shrubs that may prevent the native strip area from being retained in a healthful growth condition. From beyond 30 feet from the high water mark, the cutting of trees and shrubbery shall be the minimum amount required for the proposed permitted use.
4. Trees and shrubs may be trimmed, pruned or removed for a maximum width of fifty (50) feet through the native strip, to provide access to a swimming area, boat dock or boat access.
5. If activities are conducted contrary to a Zoning Compliance Permit or without a permit where a permit is required, replacement of the removed or disturbed trees or vegetation shall be required.
 - a. Clear cutting of waterfront lots is prohibited and is punishable under Section 1204 of this Ordinance.
 - b. The Township may have a Stop Work Order issued on the remaining portion of Construction whenever there is a failure to comply with the provisions of Section 402.
 - c. The Township may perform any work necessary for compliance with Section 402. The expense of the work performed shall become a debt to the Township from the land owner and may be collected by any means in which indebtedness due the Township is collected.
 - d. Tree Replacement Standards.

- 1) Replacement of trees shall be no less than one (1) tree in each 250 sq. ft. of area.
- 2) Replacement shall be with no fewer than four species of trees such as those indigenous to the immediate area.
- 3) Replacement is limited to a maximum of twenty (20) trees per species for each 150 feet of water frontage.
- 4) The plan for replacement shall be approved by the Zoning Administrator in a written order signed by both parties.
- 5) Nothing in these requirements shall be interpreted to require the planting of shrubs or trees on agricultural lands or other parcels where a natural tree stand does not exist or cannot be grown.
- 6) Any excavating, filling, grading or other construction activity shall ensure that no silting will impact adjacent waters and that all banks, slopes and hillsides are stabilized to prevent soil erosion.
- 7) Any waterfront development shall be done in accordance with the State of Michigan Department of Environmental Quality (DEQ) and the Soil Erosion Department of the Marquette County Health Department. Owners are responsible for any and all permits that are required to be obtained from these agencies.
- 8) Limitations of "Funnel Development": Any development in any zoning district which shares a common lakefront or stream area may not permit more than one (1) single family dwelling or one (1) recreational structure; condominiums/apartments or co-op corporations (4 unit maximum, 2 bedrooms each) or an eight (8) unit motel; bed and breakfasts, inns and resorts are not to exceed eight (8) bedrooms each to the use of each one hundred fifty (150) feet of lake or stream frontage in such common lakefront or stream area as measured along the water's edge or normal high water mark of the lake or stream. This restriction is intended to limit the number of users of the lake or stream frontage to preserve the quality of recreational lands within the Township. This restriction shall apply to any parcel regardless of whether access to the water shall be gained by easement, common fee ownership, single fee ownership or lease.

SECTION 403: MINIMUM BUILDING FLOOR AREA

Every single/two-family dwelling, excluding recreational structures, shall have a floor area of not less than 575 square feet per unit, exclusive of basements, garages, porches and breeze ways. Every unit in a multiple family dwelling shall have a minimum floor area of at least 350 square feet. The maximum ground cover ratio for all structures in a multiple family development shall be 40 percent.

SECTION 404: ACCESSORY BUILDINGS AND HOME OCCUPATIONS

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

1. An accessory building, including carports, attached to the principal building shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Ordinance applicable to the principal building. Breeze ways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building, but shall not be considered livable floor space.
2. An accessory building, unless attached and made structurally a part of the principal building, shall not be closer than ten (10) feet to the principal building on the lot.

3. Customary home occupations are authorized upon application for and issuance of a Conditional Use Permit as provided for in Article VII. In addition, home occupations shall meet the terms as identified below:
 - a. Home occupations shall employ only those members of the family residing on the premises and not more than one outside employee;
 - b. There shall be no outdoor storage and there shall be no exterior evidence of the conduct of home occupation, other than an approved sign;
 - c. Specifically excluded is the storage, display and sale of merchandise not produced by such home occupations.
 - d. If the home occupations is conducted in an accessory building, it shall not exceed twenty (20) feet height, and shall occupy not more than three hundred (300) square feet of said accessory building
 - e. No traffic shall be generated by such home occupation in greater volumes than would be normally expected in that residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the requirements of Section 412;
 - f. The use of the dwelling unit for home occupation shall be clearly incidental and subordinate to its use for residential purposes by its use for residential purposes by its occupants, and if such home occupation is conducted in the principal dwelling, not more than twenty-five (25) percent of the usable floor area of the dwelling shall be used in the conduct of home occupation;
 - g. No equipment or processes shall be used in such home occupation which creates noise, vibration, glare, fumes odors, or electrical interference detectable to the normal senses. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and
 - h. A sign advertising the home occupation shall not exceed sixteen (16) square feet and shall not be illuminated or have working parts.
 - i. A home occupation shall include the use of a single family dwelling by an occupant of that dwelling to provide instruction in a craft or fine art therein.

SECTION 405: ONE PRINCIPAL STRUCTURE OR USE PER LOT

No more than one principal structure or use may be permitted on a lot, unless specifically provided for elsewhere in the Ordinance. In the Town Development 1 District there can be both a residential dwelling and a separate building used for commercial purposes on the same lot.

SECTION 406: VARIANCE OF REQUIREMENTS FOR LOT OF RECORD

Minimum lot size and minimum width regulations do not apply to any lot of record prior to 1976. No vested right shall arise to the property owner for any lot created in violation of any preceding Marquette County Zoning Ordinance or Michigamme Township Zoning Ordinance.

SECTION 407: ALLOCATION AND REDUCTION OF LOT AREA

No portion of a lot shall be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings.

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

SECTION 408: HEIGHT REQUIREMENT EXCEPTIONS

The following are exempt from height limit requirement, provided that not portion of the exempted structure may be used for human occupancy:

1. Those purely ornamental in purpose such as church spires, belfries, domes, ornamental towers, flagpoles and monuments.
2. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smokestacks, water tanks, radio towers, television antennas and satellite dishes, wire transmission structures, and cooling towers. Any commercial radio, television or transmission towers shall be so located that the distance from the base of the tower to the nearest property line shall be fifty (50) feet greater than the collapse zone as verified by a certified engineer.
3. Public utility structures.
4. Agriculture related structures such as barns, silos, elevators and the like.
5. Non-commercial television and short wave radio and internet antennas shall be exempt from such conditional use permits as long as they are less than 10 ten feet from the principle structure's height and are set back from the property line so that if the tower fell it would not land over onto any adjacent property.

SECTION 409: ACCESS THROUGH YARDS

Access drives may be placed in the required front, side or rear yards so as to provide access to accessory or attached structures. Further, any walk or other pavement serving a like function shall not be considered a structure and shall be permitted in any required yard.

SECTION 410: FENCES

1. A Fence Construction Permit shall be required in any District for the construction of any type of permanent fence. The permits are available from the Zoning Administrator.
2. Specifications are as follows:
 - a. Fences in any platted subdivision or lot of record shall not contain barbed wire or be electrified.
 - b. No fence shall obscure the vision of drivers of vehicles at any driveway entrance or exit, street intersection, or other pedestrian or vehicle property access point.
 - c. A screening fence shall be an obscuring fence no less than four (4) feet, and no greater than six (6) feet in height above the existing grade. Total area of any openings shall be no more than 20% of the total vertical surface (on one side) of the actual fence height.
 - d. Any "fence" exceeding the 20% passage of light shall be defined as a "fence" and not a "screening fence". Any such fence shall be no greater than six (6) feet in height above the existing grade and may be located at side or rear yards.
 - e. No front yard fence shall exceed four (4) feet in height.
 - f. All fences shall be constructed one (1) foot inside of property lines.
 - g. Protective and adequate fencing to enclose a swimming pool shall be required around all outdoor swimming pools, and shall not be less than four (4) feet, six (6) inches above the established grade.

- h. Hedges, tree lines, vines and other types of vegetation shall not constitute any type of fence.

SECTION 411: USE OF YARD OR OPEN SPACE IN ALL DISTRICTS

In all Districts, it is prohibited to use the open space for any purpose inconsistent with the terms and provisions of this Ordinance.

SECTION 412: CHILD/DAY CARE CENTERS, GROUP DAY CARE HOME

The following standards shall be utilized by the Planning Commission when considering the location for child/day care or group day care home:

1. The proposed site shall not be located closer than 1,500 feet to any of the following:
 - a. Any licensed facility/home for the care of children
 - b. An adult foster care, small group home or large group home licensed under the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
 - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Acts code, Act No. 368 of the Public Acts of 1978, being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
 - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.
2. There will be appropriate fencing for the safety of the children in the child/day care center or group home as determined by the State of Michigan.
3. The maintenance of the property will be consistent with the visible characteristics of the neighborhood.
4. The proposed use shall not exceed 16 hours of operation during a 24-hour period. The Township may limit but not prohibit the operation of a child/day care center or group home between the hours of 10 p.m. and 6 a.m.
5. The proposed use shall meet regulations of this ordinance governing signs used by the child/day care center or group home to identify itself.
6. A child/day care center or group home operator shall provide off-street parking accommodations for all employees as required by this ordinance.
7. Adult foster care facilities licensed by a State agency for care and treatment or persons released from or assigned to adult correctional institutions are subject to these conditional use permits and procedures.
8. A licensed or registered family or group day-care home that operated before March 30, 1989 is not required to comply with the requirements of this section.
9. The requirements of this section shall not prevent the Zoning Administrator inspecting and enforcing a family or group day-care home for the home's compliance with Michigan's zoning ordinance.

10. The subsequent establishment of any of the facilities listed under section A. will not affect any subsequent conditional use permit renewal pertaining to the group day-care home.

SECTION 413: OFF-STREET PARKING REQUIREMENTS

There shall be provided off-street parking for motor vehicles and the minimum number of parking spaces to be provided is shown in the following list. All parking spaces shall have a surface of gravel, concrete, asphalt or other approved material.

Use	Space Required
Single and two-family dwelling, recreational structures	2 per dwelling unit
Rooming houses, dormitories, convalescent homes, and housing for the elderly	4 times maximum number of occupants
Hotels and motels	1.2 per room in addition to spaces required for restaurant facilities
Apartments and town houses	2 per dwelling unit
Churches, theaters, facilities	.35 times the seating capacity for spectator sports, auditoriums and halls
Golf courses	7 per hole
Barber shops and beauty parlors	2 plus 1.5 per chair
Bowling alleys	5 per lane in addition to space required for restaurant
Child care facilities	2 per dwelling unit plus .3 per child
Fast food take-out establishments and drive-in restaurants	.05 times floor area in sq. ft.
Restaurants (except drive-ins)	1.5 per 100 sq. ft. of floor space
Bars and taverns	3 per 100 sq. ft. of floor space
Bed and Breakfast	2 plus 1 per rental room
Furniture and appliance stores	.3 per 100 sq. ft. of floor space
Household equipment, carpet and hardware stores, repair shops including shoe repair, contractors, showrooms, museums and galleries	1.2 per 100 sq. ft. of floor space
Funeral parlors	1 per 30 sq. ft. of floor space
Gas stations	1 per pump plus 2 per lift (in addition to stopping places adjacent to pumps)
Automotive service center	1 per employee plus 2 per service bay
Laundromats	.3 per washing machine
Doctor's and Dentist's office	1 per 100 sq. ft. of waiting room area and 1 per doctor, dentist or employee
Banks	1 per 150 sq. ft. of floor space
Warehouses	1 per 500 sq. ft. of floor space
Retail stores and service	1 per 150 sq. ft. of floor space and outdoor sales space
Offices	1 per 300 sq. ft. of floor space
Other business and industrial uses	.75 times maximum number of employees on premises at any one time

Where calculation in accordance with the foregoing lists results in requiring a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.

The use of any required parking space for the storage of any motor vehicle for sale or for any other purpose other than the parking of motor vehicle is prohibited.

Access lanes or driveways shall be provided so vehicles do not back directly onto the street.

The following minimum design standards shall be observed in laying out off-street parking facilities:

Parking Angle *=degrees	Stall Width	Aisle Width	Parking Stall Length	Curb to Curb
0* to 15*	9 ft.	12 ft.	23 ft.	30 ft.
16* to 37*	10 ft.	11 ft.	19 ft.	47 ft.
38* to 57*	10 ft.	13 ft.	19 ft.	54 ft.
58* to 74*	10 ft.	18 ft.	19 ft.	61 ft.
75* to 90*	10 ft.	24 ft.	19 ft.	63 ft.

SECTION 414: MINERAL EXTRACTION

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

1. Provide for the proper environmental management during the site planning operation and reclamation stages of the mineral extraction process;
2. Provide the Township with information important to overall planning and orderly economic growth; and
3. Provide for the right to extract mineral deposits where located.

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

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

No mineral extraction shall be undertaken without first obtaining a mineral extraction permit from the Michigamme Township Zoning Administrator and upon payment of a reasonable fee established by the Michigamme Township Board. The Zoning Administrator, upon receipt of the application for mineral extraction permit, shall provide a copy of the same within thirty (30) days to the 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 in accordance with the provisions of Section 414 and 902(2G.) 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 415: 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 applicants authorized agent to the Zoning Administrator.

1. Site Plan Requirements: A site plan consisting of two identical copies on one or more sheets at a scale adequate to illustrate the proposed operation.
 - a. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
 - b. Date, north point, and scale.
 - c. The actual dimensions of the proposed developed area (as shown by a Registered surveyor or engineer, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
 - d. The location of all existing and proposed structures on the subject property and all existing structures on land immediately adjacent to the site within 300 feet of the site's parcel lines.
 - e. The location of all existing and proposed drives and parking areas.
 - f. The location of right-of-way widths of all abutting streets, alleys and private easements.
 - g. The location of proposed planting and screening, fencing, signs and advertising features.
 - h. The height and floor area of all proposed structures.
 - i. The size and location of all existing and proposed public and private utilities and required landscaping.
 - j. Proposed location, area extent, and estimated depth of excavation.
 - k. Proposed location of waste dumps, tailing ponds, sediment basins, stockpiles, and other permanent or temporary facilities used in mining.
 - l. 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.
 - m. Any other information necessary to establish compliance with this Ordinance.

2. Operation Plan Requirements
 - a. A written 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; types of chemicals to be used in any processes; 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.
 - b. A written description of the social and economic impact of Michigamme Township including an estimate of the number of potential employees, proposed transportation routes for employees and any changes in the present road system that might be made necessary by the proposed operation.
 - c. Sight buffers as reasonable and practical along all boundaries of the mining operation which abut R, LS/R, RS-1, or TD 1 and 2 Zoning Districts. These buffers shall be so constructed as to screen the mining operation from view and protect individuals from injury.

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

- 1) Buffer Zone: An area of sufficient depth as to screen the operation from view.
 - 2) Earth Berm: Earth berm, constructed to a height of at least six (6) feet above the mean elevation of the center line of the public highway adjacent to the mining property, or six (6) feet above the general level of terrain along property lines. These berms shall have slopes not in excess of one foot vertical to four (4) feet horizontal and shall be planted with trees and shrubs.
 - 3) Plantations: Plantations of coniferous or other suitable species in rows parallel to the boundaries of the property with the spacing of rows and spacing of trees in the rows sufficient to provide effective screening.
 - 4) Fencing: Solid fences or masonry walls constructed to a height of six (6) feet of inconspicuous color.
- d. A description of the measures to be taken to assure that any dangerous excavation, potential caving ground, pits, pond areas, banks, or slopes be adequately guarded or fenced and posted with signs to prevent injury to individuals.
 - e. Identify plans for utilities, access roads, drainage, traffic plans, and other site improvements showing appropriate measures that have been, are, or will be provided.

3. Reclamation Plan Requirements

A reclamation plan shall include a map and description showing:

- a. Final grading, anticipated final slope angles, wall reduction, benching and terracing of slopes, slope stabilization and re-vegetation, erosion control, and alternative future land uses.
- b. Description of topsoil stripping and conservation during storage and replacement.
- c. Plan and description of anticipated final topography, water impoundments, and artificial lakes on property.
- d. Plans for disposition of surface structures, roads and related facilities after cessation of mining.
- e. A plan for disposal or treatment of any harmful or toxic materials found in any formation penetrated by the mining operations or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.
- f. A timetable for completion of reclamation requirements.

SECTION 416: GENERAL STANDARDS

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 Comprehensive Overview.
2. Will provide adequate site drainage so that waters will not adversely affect neighboring properties.
3. Will not be hazardous or cause serious consequences to existing neighboring uses, including, but not limited to, its affect from noise, traffic, smoke, fumes, glare or odors.
4. Will be served adequately by essential public facilities and services.

5. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
6. Will protect the public health, safety and welfare of the community.
7. Comply with all State and Federal, safety, environmental, occupational and mining requirements.

ARTICLE V

SIGNS

SECTION 501: INTENT

It is hereby determined that regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities within the Township; and to prevent wasteful use of natural resources in competition among businesses for attention, to prevent hazards to life and property, and assure the continued attractiveness of the community and protect property values.

SECTION 502: USE DISTRICTS

1. R, LS/R, RS-1
One (1) on-premise sign not to exceed sixteen (16) sq. ft. shall be permitted. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood.
2. TD-2, I, RP-20, TP-40
One (1) on-premise sign not to exceed 200 sq. ft. on each side and not to exceed 30 ft. in height shall be permitted. It may be attached flush to the building or placed to the front of the lot or parcel and shall not detract from the visual appearance of the neighborhood.
3. TD-1
One (1) on-premise sign not to exceed 100 sq. ft. attached to a building stating name or nature of business; and/or one (1) free standing sign not to exceed 16 sq. ft.

SECTION 503: REGULATIONS FOR SIGNS

Signs in any District adhere to the following regulations:

1. All permanent signs shall require a permit.
2. No sign shall be closer than ten (10) feet to the side property line.
3. Signs shall be subject to the following setback requirements; minimum of five(5) feet setback when the right-of-way width from the centerline of the road to the property line is less than fifty (50) feet; and may be located at the lot line when the right-of-way width from the centerline of the road to the property line is greater than fifty (50) feet. Setback measurement shall be from the right-of-way to the closest part of the sign, whether it be at or above grade.
4. Individual signs on U.S. 41, M-28 shall be at least three hundred (300) feet apart.
5. Signs shall not interfere with traffic visibility.
6. Businesses along Highway U.S. 41, M-28, may have a sign on the right-of-way with the State Highway Department's written permission.

7. Where a business or a tourist facility is not located on a major tourist route, but is dependent upon passer-by traffic, directional signs may be permitted, subject to the approval of the Zoning Administrator. Directional signs shall not exceed four (4) sq. ft.
8. No sign shall be affixed to utility poles, trees, rocks, shrubs, or similar natural features; and any sign which is insecurely fixed, unclean or in need of repair is prohibited and shall be removed or repaired within sixty (60) days after written notice by the Zoning Administrator. The cost of which is to be borne by the sign owner and/or the property owner.
9. The Zoning Board of Appeals may upon application by the property owner, modify the area of the sign permitted for reasons of unusual building size or bulk, large site area and/or deep building setback.
10. Unless previous approval is given by the Zoning Administrator, no strobe or other pulsating light shall be permitted, no sign shall be lighted so as to affect or create a traffic hazard or to adversely affect neighboring land use, no sign may lighted to such an intensity or in such a manner that it creates a hazard to public health, safety, or general welfare of the public, no lights shall give the appearance of an emergency, police, county, or municipal works vehicles.
11. One (1) on-premise sign for advertising of premises for rent, lease, and/or for sale shall be permitted.
12. Signs required when established by the Township, County, State or Federal Governments shall be permitted.
13. Only businesses in Michigamme Township or those townships immediately East or West that share the same highway frontage may have signs in Michigamme Township.

SECTION 504: TEMPORARY SIGNS

Signs which are intended to identify or advertise an annual or one time event or occurrence, such as a fair or other event of general public interest, shall be authorized by the Zoning Administrator for a period of not more than one (1) month by written Permit.

The proposed sign shall not be contrary to the spirit and purpose of this Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of any signs. All signs must be removed no later than ten (10) days after the end of the event.

SECTION 505: SEASONAL SIGNS OR TOWNSHIP ANCILLARY ACTIVITY SIGNS

Signs which are intended to identify a seasonal business shall be authorized by the Zoning Administrator for a period of not more than six (6) months by written permit. The proposed sign shall not be contrary to the spirit and purpose of the Ordinance and shall conform to all size limitations set forth by this Ordinance. The applicant is responsible for both the erection and removal of any signs.

SECTION 506: CONSTRUCTION SIGNS

One (1) construction sign is permitted per project not exceeding sixteen (16) square feet in sign area for Residential and Town Development 1 Districts, and thirty two (32) square feet for Town Development 2 and Industrial Districts. Signs shall be erected no more than sixty (60) days prior to

the start of construction, shall be confined to the site of construction, and shall be removed prior to occupancy.

SECTION 507: EXEMPT SIGNS

The following signs shall not exceed nine (9) square feet and are otherwise exempt from this Ordinance:

1. Signs of a non-commercial nature and in the public interest, erected by, or on the order of a public officer in the performance of official duty.
2. Signs which are intended to advertise a public election, individuals actively participating in such an election, or other public ballot issue, are permitted on private property with the owner's permission. All political signs must be removed within ten (10) days after the election date and shall not be located on the public right-of-way.
3. Signs which announce "No Hunting", "No Trespassing", etc.
4. Those signs which have an occupants name and/or house number.
5. Rummage sales, garage sales, bake sales, auctions and estate sales signs are permitted. All of these signs must be removed within twenty-four (24) hours after the end of the event. Any signs not removed within the twenty-four (24) hours shall be subject to a fine and/or expenses.

SECTION 508: NONCONFORMING SIGNS

1. It is the intent and purpose of this Section to eliminate nonconforming signs except as otherwise specifically set forth in this Section. No sign shall be designated as Class A nonconforming.
2. Nonconforming signs:
 - a. Shall not be structurally altered so as to prolong the life of the sign, nor shall the shape, size, type or design of the sign structure is altered;
 - b. Shall not be continued after the activity, business or usage to which it relates has been discontinued for thirty (30) days or linger; or
 - c. Shall not be reestablished after damage or destruction if the estimated expense of reconstruction exceeds 50% of the sign value.
3. A conforming sign may not be changed to a nonconforming sign.
4. Nonconforming signs may have their face or message updated but not structurally altered.

ARTICLE VI

SITE PLAN REVIEW

SECTION 601: INTENT

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

SECTION 602: SITE PLAN REQUIRED

1. The Michigamme Township Board requires the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance. The Michigamme Planning Commission is responsible for reviewing site plans and granting approval.
2. The Michigamme zoning ordinance requires site plan approval. The site plan, as approved, shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Michigamme Planning Commission that approved the site plan.
3. Site plan submission, review, and approval shall be required for conditional uses. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in the zoning ordinance, other local unit of government planning documents, other applicable ordinances, and state and federal statutes.
4. A site plan shall be approved if it contains the information required by the Michigamme zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other Marquette County planning documents, other applicable ordinances, and Michigan and federal statutes. A site plan is required and shall accompany the applications for:
 - a. Zoning Compliance Permits for:
 - 1) any proposed construction
 - 2) any commencement of a new use
 - 3) any proposed change in use
 - b. Conditional Use Permit
 - c. Variances
 - d. Class A Non-Conforming Use designations
 - e. Any other request for zoning status where the Zoning Administrator determines a sure plan is necessary for accurate review or documentation of the existing development.

The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown. Each site plan shall be drawn to a scale where one (1) inch does not equal more than forty (40) feet. Maximum drawing size not

to exceed twenty-four by thirty-six (24"x36") inches.

SECTION 603: SITE PLANS FOR SINGLE AND TWO-FAMILY DWELLING, RESIDENTIAL ACCESSORY USES AND STRUCTURES AND RECREATIONAL STRUCTURES

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

1. A legal description of the site.
2. All lot lines and dimensions of the lot.
3. All roads and easements.
4. All existing and proposed buildings will be shown and labeled.
5. Proposed use of each building
6. Distances between buildings and all lot lines.
7. Building dimensions.
8. Natural features affecting development (rock, water, etc.)
9. Well and septic locations.
10. Date, North point, and scale.
11. Name and address of owner.
12. Any other information considered necessary

SECTION 604: SITE PLANS FOR TOWN DEVELOPMENT 1 AND 2, INDUSTRIAL AND MULTIPLE FAMILY DEVELOPMENTS (ALL OTHER DEVELOPMENT)

Site plans for all uses and developments (except for one and two-family dwellings, residential accessory uses and recreational structures) shall contain the following information and data. This information shall be provided on two (2) identical copies not to exceed twenty-four by thirty-six inches (24"X36").

1. A scale adequate to illustrate the proposed activity.
2. A legal description of the lot; the name, address and telephone number of the owner, developer and designer.
3. Date, north point, and scale.
4. The actual dimensions of the proposed developed area (as shown by a registered surveyor, engineer, architect, or registered landscape architect, with the survey stakes visible) showing the relationship of the subject property to abutting properties.
5. The location of all existing and proposed structures, including signs, on the subject property and all existing structures on land immediately adjacent to the site within 300 feet of the site's parcel lines.
6. The location of all existing and proposed drives and parking areas.
7. The location and right-of-way widths of all abutting streets, alleys and private easements.
8. The location of proposed planting and screening, fencing, signs and advertising features.

9. The height and floor area of all proposed structures.
10. The size and location of all existing and proposed public and private utilities and required landscaping.
11. Any other information necessary to establish compliance with this Ordinance or any other applicable ordinances.
12. Location of all existing and proposed surface water impoundments and surface water drainage pattern.
13. The location and extent of all earth movement which is planned. Indicate if a sedimentation and erosion control permit has been applied for.
14. Any other information considered necessary.

SECTION 605: REVIEW PROCEDURES

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

SECTION 606: STANDARDS FOR SITE PLAN APPROVAL

1. All elements of the site plan shall be harmoniously and efficiently organized in relation to topography the size and type of lot, the character of adjoining property and the type and size of building. The site will be so developed as not to impede the normal and orderly development or surrounding property for uses permitted in this Ordinance.
2. The Landscaping shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and by topographic modifications which result in harmony with adjacent areas.
3. Special attention shall be given to proper site surface drainage so that removal of storm waters will not adversely affect neighboring properties.
4. The site plan shall provide reasonable visual and auditory privacy for all dwellings units located therein. Fences, walks, barriers and landscaping shall be used as appropriate for the protection and enhancement of property and for the privacy of it's occupants.
5. All building or group of buildings shall be so arranged as to permit emergency vehicles access to all sides.
6. Every structure or dwelling shall have access to a public street, walkway or other area dedicated to common use.

7. All loading or unloading and outside storage areas, including areas for storage of trash, which face or are visible from residential properties, abut a residential zone or public thoroughfares, shall be screened by a vertical fence consisting of structural (fence) or plant materials no less than six (6) feet in height.
8. Exterior lighting shall be so arranged that it is deflected away from adjacent properties and so that it does not impede the vision of traffic along adjacent streets. Flashing or intermittent lights shall not be permitted.

ARTICLE VII

CONDITIONAL USE PERMITS

SECTION 701: INTENT

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

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

The following Sections, 702 through 705, together with previous references in other sections 308 through 315 designated what uses require a Conditional Use Permit. With any exception noted, the procedures for obtaining such a permit apply to all conditional uses indicated.

SECTION 702: APPLICATION PROCEDURE

1. Any person having an interest in a property may file an application for a Conditional Use Permit for the zoning district in which the land is situated.
2. Applications shall be submitted through the Zoning Administrator to the Planning Commission. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover costs of processing the application. No part of any fee shall be refundable.
3. Data required in Application: Every application shall be accompanied by one copy of the following information and data:
 - a. Conditional Use form supplied by the Zoning Administrator filled out by the applicant.
 - b. Site plan drawn to a readable scale and containing that information specified in Article VI, Section 603 or 604.
 - c. A statement with supporting evidence regarding the required findings specified in Section 704.

4. Upon receipt of such materials, the Zoning Administrator, shall transmit one copy of the site plan to the Planning Commission for their review and comment.
5. Approval of a Conditional Use Permit shall be valid regardless of change of ownership, provided that all terms and conditions of the permit are met by all subsequent owners.
6. In instances where development authorized by a Conditional Use Permit has essentially changed in nature, extent or character the Planning Commission shall review permit in relation to the applicable standards and requirements of the Ordinance. Upon finding that there has been a violation in the conditions of the Conditional Use Permit granted under the provisions of the Ordinance, the Planning Commission shall declare the permit null and void.
7. If development of a Conditional Use Permit has not commenced within one year from the date of issuance, said permit shall expire automatically. The Planning Commission can approve an extension for one additional year upon request by the applicant.

SECTION 703: REVIEW AND FINDINGS

Planning Commission Action: The Planning Commission shall approve, approve with conditions or reject the application within sixty (60) days of the hearing based upon materials received and testimony recorded at the public hearing. The Zoning Administrator shall publish notice of the public hearing and provide notification by mail in accordance with section 902(2G) The Planning Commission shall set forth the reasons, for approval, denial, or modification of the Conditional Use Permit application. Following favorable action, the Zoning Administrator shall issue a Conditional Use Permit in accordance with the site plan and any conditions as have been placed on such permit by the Planning Commission. All conditions shall be clearly specified in writing and comply with the requirements of section 504(4)(a)(G) & (c) of the Zoning Act, as amended (MCL 125.3504), and the petitioner has one year from date of hearing to comply with all specified conditions. Compliance shall occur prior to the commencement of the use, unless a specified time is set in the motion granting the Conditional Use Permit.

SECTION 704: GENERAL STANDARDS

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

1. Will be harmonious with and in accordance with the general policies or with any specific objectives of the comprehensive overview.
2. Will be designed, constructed, operated, and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that the use will not change the essential character of the same area.
3. Will not be hazardous or disturbing to existing or future neighboring uses.
4. Will not diminish the value of land, buildings, or structures in the district.
5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools, and that the persons or agencies responsible for the establishment or the proposed use shall be able to provide adequately any such service.

6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials and equipment and conditions of operation that will be detrimental to any person, property, or general welfare by reason of excessive production of noise, traffic, smoke, fumes, glare or odors.
8. Will protect the public health, safety and general welfare of the community.
9. Will be consistent with the intent and purpose of the specific zoning district in which it is located.

SECTION 705: CONDITIONS AND SAFEGUARDS

1. Prior to granting any Conditional Use Permit, the Planning Commission may impose conditions or limitations upon the establishment, location, construction, maintenance or operation of the use authorized by the Conditional Use Permit as in its judgment may be necessary for the protection of the public interest. Conditions imposed shall further be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will utilize the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity and the community as a whole; and be consistent with the general standards listed in Section 704 of the this Ordinance.
2. Conditions and requirements stated as part of Conditional Use Permit authorization shall be continuing obligation of land holders. The Zoning Administrator shall make periodic investigations of developments authorized by Conditional Use Permit to determine compliance with all requirements.
3. Conditional Use Permits may be issued for time periods as determined by the Planning Commission. Conditional Use Permits may be renewed in the same manner as originally applied for.
4. In authorizing a Conditional Use Permit, the Planning Commission may require that a cash deposit, certified check, bond or other financial guarantee acceptable to the Township, of ample sum to be furnished by the developer to insure compliance with such requirements, as drives, walks, utilities, parking, landscaping and the like. The financial guarantee shall be deposited with the Township Treasurer at the time of issuance of the permit authorizing the use or activity. As work progresses, the Planning Commission may authorize a proportional rebate of the financial guarantee upon completion of significant phases or improvements.
5. Revocation of a Conditional Use Permit by the Planning Commission shall be made at a public hearing following the same procedures as original approval to the effect that:
 - a. Such conditions as may have been prescribed in conjunction with the issuance of the original permit included the requirement that the use be discontinued after a specified time period; or
 - b. Violations of conditions pertaining to the granting of the permit continue to exist more than thirty (30) days after a written order to correct has been issued.
 - c. Violations of any conditions set by the Planning Commission are violations of this zoning ordinance.

6. All plans, specifications and statements submitted with the application for a Conditional Use Permit shall become, along with any changes ordered by the Planning Commission, a part of the conditions of any Conditional Use Permit issued thereto. Conditions imposed by the Planning Commission upon the applicant may be changed by mutual consent of the parties with a written record being maintained by the Zoning Administrator
7. No application for a Conditional Use Permit which had been denied wholly or in part by the Planning Commission shall be resubmitted until the expiration of six (6) months or more from the date of such denial, except on appeal or on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Planning Commission.
8. The foregoing general standards are basic to all conditional uses, and the specific requirements accompanying the individual sections relating to particular uses are in addition to and shall be required in all applicable situations.
9. Any person aggrieved by the Planning Commission's granting or failing to grant a Conditional Use Permit must appeal that decision to the Zoning Board of Appeals within 30 days. The Zoning Board of Appeals shall notify all affected parties and hold a public hearing on the appeal as specified in Section 902.

ARTICLE VIII

NONCONFORMING USES AND STRUCTURES

SECTION 801: INTENT

This Ordinance distinguishes by class the various nonconforming uses and structures. Nonconforming uses and structures are those which do not conform to a provision or requirement of this Ordinance but were lawfully established prior to the time of its applicability. Any previous Class A designation authorized by formal action shall remain in effect. It is recognized that those illegal nonconformities which adversely affect orderly development and the value of nearby property are not entitled to the rights accorded to legally established nonconformities.

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

SECTION 802: CLASS A NONCONFORMING USES AND STRUCTURES

Class A nonconforming uses and structures are those which have been so designated by the Planning Commission, after application by any interested person or the Zoning Administrator, upon findings that continuance thereof would not be contrary to the public health, safety, and general welfare, or to the spirit of the Ordinance; that the use or structure does not and is not likely to significantly depress the value of nearby properties; that the use or structure was lawful at the time of its inception; and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform. All legally established nonconforming uses and structures not designated as class A are class B nonconforming uses or structures.

SECTION 803: PROCEDURE FOR OBTAINING CLASS A DESIGNATION

Payment of the required fee and a written application shall be filed with the Planning Commission utilizing forms obtained from the Zoning Administrator which shall include:

1. Name and address of property owner and applicant if not the same.
2. A legal description of the property or lot.
3. A site plan pursuant to Section 603 or 604.
4. An explanation describing the present nonconforming use or structure.
5. A Description of any proposed change in use, structural alterations and expansions.
6. Any other information considered necessary by the Planning Commission to make an informed decision.

The Planning Commission shall, upon receipt of said application, schedule a public hearing in accordance with the procedures set out in Section 902(2G) of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision in writing and set forth the findings and reasons on which it is based. Conditions may be attached, including any time limit, where

necessary to assure that the use or structure does not become contrary to the public health, safety, or welfare, or the spirit and purpose of this Ordinance. No vested right shall arise out of a class A designation.

SECTION 804: PROVISIONS FOR CLASS A NONCONFORMING USE AND STRUCTURES

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

1. No such Class A Nonconforming Use or Structure shall be enlarged or increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance, except with specific approval of the Planning Commission.
2. No such Class A Nonconforming Use or Structure shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance, except with specific approval of the Planning Commission.
3. No class A Nonconforming Use or Structure shall be extended to displace a permitted (Conforming) use.
4. No Class A Nonconforming Use or Structure shall be changed to another nonconforming use, except with specific approval of the Planning Commission. Before granting such approval, the Planning Commission shall determine that such change in use will have a less deleterious effect on neighboring properties than the existing nonconforming use.
5. No Class A Nonconforming Use shall be expanded to add another nonconforming use, except with specific approval by the Planning Commission. The proposed nonconforming use shall satisfy the standards as set out in Section 704.
6. Class A Nonconforming Structures shall not be altered or expanded without the specific approval of the Planning Commission, except that the following structural alterations may be permitted without prior approval of the Planning Commission, provided all regulations contained in this Ordinance are met.

SECTION 805: REGULATIONS PERTAINING TO CLASS A NONCONFORMING USES AND STRUCTURES

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

SECTION 806: CLASS B NONCONFORMING USES AND STRUCTURES

All nonconforming uses and structures not designated as Class A are considered as Class B. It is the purpose of this Ordinance to eliminate Class B Nonconforming Uses and Structures as rapidly as is permitted by law without payment of compensation. No Class B Nonconforming Use shall be resumed if it has been discontinued for a continuous period of at least eighteen (18) months or if it has been changed to a conforming use for any period of time, or if the structure in which such use is conducted is damaged by fire or other casualty to the extent that the cost of reconstruction or repair

exceeds fifty (50) percent of the assessed value of such structure.

No Class B Nonconforming Structure shall be enlarged or structurally altered. No Class B Nonconforming Use shall be changed to a substantially different nonconforming use, nor enlarged so as to make use of more land area that was used at the time of becoming nonconforming. No Class B Nonconforming Use or Structure shall be permitted to continue in existence if it was unlawful at the time of its inception.

SECTION 807: NONCONFORMING LOTS

Any lot of record may be used for permitted uses even though the lot area and/or dimensions are less than those required for the District in which the lot is located, provided that yard dimensions and other requirements of the District, not involving lot area and width, are met. Contiguous parcels under the same ownership are considered combined as necessary to eliminate or reduce to the maximum extent possible all non-conformities. The spirit of this provision is to limit density in areas of historically small lots to provide isolation for wells, septic systems, drainage and similar public health consideration. No vested right arise to the property owner for any parcel created in violation of any preceding Zoning Ordinance.

SECTION 808: GENERAL STANDARDS

The Planning Commission shall review the particular facts and circumstances of each Class A Proposal in terms of the intent of this Article, for decisions involving Section 804(5) only, and the general standards as set out in Section 704 of the Ordinance.

SECTION 809: REVOCATION OF CLASS A NONCONFORMING USES AND STRUCTURES

Any Class A nonconforming use or structure maintained or used in violation of this Ordinance is a nuisance per se. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation. Such notice shall be directed to each property owner of or a party in interest in whose name the property appears on the last local tax assessment records. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by regular mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

All violations of Class A nonconforming uses and structures shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Planning Commission by the Zoning Administrator. The Planning Commission shall, upon receipt of said violation, schedule a public hearing in accordance with the procedures set out in Sections 902(2G) of this Ordinance. Upon hearing the facts and information, the Planning Commission shall make its decision to consider revocation on the Class A designation in writing and set forth the findings and reason on which it is based.

SECTION 810: APPEAL OF GRANTING, DENYING, OR REVOCATION OF CLASS A STATUS

Any person aggrieved by the Planning Commission's granting or failure to grant a Class A status must appeal that decision to the Zoning Board of Appeals within 30 days. The Zoning Board of Appeals shall notify all affected parties and hold a public hearing on the appeal as specified in Sections 902(2G).

SECTION 811: PRACTICAL DIFFICULTY CASES

Nonconforming buildings or structures may be structurally changed, altered or enlarged with the approval of the Planning Commission when it finds that the request is a case of practical difficulties in which failure to grant the relief requested would unreasonably restrict continued use of the property or would restrict valuable benefits that the public currently derives from the property as used in its nonconforming status, EXCEPT that any approval for structural changes, alteration, or enlargement may be granted only with a finding by the Planning Commission that approval will not have an adverse affect on surrounding property and that it will be the minimum necessary to relieve the practical difficulties.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

SECTION 901: ADMINISTRATION

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

SECTION 902 ADMINISTRATIVE STANDARDS AND PROCEDURES

1. Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decisions, then, unless other standards are provided in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood.
2. Where a public hearing is required in the administration of this Ordinance, the Zoning Board of Appeals or the Planning Commission:
 - a. Shall base their decision upon facts presented at a public hearing:
 - b. For Conditional Uses, Nonconforming uses and structures, Mineral Extraction Permits, and for the Zoning Board of Appeals and Township Board hearings, the Zoning Administrator shall publish notice of the public hearing in a newspaper of general distribution. Such notice is to be given not less than fifteen (15) days prior to the public hearing. Also, notification by mail or personal service shall be given to the applicant and all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. The current year's tax assessment role shall be used as prima facie evidence of record ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individual, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;
 - c. For amendments, the Zoning Administrator shall publish a notice in a newspaper of general circulation in the Township, at least fifteen (15) days before the hearing. Said notice shall also go to utilities and railroads registered to receive the notice, and if the amendment is rezoning, also notification by mail or person service shall be given to all property owners to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to all occupants of structures within three hundred (300) feet. . The current year's tax assessment role shall be used as prima facie evidence of record ownership. If a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different

individual, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure;

- d. All hearing notices shall include the time, place and nature of the request, the street address and the geographic area included in the zoning proposal, where and when written comments will be received, and where and when the zoning ordinance and proposals or applications may be examined;
- e. All interested parties at the hearing shall be permitted to present and rebut information either supporting or opposing the zoning action under consideration.

Note: In additions, the Zoning Administrator

- f. Shall prepare a comprehensive summary record of the hearing, including an exact record of motions, votes and other official action.
 - g. Shall set forth in writing and in detail any denial, approval, conditional approval or order and the facts supporting such decision.
 - h. Shall file the record, written testimony, or documents submitted with regard to the hearing, and the decision with the Township Clerk, and maintain an affidavit of mailing for each mailing made under this section.
 - i. Shall comply with all other requirements under the law; and
 - j. Shall have all administrative actions recorded in the Official Zoning Orders Book and Mag.
3. Wherever a discretionary decision is authorized in this Ordinance, such as, but not limited to, the issuance of Conditional Use Permits, conditions (including, but not limited to greater setbacks, parking, screening, drainage, access control and other similar requirements) may be imposed provided they are:
- a. Designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed use or activity, and the community as a whole;
 - b. Related to the valid exercise of the police power, and the purposes which are affected by the proposed use or activity;
 - c. Necessary to meet the intent and purpose of the zoning ordinance are related to standards established in the ordinance for the land use or activity under consideration, and are necessary to insure compliance with those standards;
 - d. The condition imposed with respect to the approval of a land use or activity shall be recorded in the record of the approved action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. A record of changed condition shall also be maintained.
4. 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 Michiganamme Township Clerk and be open to public inspection.

SECTION 903: ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Township Board and shall receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in some other capacity as an employee or appointed officer of this township. The

Zoning Administrator shall administer the provisions of this Ordinance and shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. They shall have no power to vary or waive Ordinance requirements.

SECTION 904: DUTIES OF THE ZONING ADMINISTRATOR

1. The Zoning Administrator shall have the power to issue Zoning Compliance Permits and to review Site Plans to determine whether they are in proper form, contains all of the required information and is in accordance with the provisions of this Ordinance. The Zoning Administrator shall make inspections of premises and collect such investigative data deemed necessary to carry out his/her duties in the enforcement of this Ordinance.
2. If the Zoning Administrator shall find that any provision of this Ordinance is being violated, the Administrator shall order discontinuance of any illegal work being done; or shall take such action as authorized to insure or prevent violation of the provisions of this Ordinance.
3. The Zoning Administrator shall not vary, change or grant exceptions to any terms of this Ordinance, or to any person making application under the requirements of this Ordinance. The Zoning Administrator shall interpret the provisions of this Ordinance, both the text and map, in such a way as to carry out the intent and purpose of this Ordinance. Any determination of the Zoning Administrator may be appealed to the Zoning Board of Appeals.
4. It shall be unlawful for the Zoning Administrator to issue a Zoning Compliance Permit or other such permits, for any construction or use until he/she has inspected such plans and found them to conform with this Ordinance.

SECTION 905: ZONING COMPLIANCE PERMIT

1. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Zoning Compliance Permit shall have been issued by the Zoning Administrator. The Permit shall state that the building, structure and lot, and use thereof, conform to the requirements of this Ordinance.
2. The Zoning Administrator shall maintain a record of all Zoning Compliance Permits and said record shall be open for public inspection. Failure to obtain a Zoning Compliance Permit shall be a violation of this Ordinance.

SECTION 906: ENFORCEMENT AND VIOLATION

Notice of Violation:

1. Whenever the Zoning Administrator determines that a violation of this Ordinance exists, said Zoning Administrator shall issue a notice of violation.
2. Such notice shall be directed to each owner of or party in interest in whose name the property appears on the last local tax assessment records.
3. All notices shall be in writing and shall be served upon the person to whom they are directed personally, or in lieu of personal service may be mailed by certified return receipt mail, addressed to such owner or party in interest at the address shown on the tax records. An affidavit of mailing shall be maintained.

4. All violations shall be corrected within a period of time as specified on the notice of violation. A violation not corrected within this period shall be reported to the Michigan Township board who shall initiate prosecution procedures.
5. All violations are civil infractions according to section 1204 and shall be enforced as stated.

SECTION 907: SPECIAL ZONING ORDERS BOOK AND MAP

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

SECTION 908: FEES

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

ARTICLE X

ZONING BOARD OF APPEAL

SECTION 1001: CREATION AND MEMBERSHIP

The Zoning Board of Appeals is hereby established in accordance with Public Act 110 of 2006, as amended the ("Zoning Act"). The Board shall consist of three (3) members; a member of the Planning Commission; and the remaining members appointed by the Michigamme Township Board from the electors residing in the Township.

1. The remaining regular members, and any alternate members, shall be selected from the electors of the Michigamme Township Board residing within the zoning jurisdiction of Michigamme Township. The members selected shall be representative of the population distribution and of the various interests present in the local unit of government.
2. One regular member may be a member of the Michigamme Township Board but shall not serve as chairperson of the zoning board of appeals. An employee or contractor of the Michigamme Township Board may not serve as a member of the zoning board of appeals.
3. The Michigamme Township Board may appoint not more than 2 alternate members for the same term as regular members to the Michigamme zoning board of appeals. An alternate member may be called as specified to serve as a member of the Michigamme zoning board of appeals in the absence of a regular member if the regular member will be unable to attend 1 or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the Michigamme zoning board of appeals.
4. A member of the Michigamme zoning board of appeals may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his or her duties.
5. A member of the Michigamme zoning board of appeals may be removed by the Michigamme Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
6. The terms of office for members appointed to the Michigamme zoning board of appeals shall be for 3 years, except for members serving because of their membership on the Michigamme planning commission or Michigamme Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
7. A Michigamme zoning board of appeals shall not conduct business unless a majority of the regular members of the Michigamme zoning board of appeals are present.

SECTION 1002: PROCEDURES

1. The Michigamme Zoning Boards of Appeals may adopt rules and regulations to govern its procedures. The Michigamme Zoning Board of Appeals shall appoint one of its members as Chairman. The concurring vote of a majority of the members of the Michigamme Zoning Board of Appeals shall be necessary to revise any order, requirement, decision or interpretation of the Michigamme Zoning Administrator or to decide in favor of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation in this Ordinance.
2. Meetings of the Michigamme zoning board of appeals shall be held at the call of the chairperson and at other times as the Michigamme zoning board of appeals in its rules of procedure may specify. Minutes shall be kept of each meeting and the Board shall record into the minutes all findings, conditions, facts and other relevant factors, including the vote of each member upon and question or if absent or failing to vote indicating such fact, and all of its official actions. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
3. All meetings and records shall be open to the public. The Michigamme zoning board of appeals shall maintain a record of its proceedings which shall be filed in the office of the clerk of the legislative body.

SECTION 1003: DUTIES AND POWERS

1. The Michigamme Zoning Board of Appeals shall perform its duties and exercise its powers as provided in the Zoning Act, as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Michigamme Zoning Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide as provided therein; administrative review, Zoning Administrator, Planning Commission interpretation of the Michigamme Zoning Ordinance, including the zoning map, variances and site plan reviews.
2. The Michigamme Zoning Board of Appeals may adopt rules to govern its procedures.
3. The Michigamme Zoning Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters specifically provided for in this Ordinance.

SECTION 1004: ADMINISTRATIVE REVIEW

1. The Michigamme Zoning Board of Appeals shall hear and decide appeals from the review any order, requirement, decision or determination of the Michigamme Zoning Administrator, as well as site plan appeals.
2. The Michigamme Zoning Board of Appeals shall have the power to:
 - a. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance;
 - b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Michigamme Zoning Administrator.

- c. Determine the off street parking requirements of any use not specifically mentioned either by classifying it with one of the groups listed in Section 413 or by an analysis of the specific needs.

SECTION 1005: VARIANCES

1. The Michigamme Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.
2. Any nonconforming use of neighboring lands, structures, or building shall not be considered grounds for the issuance of a variance.
3. The Michigamme Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
4. The Michigamme Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
5. The Michigamme Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
6. In granting any variance, the Michigamme Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with this Ordinance as set forth in 902 C. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
7. Under no circumstances shall the Michigamme Zoning board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
8. In exercising the above mentioned powers, the Michigamme Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal was taken.

SECTION 1005.1: APPLICATION PROCEDURES

1. Any person having an interest in a property may file an application for a variance for the zoning district in which the land is situated.
2. Applications shall be submitted through the Zoning Administrator to the Zoning Board of Appeals. Each application shall be signed by the property owner and accompanied by the payment of a fee in accordance with the duly adopted "Schedule of fees" to cover costs of processing the application. No part of any fee shall be refundable.

3. Every application shall be accompanied by the following information and data:
 - a. Variance Request Application form provided by the Zoning Administrator and filled out by the applicant.
 - b. Variances requested affecting land, buildings or structures on a single family residentially zoned and utilized lot, for which adequate off-street parking areas are proved, shall submit a site plan. All other proposed uses shall submit a site plan meeting the requirements of Article VI Site Plan review Section 604.
 - c. A statement with supporting evidence regarding the required standards specified in Section 1006.

SECTION 1005.2: REVIEW CONSIDERATIONS

1. The Michigamme Zoning Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in practical difficulty.
2. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
3. The Michigamme Zoning Board of Appeals shall make findings that the requirements of this Section have been met by the applicant.
4. The Michigamme Zoning Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building, or structure.
5. The Michigamme Zoning Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public interest.
6. In granting any variance, the Michigamme Zoning Board of Appeals may prescribe appropriate conditions and safeguards consistent with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted shall be deemed a violation of this Ordinance.
7. Under no circumstances shall the Michigamme Zoning Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
8. In exercising the above mentioned powers, the Michigamme Zoning Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm wholly or partly or may modify the order, requirements, decision, or determination appealed from and may make such order, requirements, decision, or determination as ought to be made, and to that end shall have the powers of the public official or body from whom the appeal was taken.

SECTION 1006: VARIANCE STANDARDS

Prior to the authorization and granting of any Variance, the Zoning Board of Appeals shall determine that the following standards have been satisfied:

- A. Practical Difficulties/Dimensional Variance Standards:
The applicant must show practical difficulty by demonstrating all of the following:
1. Whether strict compliance with area, setbacks, frontage, height, bulk, density or other dimensional requirements would unreasonable prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome.
 2. Whether the requested variance is the minimum variance necessary to do substantial justice to the applicant as well as to other property owners in the District.
 3. Whether the appeal of the owner is due to unique circumstances or physical dimensions of the property and is not due to the applicants personal or economic difficulty.
 4. Whether the problem is self-created (the result of the current or previous property owner).
 5. Whether the variance will cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the vicinity or zoning district.

SECTION 1007: APPEALS

1. Appeals concerning interpretation or the administration of this Ordinance shall be made in accordance with Section 605 regarding review procedures or for other contested actions by filing a notice of appeal specifying the grounds thereof with the Zoning Administrator within thirty (30) days from the date of the contested decision. The Zoning Administrator shall transmit to the Zoning Board of Appeals copies of all the information constituting the record upon which the action appealed was based upon.
2. A fee shall be paid to Michigamme Township at the time of filling the notice of appeal. The appeal fee shall be established by the Michigamme Township Board.
3. Any party or parties may appear at the hearing in person or may be represented by an agent or attorney.
4. The Michigamme Zoning Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board shall be in the form of a resolution containing a full record of its findings and determinations in each case.
5. An appeal shall stay all proceedings in furtherance of the action appealed, unless the Zoning Administrator certifies to the Michigamme Zoning Board of Appeals that a stay would in his (her) opinion, cause imminent peril to life or property, in which case the proceedings should not be stayed, other than by a restraining order granted by the courts.

SECTION 1008: DUTIES ON MATTERS OF APPEAL

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

1. An appeal from a decision of the Zoning Board of Appeals shall be filed within 30 days after the Zoning Board of Appeals certifies its decision in writing signed by the chairperson.

ARTICLE XI

MICHIGAMME PLANNING COMMISSION: PLANNING AND ZONING AUTHORITY

SECTION 1101: DESIGNATION

The Michigamme Township Planning Commission is hereby designated the Commission as specified in Section 3, Act 168 of the Public Acts of 1959, as amended. Under said act, it shall be the duty of the Commission to advise the Michigamme Township Board on matters of planning. Further, the Planning Commission shall assume the duties of the Zoning Commission prescribed in the Zoning Act, as amended.

SECTION 1102: CHANGES AND AMENDMENTS

1. Only the Michigamme Township Board may amend this Ordinance. An amendment to the zoning ordinance text or map may be initiated by the Michigamme Township Board, or on request of the Michigamme Planning Commission, or on petition or appeal of the affected property owner of record to transfer land, or a portion thereof, from the district in which it is situated into another district by amendment to this Ordinance and/or change any of the regulations of this Ordinance as to the use of land in any district, or as to the restrictions upon buildings or structures and their placement herein, by amendment to this Ordinance.

Any action of amending this Ordinance shall first be reviewed by the Michigamme Planning Commission.

1. An application for amendment shall be filed with the Michigamme Township Clerk in duplicate, accompanied by a fee as determined by the Michigamme Township Board. The Zoning Administrator shall forward one (1) copy to the Michigamme Planning Commission.
2. The public hearing on the proposed amendment will be scheduled and announced according to Section 902(2c).
3. Following the hearing, the proposed zoning amendment included a full record of the petition, findings of fact, affidavit of mailing and copy of legal notice and legal ad, will be sent to the Marquette County Planning Commission for their review and recommendation, the County Planning Commission shall have thirty (30) days to review and furnish a recommendation. Upon receipt of the County Planning Commission's action, the Michigamme Township Planning Commission shall transmit its recommendation on the application to the Michigamme Township Board within 45 days. Such recommendations shall be in writing.
4. The Michigamme Township Board, upon receiving reports of the Michigamme Township Planning Commission, and without further public hearing, may vote upon the adoption of the proposed amendment, or it may refer it back to the Michigamme Township Planning Commission for further consideration, or it may hold a public hearing if it considers it necessary. Notice of the public hearing shall be provided in accordance with the Zoning Act requirements. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for that purpose, shall consider the recommendations and vote upon the change or amendment for the Township. Any changed or amendments shall be approved by a majority vote of the members of the Township Board. The Township Board may refer any changes or amendments to the Planning Commission for

consideration and comment within a time frame specified by the Michigamme Township Board. In considering any amendment, due allowance shall be made for existing conditions, for the conservation of property values, for the direction of building development to the best advantage of the entire township, and for the uses to which the property affected is being devoted at the time.

5. No petition for amendment, which has been disapproved by the Michigamme Township Board, shall be resubmitted for a period of one year from the date of disapproval, except as may be permitted by the Michigamme Township Board after learning of new and significant facts or conditions which might result in favorable action upon resubmittal. Resubmittal shall follow the same procedure as outlined in this Section.
6. The petitioner shall transmit a detailed description of the petition to the Zoning Administrator. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:
 - a. A legal description of the property.
 - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - c. The name and address of the petitioner.
 - d. The petitioner's interest in the property.
 - e. Date of filing with the Zoning Administrator.
 - f. Signatures of petitioner(s) and owner (s) certifying the accuracy of the required information.
 - g. The desired change and reasons for such change.
7. In viewing any petition for a zoning amendment, the Michigamme Township Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its finding in full, along with its recommendations for disposition of the petition, to the Michigamme Township Board within sixty (60) days of the hearing date of the petition. All findings of fact shall be made a part of the public record of the meetings of the Michigamme Township Planning Commission and the Michigamme Township Board.
8. The general standards to be considered by the Michigamme Township Planning Commission shall include, but not limited to the following:
 - a. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance.
 - b. Is the requested zoning change consistent with the Goals and Policies, and other elements of the Michigamme Township Comprehensive Overview.
 - c. The precedents, and the possible effects of such precedents, which likely results from approval or denial of the petition.
 - d. The ability of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved.
 - e. Are there any significant and negative environmental impacts which would potentially occur if the petitioned zoning change and resulting permitted structures were built, including but limited to, surface water drainage problems, wastewater disposal problems or the loss of locally valuable natural resources.
 - f. The potential effect of either approval or denial of the petition upon adopted development policies of the Township or other governmental units.

ARTICLE XII

INTERPRETATION, SEVERABILITY, VESTED RIGHT PENALTIES, AND EFFECTIVE DATE

SECTION 1201: INTERPRETATION AND CONFLICT

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

SECTION 1202: SEVERABILITY

This Ordinance and the various parts, section, subsections, and clauses, thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section, or clause is adjudged unconstitutional or invalid, as applied to a particular property, building or structure, it is hereby provided that the application of such portion of the Ordinance to other property, building, or structures shall not be affected thereby. Whenever any condition or limitation is included in an order authorizing any conditional use permit, variance, zoning compliance permit, site plan approval, or designation of 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.

If, after adoption of this Ordinance by the Township Board and having been reviewed by the Marquette County Planning Commission, a valid petition is filed with the Township Clerk placing this Ordinance before the voters for their approval or rejection, upon election, should this Ordinance be rejected, then the Township would automatically revert back to the preceding Marquette County Zoning Ordinance, adopted December 22, 1976.

SECTION 1203: VESTED RIGHT

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

SECTION 1204: PENALTIES AND REMEDIES

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

2. Municipal Civil Infraction Action – Commencement: A municipal civil infraction action may be commenced by the issuance by an authorized Enforcement Officer of a municipal infraction citation directing the alleged violator to appear in Court.
3. Municipal Civil Infraction Citations – Issuance and Service: A municipal civil infraction citation shall be issued and served by an authorized Enforcement Officer as follows:
 - a. The time for appearance specified in the citation shall be within a reasonable time after the citation is issued.
 - b. The place for the appearance specified in the citation shall be in District Court.
 - c. Each citation shall be numbered consecutively and shall be in a form approved by the State Court Administrator. The original citation shall be filed with the District Court. Copies of the citation shall be retained by the Township and alleged violator as provided in this Section.
 - d. The citation for a municipal civil infraction violation signed by an authorized Enforcement Officer, shall be treated as if made under oath if the violation alleged in the citation occurred in the presence of the Township official signing the Complaint, and if the citation contains the following statement immediately above the date and signature of the official: *“I declare under the penalties of perjury that the statements above are true and to the best of my information, knowledge and belief.”*
 - e. An authorized Enforcement Officer may issue a citation to a person if:
 - 1) Based upon investigation, the official has reasonable cause to believe that the person is responsible for a municipal civil infraction; or
 - 2) Based upon investigation of a complaint by someone who allegedly witnessed a person commit a municipal civil infraction, the official has reason to believe that the person is responsible for an infraction and, if the prosecuting attorney or Township attorney approves in writing of the issuance of the citation.
 - f. Municipal civil infraction citations shall be served by an authorized Township Enforcement Officer as follows:
 - a. Except as provided in Section C(6)ii, an authorized Township Enforcement Officer shall personally serve a copy of the citation upon the alleged violator.
 - b. If the municipal infraction involves the use or occupancy of land, a building or other structure, a copy of the citation does not need to be personally upon the alleged violator, but may be served upon the owner or occupant of the land, building or structure, by posting a copy on the land or attaching a copy to the building or structure. In addition, a copy of the citation shall be sent by first-class mail to the owner of the land, building or structure at the owner’s last known address.
4. Municipal Civil Infractions – Contents:
 - a. A municipal ordinance citation shall contain the name and address of alleged violator, the municipal infraction alleged, the place where the alleged violator shall appear in Court, the telephone number of the Court and the time at or by which the appearance shall be made.
 - b. Further, the citation shall inform the alleged violator that he or she may do one of the following:
 - 1) Admit responsibility for the municipal civil infraction by mail, in person or by representation, by the time specified for in the appearance.
 - 2) Admit responsibility for the municipal civil infraction “with explanation,” by mail, by the time specified for in the appearance or, in person, or by representation.
 - 3) Deny responsibility for the municipal civil infraction by doing either of the following:
 - a) Appearing in person for an informal hearing before a judge or a District Court Magistrate, without the opportunity of being represented by an attorney, unless a formal hearing before a Judge is requested by the Township.

- b) Appearing in Court for a formal hearing before a Judge with the opportunity of being represented by an attorney.
- c. The citation shall also inform the alleged violator of the following:
 - 1) If the alleged violator desires to admit responsibility “with explanation,” in Court or by representation, the alleged violator must apply to the Court in person, by mail or by telephone, or by representation within the time specified to obtain a scheduled date for a time for appearance.
 - 2) If the alleged violator desires to deny responsibility, the alleged violator must apply to the Court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time to appear for hearing, unless a hearing date is specified in the citation.
 - 3) A hearing shall be an informal hearing, unless a formal hearing is requested by the violator or the Township.
 - 4) At an informal hearing, the alleged violator must appear in person before a Judge or District Court Magistrate, without the opportunity of being represented by an attorney.
 - 5) At a formal hearing, the alleged violator must appear in person before a Judge with the opportunity of being represented by an attorney.
- d. The citation must contain in bold face type that the failure of the alleged violator to appear within the time specified in the citation or at the time scheduled for hearing or appearance will result in the entry of default judgment against the violator on the municipal civil infraction.

5. Schedule of Fines:

- a. The fines for violation shall be as follows:
 - 1) Letter of complaint with 15 days to comply.
 - 2) The failure to comply with any provision of the Township Ordinance which provides a violation thereof is a civil infraction - \$100.00 fine with 15 more days to comply.
 - 3) The second repeat offense - \$200.00 fine with 15 more days to comply.
 - 4) The third (or any subsequent repeat offense) - \$350.00.
- b. Each day that a violation continues to exist shall constitute a separate infraction. This ordinance shall not preclude any other civil action against the violator for injunctive or other relief.

6. Ordinance Enforcement Officer: The Michigamme Township Board is hereby authorized, by Resolution, at any regular meeting of the Board, to appoint any person or persons to the office of Ordinance Enforcement Officer for such term or terms as may be designed in said Resolution. Said Board may further, by Resolution, remove any person from said office, in the discretion of the Board, without cause.

7. Duties: The Ordinance Enforcement Officer is hereby authorized to enforce all Ordinances of Michigamme Township (including the Michigamme Township Zoning Ordinance), whether currently or hereinafter enacted, and whether such Ordinance specifically designates a different official to enforce is so designated in such Ordinance, the authority of said Ordinance Enforcement Officer to enforce the same shall be in addition and supplementary to the authority granted to such other specific officer. Any Ordinance enforcing the authority of the Township Supervisor specifically designated in any Township Ordinance shall continue in full force and effect and shall in no way be diminished or impaired by the terms of the within Ordinance.

8. Severability: The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is judged unconstitutional or

invalid by any court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

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

SECTION 1205: EFFECTIVE DATE

The effective date of this Ordinance shall be May 24, 1992.

- 1. All meetings subject to this act shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.
- 2. A writing prepared, owned, used, in the possession of, or retained as required by this act shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

SECTION 1206: EFFECTIVE DATE OF AMENDED ORDINANCE

Made and passed this 9th day of August, 1994, by a vote of 5 ayes to 0 nays.

TOWNSHIP OF MICHIGAMME

By: _____
John Olson, Supervisor

Attest: _____
Jean Howe, Clerk

I hereby certify that the above is a true copy of the Michigamme Township Zoning Ordinance, as amended, and adopted by the Michigamme Township Board on the 9th day of August, 1994.

By: _____
John Olson, Supervisor

Attest: _____
Jean Howe, Clerk

I hereby certify that the above is a true copy of the Michigamme Township Zoning Ordinance, as amended, and adopted by the Michigamme Township Board on the 13th day of August, 2009.

By: _____
_____, Supervisor

Attest: _____
_____, Clerk

MICHIGAMME TOWNSHIP RECREATION PLAN

1. OVERVIEW:

The Township of Michigamme consists of 144 sq. miles. It is the western most Township in Marquette County. It borders Spurr and L'Anse Townships to the west, Powell to the north, Champion to the east, and Republic to the south. The community represents the most significant population concentration in Michigamme Township. Several plats are being developed around Lake Michigamme for year around residence.

Michigamme was founded of lumbering and mining operations in the early 1870's. Much of its early growth was dependent upon iron-ore mining operations at the nearby Michigamme Mine. The Imperial Mine in neighboring Spurr Township in Baraga County also played a role in the development of Michigamme. The major mines have long been abandoned, with the last located in Baraga County, closing in the late 1950's. Lumbering activities have historically been important and the forest product industry continues to be a part of Michigamme's economy.

Michigamme Township has numerous lakes; among them is Lake Michigamme, the largest inland lake in Marquette County. Lake Michigamme is slightly over 6.6 sq. miles in area, with a maximum depth of 72 feet. It's elevation above mean sea level is 1,550 feet.

Wooded and rugged terrain, moderate summer climate, and high air quality combine to make the area aesthetically attractive. The areas greatest asset is its natural scenic beauty.

B. EXISTING LAND USE:

1. Residential land use in the Township of Michigamme is clustered in what is formally called "the Village" of Michigamme. This area consists of three old plats (the village of Michigamme, Eastern addition, and Western addition) and one small relatively new plat. Other residential development occurs in a lineal pattern along the shore of Lake Michigamme. There are also seasonal-recreation structures, most of which are located near lakes. In the village there are a number of older vacant building, some of which are in a deteriorated condition; however, the housing stock is basically sound.
2. Town Development: Commercial activity in the Township of Michigamme includes motels and cabins, craft shops, wood yard, beauty shop, wood working shop, a trailer park and restaurant/bar. These establishments are scattered throughout the Township.
3. Industrial: The industrial uses in the Township include an oil distribution storage area and a railroad right-of-way, two wood yards and a gravel pit are adjacent to U. S. 41.
4. Public/Quasi-Public: The Township's public/quasi-public use include three churches, three church camps, a school (vacant), two parks and recreation areas, a playground, cemetery, fire hall, town hall, (including community center and senior center), post office and a youth center. The Federally owned McCormick tract is located in Michigamme Township and managed by the U. S. Forest Service. Also located in the Township is the State owned primitive camping area and roadside park. The Department of Natural Resources has established three (3) public fishing sites/boat launch facilities around Lake Michigamme and one (1) site on Arfelin Lake.

C. DEVELOPMENTAL CONSTRAINTS:

1. Topography: Topography in and around the community is somewhat rugged, ranging from slightly to steeply sloping. Slopes of more than ten percent are common. However, much of the “village” of Michigamme, proper, is situated on gently sloping terrain, which is in the less than ten percent range and thus considered capable of supporting most development. The steeper slopes are generally located north of U.S. 41.
2. Soils: Surface soils are brown fine sandy loam to loam; the substratum consists of cobbles, stones and gravel. Surface soils retain moisture, while the subsoil and substratum drainage range from good to free. Bedrock outcropping (schists and slates) are scattered throughout the area and there is thin or no topsoil in some instances. Though soils may be quite permeable, shallow depth to bedrock and hardpan has resulted in some groundwater contamination.
3. Floodplain: The Michigamme area is located in a drainage system that exhibits “flashy” behavior, i.e., there is rapid run-off due to shallow bedrock. Coleman Engineering Company’s Lake Level Study (December 1977) indicates that the level of Lake Michigamme has an annual variation of 4.5 feet. Actual flood hazard areas have not been identified.
4. Natural Resource Production (Mining Extractive): Geological sheets of the Marquette Mineral District, drawn by the Cleveland Cliffs Iron Company (CCI), show elongated iron formations running in an east-west fashion, located immediately north of the “village “ (near the lake shore), and within the platted area (southern portion). The first is by far the largest of the three and the last by far the narrowest. Some of these resource-base areas have been developed for purposes other than mineral extraction.
5. Land Ownership: Most of the developed area is privately owned in small lots. Surrounding the village is considerable corporately owned acreage.

D. POPULATION TRENDS

In 1980, the U. S. Census showed the population of Michigamme Township to be 383, In 1990, the U. S. Census has shown a population of 339. While the year-round population of the village may decrease somewhat, the summer population will increase, due primarily to the influence of the lake and of recreation and tourism in general.

E. TRANSPORTATION:

1. Highways: Michigamme Township is served by a road system which includes U. S. 41/M-28, a federal/state trunkline highway (statewide arterial) that runs east/west. The village streets and township roads are all maintained by the county and subject to weight restrictions in the spring. Roadway capacities and surface conditions are generally adequate.
2. Railroads: Wisconsin Central trackage parallels and is located immediately south of U. S. 41. The railroad line is adequately buffered from the “village”. The frequency of rail traffic has declined through the years to about four weekly runs. The principal cargo handled on the line is general freight.
3. Public Transit: Michigamme is served by Greyhound. The Marquette County Commission on Aging provides rides to the elderly on a volunteer/weekly basis. Marqtran, a county-wide provider, serves the area weekly. The Baragaland Seniors bus

also provides service to the elderly, to Marquette and vicinity, bi-monthly on demand.

F. COMMUNITY FACILITIES AND SERVICES:

1. Water: Water service to the residents is provided by individual wells, some of which are dug wells, with relatively poor yields. Because such wells are generally shallow (above bedrock), contamination from wastewater effluent has been a problem. Most of the wells in Michigamme are drilled wells.
2. Wastewater: Residences and businesses have individual on-site sewage disposal systems (septic tanks, cesspools, privies). Failure and malfunction of such individual systems have resulted in water supply contamination and, to some extent, lake pollution. Construction of a public sanitary sewer system, began in 1990 and was completed early 1992.
3. Electricity: The community of Michigamme is served by the Wisconsin Electric Power Company (WEPCO).
4. Drainage: The Township lies within the Lake Michigamme watershed. Surface water drainage is to the lake, either directly (shoreline areas) or indirectly (sub-basin). The Peshekee and Beaufort (Spurr) Rivers are the lakes most significant feeder streams. A storm sewer serves portions of the “village” of Michigamme. Storm sewer runoff is occasionally a problem in areas without storm sewer service, due to shallow depth to bedrock.
5. Schools: Michigamme is situated within the Republic-Michigamme School District. Students are bused 22 miles to the K-12 school located in South Republic. In general, there has been a downward trend in District enrollment and the District has a proportionately high cost/student ratio.
6. Parks/Recreation: The community has outdoor recreation areas with a ball park, tot lot, tennis, horseshoe, shuffleboard courts and pavilion. A multipurpose community building houses Township Offices, a senior program, pre-school, gym and stage. Primary boat launching to Lake Michigamme is available nearby at the Township owned Michigamme Township beach, in Baraga County, and two DNR public fishing sites off Brown Road and Blue Road.
7. Police/Fire/Ambulance Services: Police protection is provided by the Marquette County Sheriff and the Michigan State Police. Fire protection is provided by a volunteer fire department, operating out of a centrally located fire station. Michigamme Township has interlocal fire protection agreements with Champion and Spurr Township. Emergency Medical service is provided locally by a First Responder Team working in conjunction with Ishpeming, Covington and Bay Ambulance services.

G. COMMUNITY NEEDS, PROBLEMS AND ISSUES

1. Junk cars and generally unsightly lots and areas.
2. The Lake Michigamme water level fluctuates, due primarily to deterioration of the dam (originally constructed in the late 1800's).
3. Shallow, dug wells (above bedrock) are easily contaminated.
4. There are some old, vacant and/or deteriorating structures.
5. The population includes a high proportion of elderly on fixed retirement incomes.

H. RECOMMENDATIONS/IMPLEMENTATION:

1. Follow shoreline development controls.
2. Establish a legal lake level.
3. Prepare an inventory and analysis of housing-stock condition.
4. Encourage the setting-up of a housing rehabilitation.
5. Encourage improvements and clean-up which would increase the recreational attractiveness of the area.
6. Encourage new development in areas to be served by the proposed sanitary-sewer system.
7. Protect identified mineral resource areas from conflicting uses
8. Protect and improve the quality of all the water in the Township
9. Repair Township roads, sidewalks and streets.
10. Attract new business and industry
11. Seek to provide the best possible education for our children
12. Plant shade trees along village streets.
13. Long range plans for public facilities.