

**Township of Mastodon**  
**County of Iron, State of Michigan**

**Zoning Ordinance 2018**

**Adopted:**

**November 13, 2018**

**Effective:**

**November 13, 2018**

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**ZONING ORDINANCE**  
**TOWNSHIP OF MASTODON**  
**COUNTY OF IRON, STATE OF MICHIGAN**

An ORDINANCE is to establish zoning districts and regulations governing the development and land use within the Township of Mastodon, County of Iron, State of Michigan, in accordance with the provisions of PA 110 of 2006 and PA 33 of 2008, as amended, to provide for regulations governing non-conforming structures and uses; to provide for a Zoning Board of Appeals and for its powers and duties; to provide for permits; to establish and provide for the collection of fees; to provide for the administration of this Ordinance and for the official whose duty it shall be to enforce the provisions thereof; to provide penalties for the violation of this Ordinance; and to provide for conflicts with other ordinances or regulations.

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THE TOWNSHIP OF MASTODON ORDAINS:

## **PART I**

### **GENERAL PROVISIONS**

#### **SECTION 100, TITLE AND PURPOSE**

This Ordinance will be known and cited as the “Zoning Ordinance 2018 of the Township of Mastodon”. The fundamental purpose of this Ordinance is to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability; to limit the improper use of land; to conserve natural resources and energy; to meet the needs of the state’s residents for food, fiber and other natural resources, places of residence, recreation, industry, trade service and other uses of land; to ensure those uses of the land shall be situated in appropriate locations and relationships; to avoid the overcrowding of population; to provide adequate light and air; to lessen the congestion on the public roads and streets; to reduce hazards to life and property; to facilitate adequate provision for a system of transportation, sewage disposal, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous use of land, resources and properties as authorized under the above-mentioned Ordinance.

#### **SECTION 101, SEVERITY**

If a court of competent jurisdiction judges any section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of this Ordinance will not be affected thereby.

#### **SECTION 102, EFFECTIVE DATE**

This Ordinance shall take effect seven days after publication in a newspaper of general circulation within the Township of Mastodon.

#### **SECTION 103, RELATIONSHIP TO OTHER LAWS**

Whenever regulations or restrictions imposed by this Ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, those regulations, rules or restrictions which are more restrictive, or impose higher standards or requirements will govern.

Regardless of any other provisions of this Ordinance, no land will be used and no structure erected or maintained in violation of any state or federal pollution control, environmental protection law or regulation.

## **SECTION 104, ADMINISTRATIVE STANDARDS AND PROCEDURES**

- A) Whenever, in the course of administration and enforcement of this Ordinance, it is necessary or desirable to make any administrative decision, then the decision will be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the surrounding neighborhood, unless the standards are provided in this Ordinance.
- B) Whenever a public hearing is required in the administration of this Ordinance:
  - 1. Publish notice of hearing in a newspaper of general circulation in the Township of Mastodon not less than 15 days before the date of hearing together with such other notices as required by law;
  - 2. A notice required under this Ordinance shall be given as provided under subsection (3) to the owners of property that is the subject of the request. Notice shall also be given as provided under subsection (3) to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction;
  - 3. The notice under subsection (2) is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or any other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the recipient of the notice.
  - 4. A notice under this section shall do the following:
    - a) Describe the nature of the request;
    - b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are no street addresses, other means of identification may be used;
    - c) State when and where the request will be considered;
    - d) Indicate when and where written comments will be received concerning the request.

## **SECTION 105, APPLICATION OF THIS ORDINANCE**

- A) No structure will be constructed, erected, placed or maintained, and no land use commenced or continued within the unincorporated parts of the Township of Mastodon, except as specifically authorized by this Ordinance.
  - 1. Special Land Uses are allowed only with a permit granted by the Planning Commission upon finding that the specified conditions exist. See Section 1601.
  - 2. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as specifically prohibited or by necessary application.
- B) No person, firm or corporation will divide any land located within the unincorporated parts of the Township of Mastodon which will result in violation of the minimum lot size and width regulations of this Ordinance. Further, no subdivisions will be entitled to record, and no street will be laid out, or improvements made to land without compliance to all requirements of this Ordinance.

## **SECTION 106, SUBSTANDARD LOTS**

In all Zoning Districts the minimum lot size and width regulations do not apply to any lawful nonconforming parcel of land shown as "Lot" in a recorded plat or described in a notarized deed or land contract executed and delivered prior to the effective date of this Ordinance.

## **SECTION 107, ACCESSORY USES AND STRUCTURES**

Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically in this Ordinance. The following special rules are applicable:

- A) Home occupations are permitted as an accessory to residential use or occupancy upon authorization of the Zoning Board of Appeals with such conditions as may be attached, including any time limit or future review necessary to ensure that the use of the structure does not become contrary to the public health, safety and welfare, or the spirit and purpose of this Ordinance.
- B) In the R-RR zoning districts, only one principal building will be placed on a lot of record with the exception of parcels of record described and designated as out lots. The building and land must comply with all the other requirements of the district in which it is located, provided further that no buildings shall be erected on land subdivided in violation of the Land Division Act, PA 288 of 1967, as amended.
- C) Accessory uses to auto repair facilities are limited to lubrication, changing oil, and filters, changing and repair of tires and tubes, engine tune-ups, minor repairs and maintenance. Excluded are major overhauls, steam cleaning, painting, and transmission, body, or chassis repairs.

## **SECTION 108, EXCEPTIONS**

Any buildings or accessories regulated by the Federal, State, local governing units or public and safety utilities are exempt from regulation under this Ordinance.

## **SECTION 109, AMENDMENTS**

- A) The Township Board may, from time to time, amend, modify, supplement or revise the district boundaries or the provisions and regulations of this Ordinance.
- B) Amendments may be initiated by the Township Board, the Planning Commission or by petition of one or more property owners within the Township of Mastodon. All proposed amendments shall be referred to the Planning Commission for public hearing and recommendations made before action may be taken thereon by the Township Board.
- C) The procedure for amending this Ordinance shall be in accordance with PA 110 of 2006, as amended.
- D) A signed application form, together with the application fee for zoning amendment, shall be filed with the Zoning Administrator. The Zoning Administrator shall review the application as to proper form, and then shall transmit the same to the Planning Commission.

- E) The Planning Commission shall establish a date for a public hearing on the application and to give proper written legal notice of the hearing as required by PA 110 of 2006, as amended.
- F) The Planning Commission shall submit written notice of proposed amendments to the Iron County Planning Commission.
- G) The applicant shall set forth a detailed description of the amendment on the application form. When the amendment involves a change in the Zoning District Map, the applicant shall submit the following information:
  - 1. A detailed, with complete lot measurements, legal description and street address of the subject property, together with a property boundary map.
  - 2. Name, address and phone number of the applicant.
  - 3. Name of property owner(s) and applicant(s) interested in the property if not the owner in fee simple title.
  - 4. Filing date of application.
  - 5. Applicant's and owner's signature.
  - 6. Any other information that has been requested.
- H) In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board within a period of ninety days. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:
  - 1. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
  - 2. The consistency with the goals, policy and future land use of the Ordinance Plan;
  - 3. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, nature of use and potential influences of property values;
  - 4. Where zoning is reasonable given the above criteria, a determination that the requested zoning district would be more appropriate than another district required;
  - 5. Whether the capacity of township infrastructure and services is sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township;
  - 6. The same or substantially similar request was not submitted and denied within the past year unless conditions have materially changed or new information has been provided.

## PART II

### ADMINISTRATION

#### SECTION 200, PLANNING COMMISSION: POWERS, DUTIES, RULES, BYLAWS

The Planning Commission is created by this Ordinance. The Planning Commission has been given zoning duties by resolution of the Township Board.

A) The Planning Commission:

1. Has five to nine members who must be qualified township electors.
2. One member will be a member of the Township Board; a Township Board member may not serve as a member of a county planning commission, and a Planning Commission member may not be a member of a county planning commission.
3. Members are appointed by the Township Supervisor with Township Board approval and may be removed by the Township Supervisor, after a hearing, with the approval of the Township Board.
  - a) A member may be removed by the Township Board for misfeasance, malfeasance or nonfeasance in office upon written charges and after a public hearing.
  - b) A member may resign from the planning commission by sending a letter of resignation to the Township Board.
  - c) Vacancies shall be filled by the Township Supervisor, with the approval of the Township Board. Duly appointed and qualified successors shall serve out the expired term of the member being replaced.
4. Members serve for three years except for the first appointed: one third shall be for one year, one-third for two years, and one third for three years. Successors shall be appointed within one month after their term ends.
5. Planning Commission members may be compensated as established by the Township Board.
6. Planning Commission members shall elect a Chairperson, Vice Chairperson and Secretary from its members and create and fill other offices or committees it deems appropriate. The officer terms are for one year.
  - a) Chairperson - The Chairperson shall preside at all meetings, appoint committees and perform such other duties as may be ordered by the Planning Commission.
  - b) Vice Chairperson - The Vice Chairperson shall act in the capacity of the Chairperson in the absence of the Chairperson. In the event the office of Chairperson becomes vacant, the Vice Chairperson shall succeed to this office for the unexpired term, and the Planning Commission shall select a successor to the office of Vice Chairperson for the unexpired term.
  - c) Secretary - The Secretary shall execute documents in the name of the Planning Commission and shall perform such other duties as the Planning Commission may determine.
    - i) Minutes - The Secretary shall be responsible for maintaining a permanent record of the minutes of each meeting and shall have

them recorded in suitable permanent records maintained by the Township Clerk.

- ii) Correspondence - The Secretary shall be responsible for issuing formal written correspondence with other groups or persons, as directed by the Planning Commission.
  - iii) Attendance - The Secretary shall be responsible for maintaining an attendance record for each Planning Commission member and report those records annually to the Planning Commission for inclusion in the annual report to the Township Board.
  - iv) Notices - The Secretary shall oversee the issuance of all notices as may be required by the Planning Commission.
7. Planning Commission members shall conduct at least four meetings per year.
  8. The Chairperson or two other members may call a special meeting by making a written request to the Secretary. The Secretary shall send a written notice of special meetings to each Planning Commission member at least forty-eight hours before the meeting.
  9. Planning Commission meetings are open to the public. Notice of regular or scheduled meetings must be posted within ten days of the beginning of the fiscal year at the township hall and any other locations considered appropriate by the Planning Commission.
  10. For a rescheduled regular or special meeting, a public notice stating the date, time, place of the meeting shall be posted at least eighteen hours before the meeting, in compliance with PA 267 of 1976, as amended.
  11. Public Hearings - All public hearings held by the Planning Commission must be held as part of a regular or special meeting of the Planning Commission.
  12. Quorum - Three members of a five-member Planning Commission shall constitute a quorum for transacting business and taking official action for all matters.
  13. Public Records - All meetings, minutes, records, documents, correspondence or other materials of the Planning Commission shall be open to public inspection in accordance with PA 442 of 1976, as amended, except as may otherwise be provided by law.

B) Planning Commission Duties are as follows:

1. Prepare, review and update a master plan as a guide for development within the Township's planning jurisdiction.
2. Take action on petitions, staff proposals and Township Board requests for amendments to the Zoning Ordinance as required.
3. Take action on petitions, staff proposals and Township Board request for amendments to the master land use plan as required.
4. Prepare an annual written report to the Township Board of the Planning Commission's operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.
5. Take actions as authorized or required by PA110 of 2006, as amended.
6. Take actions as authorized or required by PA 33 of 2008, as amended.
7. Review subdivision and Land Division proposals and recommend appropriate actions to the Township Board.

8. Perform other duties and responsibilities or respond as requested by any Township Board or commission.

C) The Planning Commission Zoning duties are as follows:

1. To provide reasonable restrictions on land use that conform to a comprehensive township development plan and provide for the best interests of the health, safety and general welfare of township citizens and property owners.
2. A public hearing for a zoning ordinance amendment shall be held by the Planning Commission and shall precede recommendations to the Township Board.
  - a) The Planning Commission shall publish notice of the hearing in a newspaper of general circulation in the Township of Mastodon not less than fifteen days before the date of the hearing.
  - b) Notice shall be given to the owners of property located within 300 feet of the property to be rezoned not less than fifteen days before the date the request will be considered.
  - c) The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. d) Notice shall do all of the following: describe the nature of the request, indicate the property that is the subject of the request, state when and where the request will be considered, and indicate when and where written comments will be received.
3. Following the public hearing, the Planning Commission will submit for review and recommendation the proposed amended Ordinance to the Iron County Planning Commission. The Iron County Planning Commission waives its right for review and recommendation if its recommendation has not been received by the Planning Commission within thirty days from the date the proposed Ordinance is received by the county. After the county's recommendation is received or waived, the Planning Commission shall transmit a summary of comments received from the public hearing and the Iron County Planning Commission and its proposed amended Ordinance to the Township of Mastodon.
4. The Planning Commission is responsible for site plan reviews. The site plan reviews may be delegated by the Ordinance to the Township Board, Zoning Board of Appeals or Zoning Administrator. A site plan shall be approved if it complies with the standards set forth in the Ordinance and other applicable ordinances and statutes.

### **SECTION 201, ZONING BOARD OF APPEALS: POWERS, DUTIES, RULES**

A) Membership requirements for the Zoning Board of Appeals

1. No fewer than five persons shall be appointed to the Zoning Board of Appeals.
2. The Township Board may appoint not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. The alternates may sit as regular members when regular members are unable to attend two or more consecutive meetings or for a period of more than thirty consecutive days. The alternate may also serve if a regular member has a conflict of interest and abstains from voting.

3. The first Zoning Board of Appeals member shall be a member of the Planning Commission. The remaining members shall be township electors who reside outside of incorporated cities and villages and represent the population distribution and various interests present in the Township. One member may be a member of the Township Board. An elected township official cannot be Chairperson. An employee or contractor of the Township Board may not serve as a Zoning Board of Appeals member.
4. The term for a member is three years; members first appointed may have shorter terms to effect staggered terms. The terms of members serving from the Township Board or Planning Commission are limited to their other respective terms. A successor shall be appointed not more than one month after a term has expired. All vacancies are filled for the remainder of the term.
5. Members may be removed from office by the Township Board for nonperformance of duty or misconduct in office upon written charges and after a public hearing. A member shall disqualify himself/ herself from a vote if he/she has a conflict of interest. Failure to disqualify himself/herself can constitute misconduct in office.
6. Members are compensated on a per diem basis and for expenses incurred in the discharge of duties in such amounts established by the Township Board.

#### B) Meeting requirements

1. Board meetings are held at the call of the chairperson and as the board may specify in its rules of procedure.
2. The Chairperson may administer oaths and compel the attendance of witnesses.
3. All board meetings are open to the public and the board shall maintain a public record of its proceedings on file with the Township Clerk.

#### C) Duties

1. The Zoning Board of Appeals is the arbiter of disputes or questions on interpreting and enforcing the Ordinance. This must be undertaken with a genuine commitment to uphold the intent and spirit of the Township's zoning regulations.
2. The Zoning Board of Appeals shall function to provide relief for the rare, exceptional situation where conforming to the Ordinance is either impossible or extremely onerous.
3. The Zoning Board of Appeals shall hear and decide appeals from any order, requirement or decision determination made by any administration official charged with enforcement of the Ordinance.
4. The Zoning Board of Appeals has the authority to grant variances permission to deviate - from the provisions of the Ordinance, based on the characteristics of the individual parcels of land, not the people using the land.
5. Variances are not intended to simply help applicants avoid inconvenience caused by requirements of the Ordinance. The Ordinance requirements were reviewed by the Planning Commission and adopted as a law by the Township Board and should not be waived or varied without substantial justification. Knowing that a variance is easily obtained will only encourage other property owners to avoid meeting the requirements of the Ordinance as no Zoning Ordinance can anticipate how every piece of property in the Township of Mastodon will be affected by its provisions.

D) Zoning Board of Appeals Standards of Review for Non-Use Variances

These are intended to ensure that variances were granted only in those circumstances where truly unusual conditions are present on a property. Failure to follow these standards and granting variances without justification can reduce the effectiveness of the zoning requirements.

A Non-Use Variance, also referred to as a dimensional variance, is a modification of a provision or requirement of the Ordinance related to the size or appearance of a use. A Non-Use Variance may be allowed by the Zoning Board of Appeals when something about the property itself causes a “practical difficulty” in complying with the dimensional or aesthetic building or site provisions of the Ordinance, such as yard setbacks, building heights, number of parking spaces, landscaping or buffering restrictions.

E) Practical Difficulty: Review Standards for Non-Use Variances

To obtain a Non-Use Variance, the applicant shall establish that a unique aspect of the property itself creates a “practical difficulty” in complying with the Ordinance. Note that there is no “hardship” test for Non-Use Variances, and the fact that complying with the Ordinance would be inconvenient does not establish a practical difficulty.

The Zoning Board of Appeals may grant a Non-Use Variance only where the applicant has established reasonable evidence in the application and the official record that ALL of the following conditions exist to establish a “practical difficulty”.

1. The property is subject to exceptional or extraordinary circumstances or conditions that do not apply generally to other properties in the same zoning district. Exceptional or extraordinary circumstances or conditions include:
  - a) Exceptional narrowness, shallowness or shape of the specific property that existed when the Ordinance provision took effect;
  - b) Exceptional topographic conditions or other extraordinary situations on the land, building or structure; or
  - c) Because of the use or development of the property immediately adjoining the property in question, the literal enforcement of the Ordinance requirements would involve practical difficulties; or
  - d) Any other physical situation on the land, building or structure deemed by the Zoning Board of Appeals to be extraordinary.
2. The condition or situation of the specific piece of property for which the variance is sought is not of a general or recurrent nature; it does not apply to other properties.
3. A variance is necessary for the preservation and enjoyment of a substantial property right, similar to the property rights possessed by other properties in the same zoning district and vicinity. (The possibility of increased financial return is not of itself sufficient to grant a variance.)
4. A variance will not be sufficiently detrimental to adjacent properties and the surrounding neighborhood.
5. A variance will not impair the intent and purpose of the Zoning Ordinance requirement that is the subject of the variance request.

6. The practical difficulty was not self-created by an affirmative action by the applicant. (Did the applicant take an action that created the need for this variance, such as splitting or selling part of the property, or locating a structure in a way that prevents future additions or improvements?)

F) Appeals of Administrative Decisions

An appeal is a request to change a decision made by an administrative officer. Rezoning decisions are not subject to appeal. Only those aspects of the decisions being appealed are subject to a ruling.

1. An appeal must be filed within thirty days after the meeting or decision date.
2. An appeal may be generated from a violation of the Ordinance. Once filed, the appeal or variance request halts any enforcement actions of the Township, unless a hazardous condition is present that needs immediate correction.
3. The Zoning Board of Appeals has two options when hearing an appeal of an administrative decision:
  - a) Upholding the decision of the administrative officer or body. The decision of the administrative officer or body is confirmed, and enforcement or other appropriate action can continue.
  - b) The decision may be reversed or modified. This decision may only be reached after a finding by the Zoning Board of Appeals that the official or body did not use the proper procedures or considerations when making the initial decision.

These are intended to ensure that variances were granted only in those circumstances where truly unusual conditions are present on a property. Not following these standards, and granting variances without justification, can reduce the effectiveness of the zoning requirements. A Non-Use Variance, also referred to as a dimensional variance, is a modification of a provision or requirement of the Ordinance related to the size or appearance of a use.

A Non-Use Variance may be allowed by the Zoning Board of Appeals when something about the property itself causes a “practical difficulty” in complying with the Ordinance’s dimensional or aesthetic building or site provisions, such as yard setbacks, building heights, number of parking spaces, landscaping or buffering restrictions.

**SECTION 202, ZONING ADMINISTRATOR**

- A) The office of Zoning Administrator is hereby established. The Zoning Administrator will be appointed by the Township Board and will serve at its pleasure. The Administrator will receive such compensation as the Township Board may, from time to time, determine. The Zoning Administrator may also serve in other capacities as an employee or appointed officer of the Township of Mastodon.
- B) The Zoning Administrator will administer the provisions of this Ordinance and will have all administrative powers in connection therewith which are not specifically assigned to some other

officer or body. The Zoning Administrator does not have the power to vary or waive Ordinance requirements.

## **PART III**

### **ZONING DISTRICT**

#### **SECTION 300, ESTABLISHMENT OF DISTRICTS**

The Township of Mastodon is hereby divided into zoning districts as named and described in the following sections. The boundaries of said zoning districts are hereby established as shown on the map as revised.

The State Legislature has removed or restricted zoning jurisdiction from townships in certain land use matters. These include, but are not limited to, state-licensed residential facilities or family day care homes for six or less persons from any residential classification, the location of an armory or state prison, gas and oil wells.

#### **SECTION 301, DISTRICT R (Residential)**

A) Intent

The Residential District is intended to establish and preserve quiet, single-family home neighborhoods as desired by a large number of people, which are free from all other uses except those compatible with and convenient to the residents of such a district.

B) Permitted Principal Uses

A single and a two-family dwelling, a multi-family dwelling, home occupations, public parks and playgrounds.

C) Special Land Uses

Schools, churches, utilities, unlighted golf courses, private parks, swimming pools and similar recreational and outdoor public assembly facilities. Special land uses in this district will be permitted only on lots fronting on and with principal driveway access to a street with paving at least twenty-four feet in width. So, located, the site must be planned and designed so as to avoid undue noise, other nuisances and dangers.

#### **SECTION 302, DISTRICT RR (Resort Residential)**

A) Intent

The Resort Residential District is intended to established and maintain for residential and recreational use those lots abutting any body of water, including but not limited to, inland lakes, rivers, streams, creeks and impoundments and/or with natural characteristics and accessibility which are suitable for recreational development.

B) Permitted Principal Uses

A single-family dwelling, home occupations, public parks, fishing and trapping.

C) Special Land Uses

Marinas, boat liveries, bathing facilities, recreational decks, fishing piers, resorts, ski hill developments, motels and associated facilities which meet the following criteria:

1. Are adjacent to, or easily accessible to, a paved county primary road.
2. Will not increase traffic amount or flow so as to cause a hazard or nuisance to adjacent uses of land.
3. As designed to blend in, and appear compatible with, the natural surroundings.
4. Will not lead to such intensity of use so as to cause health problems or degrade the surrounding natural resources.
5. Are otherwise consistent with the spirit and purpose of this Ordinance.

**SECTION 303, DISTRICT MUF (Multiple Use Forest)**

A) Intent

The Multiple Use Forest District has been created to conserve significant natural resource characteristics found within the Township of Mastodon.

Land use within this District is primarily for industrial activities such as forestry, as well as for low-density recreational activities associated with forest land. This District, therefore, has been developed to conserve land areas which are:

1. Subject to periodic flooding.
2. Ideal for general conservation purposes such as the preservation of the hydroponics cycle function of adjacent tributary stream land areas and tracts of land significantly large for the management of timber resources.
3. A source of water supply; i.e., aquifer, recharge, discharge and potential water-impoundments areas.

B) Permitted Principal Uses

1. Growing and harvesting forest products.
2. Public or private low-intensity recreational uses such as parks, golf courses, campgrounds, archery and shooting ranges.
3. Hunting, fishing and trapping.
4. Camps for seasonal use only, provided that no public utilities, special permits and publicly maintained roads, or any public service other than public safety, will be provided.
5. A single or multi family dwelling. Such rural residences shall have a minimum lot size of an entire quarter-quarter. Residential use is permitted provided that any improvements to the property such as roads and public utilities are at the owner's expense, as well as arrangements for mail delivery and school bus service. Public safety will be provided.

C) Special Land Uses

Special Land Uses will be located in such a fashion so as to minimize incompatibility with other significant natural resources mentioned in the Intent of this section.

1. Sanitary landfills licensed by the Michigan Department of Health are classified as a special land use.
2. RV/Campgrounds, Parks, refer to Section 304, (D)(2).

**SECTION 304, DISTRICT A (Agriculture)**

A) Intent

The Agricultural District has been established to encourage agriculture and its related uses as the principal use of the land.

The specific intent is to facilitate the proper use of lands best suited to agriculture by preventing the mixing of urban and rural uses which cause conflict, incompatibility, place unbalanced tax loads on agricultural lands to help pay for public services and contribute to the premature termination of agricultural pursuits.

It also is designed to prevent health hazards brought about by the illogical placement of inappropriately high residential densities in the otherwise open countryside.

B) Permitted Principal Uses

1. Agricultural uses include horticulture, forest management, crop and tree farming, gardening, dairy, stock and poultry farming, and the operation of any vehicles, machinery and equipment customarily incidental thereto.
2. Excluded are slaughterhouses, fertilizer works, plants for processing animal skins or hides, and plants for the reduction of animal matter.
3. A single-family dwelling. Such rural residences shall have a minimum lot size of ten acres.
4. Public or private community facilities such as schools, churches, cemeteries, libraries, parks. Recreational and outdoor public assembly facilities, utilities and similar uses. Camps for seasonal use only, and hunting, fishing and trapping.

C) Permitted Accessory Uses

1. Living quarters such as a tenant house, apartment or room for persons employed on the premises. These quarters will not be rented or used as separate dwellings for non-employees.
2. Barns and other bona fide farm buildings or structures.
3. Private garages and greenhouses.
4. Roadside stands that offer, for sale, agricultural or other products grown or produced on the premises. A stand must be at least twenty-five feet from a property line.
5. Devices for the irrigation of agricultural land.
6. Kennels.
7. Riding stables.

D) Special Land Uses

1. A multiple-family dwelling is subject to the same conditions as a single-family residence when located and designed so as not to unreasonably interfere with, or decrease the enjoyment of, existing uses of nearby land.
2. RV/Campground Parks.

Conformance to the standards included herein must be demonstrated and the proposed benefitted use must be greater than any possible depreciating effects and damages to neighboring properties.

- a) Whenever an RV/Campground Park abuts property zoned Agricultural or Residential, there shall be a buffer of at least fifty feet width that is either an undisturbed natural buffer or a planted buffer. Such buffer areas shall be measured from the boundary of each space to the property line of this RV/Campground Park.
- b) Each RV/Campground Park shall be so designed as to provide for a proper flow of traffic and each interior private road shall be at least fifteen feet in width for one-way traffic and designed for the proper turning, backing, parking and maneuvering of RV's as approved by Mastodon Township Zoning Administrator. All roads accessing County and/or State roads shall meet all necessary road requirements.
- c) Each space within an RV/Campground shall be a minimum of thirty-five feet wide and eighty feet long. Each space shall be directly accessible from an approved internal private road and there shall be no direct access from any external public or private road.
- d) Each space shall have a gravel or concrete parking pad which is at least fifteen feet wide and fifty feet in length. Such parking pad shall be at least twenty feet from the internal private road. There shall be a distance of at least ten feet from the edge of each parking space to the side and rear boundaries of each space. The remainder of the space with the exception of the parking pad, must either be grassed, covered with a mulching material or otherwise improved with landscaping.
- e) Each RV/Campground Park must provide a centralized bathhouse facility in compliance with State of Michigan and Iron County Health Department regulations. Must comply with all applicable building and zoning codes, including parking standards.
- f) Swimming pools, jacuzzies, community centers, clubhouses and playground or any other such facilities are allowed but are not required with RV/Campground Parks and must be located in a centralized area. These must be shown on the site plan and approved by Planning Commission, State of Michigan and Dickinson-Iron County Health Department and any other applicable agency.
- g) No RV/Camper shall occupy a space for more than ninety consecutive days. The RV/Campground owner must be able to supply, upon request of the Zoning Administrator or the Township Board, any and all records pertaining to occupancy periods.

All RVs must have all licenses appropriate to the state and county of origin, and in no case shall such vehicles be considered real property.

A RV/Campground park is considered a RV Campground park when there are five or more RVs parked.

### **SECTION 305, DISTRICT C (Commercial)**

A) Intent

The Commercial District has been established to designate areas for commercial facilities.

B) Permitted Principal Uses

Uses include, but are not limited to, barber and beauty shops, churches, general and specialty food and beverage stores, drugstores, restaurants, clothing and dry goods stores, offices, bakeries, dry cleaning and laundry pick-up stations, coin-operated laundry and dry cleaning establishments, dyeing plants, motor vehicle sales, service and rental establishments, construction and farm equipment sales, sales establishments for mobile homes, campers, recreational vehicles, boats and monuments, wholesale and storage uses, food packaging and bottling works, commercial printing and newspaper offices, contractor's yards and shops, banks, motels and hotels.

C) Special Land Uses

1. Drive-in theaters must have patron entrance and exit drives only to streets with a paved surface at least twenty-four feet in width at points two hundred feet from any intersection, to ensure that the picture screen cannot be seen from any street or from any R or RR District.
2. A single-family residence, whether or not the residence is considered accessory to the principal commercial use.
3. Commercial Junkyards (refer to Section 1100).

D) Restrictions

1. All commercial uses must meet the Industrial Performance Standards.
2. All operations, including the storage of anything except merchandise displayed for sale, must be conducted in a fully enclosed building or entirely behind walls or fences which will conceal them.

### **SECTION 306, DISTRICT I (Industrial)**

A) Intent

The Industrial District is designed for manufacturing, assembling and fabricating businesses, and commercial activities which cause minimum adverse effects beyond the boundaries of the site upon which they are located.

B) Permitted Uses

1. Any use permitted in the "A" Agricultural District, or "C" Commercial District.

2. Other uses include, but are not limited to, Commercial Junkyards (refer to Section 1100) warehousing businesses, gasoline and petroleum storage, ready-mix concrete and asphalt plants, lumber yards, sawmills, pulp mills and other related heavy industry, mining operations and incidental gravel processing, auto body and auto paint shops.
3. It would be in accordance with the purpose of this zoning classification to create an Industrial Zone for activities which produce a minimum of adverse effect on adjoining premises, are compatible with one another and do not require large land areas for the isolation or protection of adjoining premises or activities.

C) Restrictions

1. All industrial uses must meet the Industrial Performance Standards.
2. Industrial manufacturing operations for the servicing, compounding, assembling or treatment of articles or merchandise must be wholly contained within fully enclosed buildings except for the following permissible outdoor activities:
  - a) Outdoor storage in the rear yard area, which must not exceed twenty percent of the square foot area of the principal building upon the premises of a higher use district classification and must be shielded from public streets by a solid fence or wall of a minimum height.
  - b) Delivery operations to and from said business.
  - c) Such other outdoor storage or activity allowed under a variance permit by the Zoning Board of Appeals which will, at its discretion, determine if the same would not be a nuisance or annoyance to adjoining property owners.
  - d) Farming and agricultural operations, together with a reasonable number of accessory buildings, and the right to sell products, poultry or animal produce raised or grown on the premises.

D) Special Land Uses

1. None.

## **PART IV**

### **RECREATIONAL VEHICLES**

#### **SECTION 400, RECREATIONAL VEHICLES**

To protect the people and property of persons and the property owners of Mastodon Township in regards to their health, safety and general welfare and to regulate and control the placement and use of campers.

Recreational Vehicles, shall be allowed in all zoning districts, subject to the conditions set forth herein:

1. In no case may any Recreational Vehicle be placed in Mastodon Township for the purpose of permanent occupancy, nor may it be used as a permanent residence.
2. The site placement of all Recreational Vehicles shall conform to normal "set-back" standards for the parking or storage of any Recreational Vehicle placed within any given Zoning District with regards to roads, streets, alleys, right of ways, and property line set-backs.
3. No "gray water" or sewage shall be drained or dumped from any camper except into such collection vehicles or septic disposal systems as may be approved by the Dickinson Iron District Health Department.

## **PART V**

### **SITE PLAN APPROVAL REQUIREMENTS**

#### **SECTION 500, SITE PLAN APPROVAL REQUIREMENTS**

No person will commence any use, or erect or enlarge any structure without first obtaining the approval of the site plan by the Zoning Administrator as set forth in this section, and no use will be carried on, no structure erected or enlarged, and no other improvement or construction undertaken except as shown upon an approved site plan.

#### **SECTION 501, REQUIRED FORM OF INFORMATION ON SITE PLAN**

- A) Every site plan will be submitted to the Zoning Administrator on one or more sheets of paper measuring not more than twenty-four by thirty-six inches, drawn to scale not smaller than forty feet to the inch.
- B) A certification by a registered land surveyor/professional engineer may be required for one or more of the following reasons:
  - 1. When the structure(s) is close to a lot line.
  - 2. When the parcel of land is less than ten acres.
- C) The certification requirement of a registered land surveyor/professional engineer may be waived if, in the opinion of the Zoning Administrator and with the approval of the Township Board, an undue hardship exists.
- D) Each site plan will show the following:
  - 1. The boundary lines of the area in the plan including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the lot area of the land included in the site plan.
  - 2. The shape, size, location, height and floor area of all structures, the floor area and the finished ground and basement floor grades.
  - 3. Natural features such as wood lots, streams, lakes or ponds as wells as manmade features such as existing roads and structures with indications as to which are to be retained and which are to be removed or altered. Adjacent properties and their uses will be identified.
  - 4. Proposed streets, driveways, parking spaces and sidewalks. The width of streets, driveways and sidewalks and the total number of parking spaces will be shown.
  - 5. The size and location of all existing and proposed public and private utilities and required landscaping.
  - 6. A sketch showing the location of the site in relationship to the surrounding street system.
  - 7. A legal description of the land and the lot included in the site plan as well as the name, address and telephone number of the owner, developer and designer.
  - 8. The Zoning Administrator will prepare necessary forms for implementation of the above and maintain copies on file of the same for the Planning Commission.

## **SECTION 502, REVIEW PROCEDURE**

- A) Upon receipt of any site plan, the Zoning Administrator will review it to determine whether it is in the proper form, contains all of the required information, shows compliance with this and all other ordinances of the Township of Mastodon, and demonstrates the adequacy of utility service.
- B) Upon demand by the applicant of the site plan the Zoning Administrator will, within thirty days, approve the plan in writing or deny approval in writing. The Zoning Administrator will set forth in detail the reasons for denial which will be limited to any defect in form or required information, any violation of any provisions of this or any other ordinance, or the inadequacy of any utility; changes which would make the plan acceptable will be so noted. The applicant may appeal any denial to the Zoning Board of Appeals.

## **SECTION 503, MASTODON TOWNSHIP LAND DIVISION REQUIREMENTS**

The regulation, partitioning or division of parcels or tracts of land, enacted pursuant but not limited to PA 591 of 1996, as amended, and this Ordinance, is to provide procedures to prescribe penalties and enforcement remedies for the violation of this Ordinance on such issues.

### **A) Purpose**

The purpose of this provision is to carry out the provisions of PA 591 of 1996, as amended, to prevent the creation of parcels of property which do not comply with this Ordinance and PA 591 of 1996, as amended, to minimize potential boundary disputes, to maintain orderly development of the Township of Mastodon and otherwise provide for the health, safety and welfare of the residents and property owners of the Township of Mastodon by establishing reasonable standards for prior review and approval of land divisions within the Township of Mastodon.

### **B) Prior Approval Requirements for Land Division**

Land in the Township of Mastodon shall not be divided without prior review and the approval of the application for division by the Planning Commission and the Township Board in accordance with this section and PA 591 of 1996, as amended.

1. The Planning Commission shall approve or disapprove a proposed division within forty-five days after the filing of a complete application with the Planning Commission. An application is complete if it contains information necessary to ascertain whether the requirements of Section 108 of PA 591 of 1996, as amended, and this Ordinance are met.
2. The right to make divisions exempt from the platting requirements of this act under Section 108 and 109 of PA 591 of 1996, as amended and this Ordinance can be transferred, but only from a parent parcel or tract. A proprietor transferring the right to make a division pursuant to this subsection shall, within forty-five days, give written notice of the transfer to the assessor of the Township of Mastodon where the property is located.
3. A person shall not sell a parcel of unplatted land unless the deed contains a statement as to whether the right to make further divisions exempt from the platting requirements

of PA 591 of 1996, as amended under Section 108 and 109 is proposed to be conveyed. The statement shall state in substantially the following form: "The grantor grants to the grantee the right to make [insert number] division(s) under Section 108 of the Land Division Act, being PA 288 of the Public Acts of 1967".

In the absence of a statement conforming to the requirements of this subsection, the right to make divisions under Section 108 of PA 591 of 1996, as amended, stays with the remainder of the parent tract of parcel retained by the grantor.

C) Application for Land Division Approval

An applicant shall file all of the following with the Zoning Administrator or other official designated by the Township Board for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year or for building development:

1. A completed application form on such form as may be approved by the Township Board.
2. Proof of fee ownership of the land proposed to be divided.
3. Certified Copy of a Survey per PA 193 of 2018 and a tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions and the accessibility of each division for automobile traffic and public utilities. A survey shall be submitted for a proposed parcel of two acres or less.
4. Proof that all standards of PA 591 of 1996, as amended, and this Ordinance have been met.
5. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability (specific number) of the proposed division rights transfer.
6. A fee to cover the costs of review of the application and administration of this Ordinance and PA 591 of 1996, as amended, shall be assessed. In the event the base fee is insufficient to defer the cost of the review of the application and administration, then such reasonable additional fee as set by the enforcing official shall be paid by the applicant.

D) Procedure for Review of Applications for Land Division Approval

1. The Planning Commission shall approve or disapprove the land division applied for within forty-five days after receipt of a complete application conforming to this Ordinance's requirements and PA 591 if 1996, as amended, and shall promptly notify the applicant of the decision, and if denied, the reasons for denial.
2. Any person or entity aggrieved by the decision of the Planning Commission may, within thirty days of said decision to the Township Board which shall consider and resolve such appeal by a majority vote of said Township Board at its next regular meeting or session affording sufficient time for a twenty-day written notice to the applicant (and appellant where other than the applicant) of the time and date of said meeting and appellate hearing. The Planning Commission shall not be permitted to vote in such appellate hearing.

3. The Township Clerk shall maintain an official record of all approved and accomplished land divisions or transfers and shall issue a written certificate of approval to all successful applicants. The certificate of approval shall be in a format to be recordable at the Iron County, Michigan Register of Deeds Office.
4. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
5. The Township of Mastodon and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any certificate of approval shall include a statement to this effect.

E) Standards for Approval of Land Division

A proposed land division, reviewed by the Planning Commission and the Township Board if an appeal has been filed, shall be approved if the following criteria are met:

1. All parcels created by the proposed division(s) shall have a minimum width of 125 feet as measured at the front setback line, unless otherwise provided for in an applicable zoning ordinance.
2. All such parcels shall contain a minimum of 25,000 square feet unless otherwise provided for in an applicable zoning ordinance.
3. The ratio of depth to width of any parcel of ten acres or less created by the division does not exceed a four to one ration exclusive of access roads, easements or non-development sites. The depth of a parcel created by a land division shall be measured within the boundaries of each parcel from the abutting road right of-way to the most remote boundary line point of the parcel from the point of commencement of the measurement.
4. The proposed land division(s) complies with all requirements of this Ordinance and PA 591 of 1996, as amended.
5. All parcels created and remaining have existing adequate accessibility, or an area available therefore, for public utilities and emergency vehicles. If an applicant is unable to reasonably provide accessibility, utility areas or emergency vehicle access, then the enforcing official may waive the standard provided such waiver appears on the certificate of approval issued by the enforcing official.

F) Consequences of Noncompliance with Land Division Approval Requirement

Any division of land in violation of any provision of this Ordinance shall not be recognized as a land division on the Township tax roll and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The Township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this Ordinance and of PA 591 of 1996, as amended.

An unlawful division or split shall also be voided at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

Pursuant to PA 591 of 1996, as amended, any person who sells any lot, piece or parcel of land without first having a recorded a plat thereof when required by this Ordinance and PA 591 of 1996, as amended, is guilty of a misdemeanor and shall be punished by a fine and penalty as established in the Fees, Fines, Penalties Schedule.

## PART VI

### BUILDING REQUIREMENTS

#### SECTION 600, RESIDENTIAL

Dwellings shall meet the following requirements:

- A) Must comply with the minimum regulations of this Ordinance for the District in which it is located.
- B) Must comply in all respects with the Iron County Building Code and the State of Michigan Building Codes. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction, and where such standards or regulations for construction are different than those imposed by the Iron County Building Code, then such federal or state standard and/or regulation will apply.
- C) Must be firmly attached to a permanent foundation constructed on the site in accordance with the Iron County Building Code and must have a wall of the same perimeter dimensions as the dwelling. It must be constructed of such materials and type as required in the applicable building code for single-family dwellings. Commercial and industrial buildings must comply to their appropriate building code.
- D) Must be connected to a public sewer and water supply or to such private facilities approved by the Dickinson-Iron District Health Department.
- E) Must contain no additions or rooms or other areas which are not constructed with similar quality workmanship as the original structure, including permanent attachment to the principal structure, and construction of a foundation as required herein.
- F) Must comply with all pertinent building and fire codes. Additionally, all dwellings and other buildings will meet or exceed all applicable roof snow load and strength requirements.
- G) All construction required herein will be commenced only after a building permit has been obtained in accordance with the applicable provisions and requirements of this Ordinance, the Iron County Building Code and the State of Michigan Building Codes.

## PART VII

### BUILDING REGULATIONS

#### SECTION 700, LOT LINES

- A) Except as otherwise specifically provided in this Ordinance, no structure will be erected or maintained between any lot line and the pertinent setback distance listed below.
- B) Where there is no rear lot line as otherwise defined herein, the required setback distance will be measured from a line through the point on the lot most distant from any front lot line of the same lot, which line will be perpendicular to a line from said point to the closer point on any front lot line.
- C) If there is more than one such line, the rear setback will be maintained from any one of them at the option of the owner. Where a lot fronts on two streets within thirty degrees of being parallel but not of their intersections, no rear setback is required.
- D) The side setback requirement applies to a side lot line as well as to any lot line which is neither a front, rear nor side lot line.
- E) Lot width shall be measured at the front setback line, except waterfront, where lot width will be measured at the ordinary high-water mark.
- F) All distances are measured in feet on a horizontal plane.

#### SECTION 701, SCHEDULE OF SETBACKS

Property that fronts on a body of water shall also observe the Waterfront Setbacks as follows:

A) District	Front (Minimum)	Side (Minimum)	Rear (Minimum)	Footnotes
R	40 ft.	20 ft.	25 ft.	*
RR	100 ft.	20 ft.	30 ft.	*
MUF	30 ft.	30 ft.	30 ft.	
A	30 ft.	30 ft.	30 ft.	
C	30 ft.	10 ft.	30 ft.	
I	40 ft.	20 ft.	30 ft.	

\*Footnotes:

1. A detached garage and/or other out building that does not exceed fourteen feet in height and 1,000 square feet may be located not less than six feet from a side lot line.

## B) Waterfront Setbacks

1. All lots abutting any body of water, including, but not limited to, inland lakes, rivers, streams, creeks and impoundments shall maintain a minimum setback of 100 feet for the construction of buildings or any addition to same including onsite sewage systems as measured from the ordinary high-water mark.
2. Setbacks may be extended beyond the 100-foot minimum if, after a site plan is reviewed by the Zoning Administrator, who then refers action to the Zoning Board of Appeals if it is found that the environmental quality, scenic or relative value, water quality or recreational value of the water resource or use would be endangered or create harm or nuisance.
3. These provisions do not apply to any lawful nonconforming parcel of land or use on a recorded plat or described in a deed or land contract executed and delivered prior to the effective date of this Ordinance.
4. The setback on a lawful nonconforming parcel of land with water frontage will be that which provides the greatest protection and enhancement of the quality of the waterway that is protected by this Ordinance. It also recognizes the need for structure to have responsible side and front yard setbacks.
5. That part of the setback which lies within thirty feet of the ordinary highwater mark of an inland lake will be maintained in its natural condition. Along rivers, that portion of the setback to be maintained in its natural condition is seventy-five feet. In the case of the Peavy Pond Reservoir and Michigamme River, due to their unique wild characteristics and the necessity to conserve the watershed, all land zoned District MUF within 150 feet of the ordinary high-water mark will be maintained in its natural condition. For land zoned in other Districts, said setback will be seventy-five feet.
6. Natural conditions may be modified if the Zoning Administrator finds that such modifications will be consistent with management practices which will prevent soil loss, will not increase run-off and will provide the shoreline with adequate protection without altering the inherent characteristics of the waterway.
7. Trees and shrubs in a space of thirty feet wide may be trimmed and/or pruned for a filtered view of the fronting waters and for access thereto. A lot will be regarded as being in its natural condition when there is at least one tree or shrub with a height of at least fifteen feet for each 100 square feet or area thereof in wooded areas, or sufficient natural ground cover in open areas. All uses will be subject to this setback except marinas, boats liveries, recreational docks, bathing facilities, fishing piers and associated facilities when located and designed so as to not unreasonably interfere with, or degrade the enjoyment of, existing uses and water resources.
8. With the exception of lots or record existing as of the date of the enactment of this Ordinance, all lots abutting any body of water including, but not limited to, inland lakes, rivers, streams, creeks and impoundments will have a minimum lot depth of 300 feet.
9. The setback requirements for mining or drilling for minerals will be a minimum of 300 feet or out of view of the abutting body of water, whichever is greater.
10. The tilling of land for the protection of crops or the management of land for livestock will maintain a minimum waterfront setback of 200 feet. Construction of access roads or trails for motorized vehicles will maintain a minimum waterfront setback of 200 feet except for the purpose of providing direct access to a building or access site.

11. In areas identified as erosion control districts, the restrictions and regulations imposed in those districts will govern if such restrictions or regulations impose higher standards or requirements.

**SECTION 702, ACCESSORY BUILDING SETBACKS**

All attached accessory buildings and structures, including garages, open porches, breeze ways, decks and patios will be considered part of a building in determining the height and placement regulations. All unattached buildings and/or other structures will be located not less than that specified in Section 701 from any side lot line, and not less than the required setback of the main building on the premises.

**SECTION 703, ZONING DISTRICT BOUNDARY SETBACKS**

- A) In District C, Commercial, no structure shall be erected or maintained within ten feet of the boundary line of any District R or District RR. Where a district boundary line divides a lot into two districts, it will be treated as a lot line for the purpose of setback provisions of this Ordinance.
- B) District I, Industrial: Refer to Part XIV, Section 1400, (B).

**SECTION 704, BUILDING LOT SIZE AND WIDTH, FLOOR SPACE, AND HEIGHT**

A)	District	Lot Size (Minimum)	Lot Width (Minimum)	Floor Space (Minimum)	Height	Footnotes
	R	25,000 sq. ft.	125 ft.	900 sq. ft.	30 ft.	
	RR	87,120 sq. ft.	150 ft.	900 sq. ft.	30 ft.	#1*
	MUF	an entire quarter-quarter	none	900 sq. ft.	30 ft.	#3*
	A	10 acres	330 ft.	900 sq. ft.	30 ft.	#2*
	C	none	none	none	30 ft.	
	I	an entire quarter-quarter	none	1,000 sq. ft.	40 ft.	#3*

\*Footnotes:

1. 87,120 square feet = 2 acres.
2. The height at any point on a structure must not exceed the horizontal distance to any lot line.
3. The quarter-quarter area can be present in more than one quarter quarterquarter.

**SECTION 705, FLOOD AREAS AND GROUND WATER PROTECTION**

No structure may be constructed on lands which are subject to flooding, or on land with less than six feet between the finished grade level of the ground surface and the high ground water table. Land filling may be permitted to meet the minimum requirements under the following conditions:

- A) All required permits must be secured from the Department of Environmental Quality under the State of Michigan's Floodplain Regulatory Authority, found in Part 31, Water Resources Protection of the Natural Resources and Environmental Protection ACT (NREPA), 1994 PA 451, as amended.
- B) A fifty-foot wide protective strip of natural vegetation (green belt) is maintained.
- C) No material is allowed to enter the river or lake by either erosion or mechanical means.
- D) Fill material is of a type recommended by the Dickinson-Iron Health Department or the Iron County Soil Conservation Service or other state approved agency.
- E) Filled areas will be planted and maintained with native perennial vegetation.
- F) Sanitary Waste Systems must comply with County Health Regulations.

## **PART VIII**

### **ROAD REQUIREMENTS**

#### **SECTION 800, FRONTAGE REQUIREMENTS**

- A) All lots, except in Districts A and MUF, shall abut a road that has a minimum eighteen-foot width.
- B) No public road shall be dedicated by the Township Board unless the above standards are met or exceeded by the presenter and has been accepted by the Board of County Road Commissioners of the County of Iron. No private road will be approved by the Township Board until the presenter provides the name of the party responsible for maintaining said road and a copy of legal documentation which mandates such requirements.

#### **SECTION 801, OFF-STREET PARKING REQUIREMENTS**

- A) Off-street parking will be provided for motor vehicles except in Districts A and MUF.
- B) The minimum number of parking spaces to be provided is shown in the following list:
  - Use Space Required
  - Single- and two-family dwelling, two per dwelling unit
  - Apartments and Townhouses, two per dwelling unit
  - Motels and Hotels, one and one-half per room or dwelling unit
  - Mobile home subdivisions or parks, two per mobile home
  - Churches, theaters and similar facilities, .35 times seating capacity
  - Retail stores, restaurants and service facilities, one per 150 square feet of floor space
  - Warehouses, furniture stores, appliance stores, contractor's yards and outdoor sales space, one per 300 square feet of floor space
  - Offices, one per 100 square feet of floor space
  - Other commercial and industrial uses, .75 times the maximum number of employees on premises at any given time
- C) When a calculation in accordance with the above list results in a fractional space, any fraction less than one-half will be disregarded and any fraction of one-half or more will require one space.
- D) Required off-street parking will be provided on the lot to which it pertains.

E) The following design standards are recommended in laying out off-street parking facilities:

Park Angle	Stall Width	Aisle Width	Park 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.

The Zoning Administrator will have the authority to grant minor deviations from the category when the Zoning Administrator is satisfied that, under the prevailing circumstances, the above requirements for off-street parking are unnecessarily stringent.

**SECTION 802, LOTS ADJOINING PUBLIC ROADS**

- A) All property abutting a scenic road under the jurisdiction of the Board of County Road Commissioners of the County of Iron shall maintain, in natural tree and shrub condition, a fifty-foot-wide green belt inward from the right-of-way line of any highway, street or road, or to the depth of the abutting property, whichever is less. No buildings will be constructed in said green belt.
- B) Nothing in these requirements will be interpreted to prohibit selective tree cutting in the above described green belt to remove dangerous trees (windfall hazard) or other trees and shrubs that may prevent the green belt from being retained in a healthy growth condition. Similar cutting will be allowed where necessary for traffic safety and access (air, highway and rail). Materials resulting from the above cutting will be removed from the green belt.
- C) Nothing in these requirements will be interpreted to require the planting of shrubs or trees on agricultural lands or other parcels where natural tree cover does not exist or cannot be grown.
- D) The following are designated as Scenic Roads: County Road 639 (Pentoga Trail), County Road 424 and Stager Lake Road.

## **PART IX**

### **NONCONFORMING USES, BUILDINGS AND LOTS**

The purchaser of a parcel or lot should contact the Zoning Administrator prior to the sale if a parcel or lot is, or may be, nonconforming under this Ordinance.

#### **SECTION 900, NONCONFORMING PROPERTY**

A legal, nonconforming use or building is one that is one that either preexisted the Ordinance or met the requirements when it was established, but as a result of a new or amended regulation, no longer complies with the Ordinance. The Ordinance permits a nonconforming use or building to continue if it existed and was lawful at the time the Ordinance or amendment was adopted.

#### **SECTION 901, NONCONFORMING LOTS OF RECORD**

A nonconforming lot of record is a parcel that is legally recorded in the register of deeds office but does not currently conform with the requirements of the Ordinance for lot size, dimensions or setbacks. The purchaser of a parcel or lot must be notified in writing by the seller prior to the sale if a parcel or lot is, or may be, nonconforming under this Ordinance.

#### **SECTION 902, ZONING ORDINANCE PROVISIONS FOR NONCONFORMING BUILDINGS**

- A) Rebuilding nonconforming buildings - Ordinance will allow a lawful nonconforming building to be reconstructed as long as replacement or reconstruction is contained in the same foot print prior to the damage or the act of God. The Ordinance allows the property owner to maintain the nonconforming building in a safe and sanitary condition or make repairs required to meet building codes. Restoration that would be dangerous to neighbors, change the essential character of the (neighborhood) or create additional difficulties, re: traffic, fire, water supply, sewage, flooding, etc., shall not be permitted.
- B) Enlarging/expanding nonconforming buildings
  - 1. A lawful nonconforming building is not permitted to increase its nonconformity.
  - 2. A lawful nonconforming building may be allowed to expand, as long as the nonconformity is not increased. Approval may be granted by the Zoning Board of Appeals, based upon requirements and standards of this Ordinance.

#### **SECTION 903, ZONING ORDINANCE PROVISIONS FOR NONCONFORMING USES**

- A) Replacing nonconforming uses
  - 1. Allow one nonconforming use to be replaced with another nonconforming use, provided that the second use is equally or more conforming than the original.
  - 2. Once a nonconforming use is abandoned, all future uses must be equally or not less conforming.

- B) To continue the preservation and enjoyment of substantial property rights of a lawful nonconforming use, the property owner shall demonstrate that this nonconforming use outweighs the harm to neighbors and the public interest.
- C) Abandoning nonconforming uses - A nonconforming use can be required to conform to the current Ordinance if it is demonstrated that the owner “intended to abandon” that use.
1. Abandonment of use is indicated by some indicators which may include, but are not limited to, disconnecting utilities, removing building fixtures needed for the use, allowing property to fall into disrepair, discontinuing postal service or removing signs after 365 days of non-use.
  2. When a nonconforming use is no longer in operation for 365 days, the nonconforming use is no longer allowed under this Ordinance.
  3. When a nonconforming use is located in a conforming building and the building is destroyed by act of nature, the nonconforming use may be re-established once the rebuilt building is completed because there is no intent on the part of the owner of the nonconforming use to abandon his or her right to operate that use.

## **PART X**

### **COMMUNICATION PROVIDERS, FACILITIES AND STRUCTURES**

#### **SECTION 1000, TELECOMMUNICATION PROVIDERS**

This Ordinance does not impose any requirements than those imposed by federal and state statute, law, rule, regulation or code.

#### **SECTION 1001, WIRELESS COMMUNICATION FACILITIES AND STRUCTURES**

This Ordinance does not impose any requirements than those imposed by federal and state statute, law, rule, regulation or code.

#### **SECTION 1002, TOWER AND POLE MOUNTED DEVICES**

This includes wind generators, solar panels, antennas, etc. Refer back to Section 704, A) footnote 2.

## PART XI

### JUNKYARD REGULATIONS

#### SECTION 1100, COMMERCIAL JUNKYARD REGULATIONS

- A) Minimum Land Area - No junkyard shall contain less than three acres, nor shall be visible from other property in the vicinity of the junkyard, nor from right-of-way such as roads, streets, highways and waterways.
- B) Fencing - Except for gates and main building, the entire premises shall be completely enclosed by a tight uniformly finished wood, brick or metal wall not less than eight feet in height, or by an evergreen hedge not less than fifteen feet wide to the same height, maintained in good condition at all times, or be located so as not to be visible from any adjoining property or roads. All access gates to the premises shall swing inward and shall be closed when the premises are not open for business.
- C) Setback - All buildings, fences and green strips shall be set back not less than 100 feet from the front property line, or highway right-of way, as the case may be, and fifty feet from any other property line.
- D) Glare - Glare from any process, such as acetylene torch cutting, shall not be visible or constitute a hazard or nuisance beyond property lines of the premises.
- E) Burning - All burning, including emission of smoke or offensive odor beyond the boundaries of the premises, shall at all times be limited to the discretion of the Michigan Department of Natural Resources and the Michigan Department of Environmental Quality under ACT 451 of 1994.
- F) Application - Application for location of a junkyard shall be accompanied by a written statement bearing the listing of all owners of property located within 1,320 feet of the perimeter of the premises. A junkyard shall be considered a special land use subject to all other conditions in this Ordinance affecting special land uses. Permits shall be granted for one year only and shall be reviewed by the Planning Commission at the end of each year, or at any time prior to expiration of said one-year period, when it appears that there is evidence that a violation of this Ordinance or any federal or state statute, law, rule, regulation or code has been violated by the operator of the junkyard.
- G) Conditions for Granting a Junkyard Permit - In addition to any other requirements of this Ordinance, the following conditions shall be met by an applicant who wishes to open a junkyard:
  - 1. The applicant shall meet all federal, state and local statute, law, ordinance, rule, regulation or code for operation of a junkyard.
  - 2. The proposed junkyard shall not in any manner be detrimental or injurious to the use or development of adjacent properties, or to the occupants thereof, or to the general neighborhood in which the junkyard is proposed.
  - 3. The proposed junkyard shall have adequate site size to accommodate the use, its future expansion, customary accessory use and on-site services such as sewage disposal and water supply.
  - 4. The applicant shall demonstrate no adverse impact of the proposed use on the quality and quantity of water resources, domestic water supplies and the capacity of soil to

absorb the anticipated sewage disposal demand or other materials deposited in the junkyard.

5. Site development shall be proposed in a manner designed to minimize soil erosion and silt buildup in streams and lakes. Applicant shall have investigated soil conditions and shall establish to the Planning Commission that soil conditions are appropriate for such use.
6. Ample allowance shall be made for vehicles to enter and exit the junkyard safely with no visibility impediments to drivers. These include but are not limited to, signs, buildings, land uses and landscaping.
7. Natural site amenities which contribute to the recreational tourist potential of the Township of Mastodon as well as desirability of the Township to residents shall be preserved.
8. The junkyard shall not be noisy, injurious, obnoxious or endanger the comfort, repose or safety of the public.

## PART XII

### SIGN REGULATIONS

#### SECTION 1200, SIGN REGULATIONS

The erection and use of all outdoor advertising announcements and informational signs and media shall be subject to the following conditions, except as hereinafter provided;

- A) Location - No sign shall be located in a position constituting a traffic hazard. Cluttering of signs is prohibited. Erection, posting, painting or otherwise affixing signs to walls, trees, fences or similar supports is prohibited. The limitation in the use of walls should not apply to commercial or industrial buildings, or to other buildings such as hospitals, schools, churches, libraries, community center buildings and similar structures. Such exemptions shall not apply to dwellings, tourist lodgings, boarding homes, summer cottages and the like, including applicable accessory buildings.
- B) Use of Light - The use of all flashing, rotating, oscillating and glaring signs is prohibited.
- C) Setback - No sign shall be located less than seventy-five percent of the required setback for buildings on the premises.
- D) Permit - A permit is required for all signs measuring fifteen square feet or more.
- E) Size Limitations - The maximum area of signs shall be limited as follows:
  - 1. Advertising signs for lodging, boarding, tourist homes, home occupations, residential homes or professional offices: four square feet on the premises.
  - 2. Bulletin boards, announcement signs for religious institutions, signs pertaining to hire of services, lease or sale of a building or premises: twenty square feet.
  - 3. Commercial signs: fifty square feet provided, however, that signs exceeding fifty square feet must be approved by the Zoning Administrator in the Commercial District. In considering whether to approve commercial signs exceeding fifty square feet, the Zoning Administrator shall consider the following standards and criteria in arriving at a decision:
    - a) The sign shall in no way constitute a traffic hazard.
    - b) The sign shall be of a subdued nature commensurate with the character of the area in which it is proposed to be erected.
    - c) The sign shall be maintained in a neat and attractive manner.
    - d) The sign, if projecting from a building or located over the sidewalk or pass-way, shall not be less than eleven feet above the sidewalk or pass-way.
    - e) The applicant shall have first requested the permit to erect the sign from the Zoning Administrator.
    - f) The sign shall be constructed in a safe, sturdy and durable manner with proper bracing, anchorage and foundation.
- F) Nonconforming Signs - No nonconforming signs shall hereafter be substantially altered or replaced without approval of the Zoning Administrator.

## PART XIII

### MINING REGULATIONS

#### SECTION 1300, MINING REGULATIONS

A) Intent

To establish and preserve areas of mineral reservation, protection and extraction to prevent non-compatible land uses from denying the benefits of these minerals to the citizens of the Township of Mastodon, to protect mineral deposits near developed areas, to prevent unwise patterns of development, to ensure the proper reclamation of mining sites and to provide for the best economic growth opportunities and environmental management techniques available in the interests of the citizens of the Township of Mastodon.

B) Nonferrous Metallic Mining

The Township of Mastodon does not regulate those specific activities regulated by part 632 of PA 451 of 1994, as amended.

C) Iron Mining

The Township of Mastodon does not regulate those specific activities regulated by part 631 of PA 451 of 1994, as amended.

D) Mining Regulations No other mining will take place until the operator has a mining permit approved by the Planning Commission.

1. An application for a mining permit will contain the following information:

- a) A site plan based on the requirements as stated in Sections 500, 501 and 502 with the following additional items included:
  - i. Proposed location, real extent and estimated depth of intended mine excavation.
  - ii. Proposed location of the mine, waste dump, tailing ponds, sediment basins, stock piles and other permanent or temporary facilities used in mining.
  - iii. Depth to ground water, ground water occurrences and ground water flow.
  - iv. Topographic information with two-foot contour intervals.
- b) A narrative description outlining the estimated period of time the operation will cover, the type of material to be extracted, the type of mining operation and processing equipment to be used, measures to control noise, vibration and pollution from the operation, effect on ground water flow, proposed travel routes to be used to transport the mined minerals to processing plants or markets.
- c) A narrative description of the social and economic impact on the Township including an estimate of the number of potential employees, proposed

transportation routes for employees, and changes in the present road system that would be made necessary by the proposed operation.

- d) A reclamation plan, unless the operator has obtained or has filed an affidavit stating that he has filed for a state approved reclamation plan pursuant to part 632 of PA 451 of 1994, as amended, that includes a map and description showing:
    - i. Final grading, final slope angles, wall reduction, benching and terracing of slopes, slope stabilization, re-vegetation and erosion control and alternative future land uses.
    - ii. Description of topsoil stripping and conservation during storage and replacement.
    - iii. Plan and description of anticipated final topography, water impoundments and artificial lakes on the property.
    - iv. Plans for disposition of surface structures, roads and related facilities after cessation of mining.
    - v. A plan for disposal or treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals, and of chemicals or materials used during the mining or processing operations.
  - e) Proof of the required state permits of affidavit of filing for state permits relating to pollution control and reclamation.
  - f) A description of the measures to be taken to screen the operation from public view.
  - g) A description of the measures to be taken to ensure that any dangerous excavations, pits, pond areas, banks or slopes be adequately guarded or fenced and posted with signs to prevent injury to people.
2. The Planning Commission will approve an application for a mining permit when the application, in addition to all other requirements, meets the following standards:
- a) The establishment, maintenance or operation of the planned mining will not endanger the public health, safety or general welfare.
  - b) The establishment, maintenance or completion of the reclamation plant will not endanger the public health, safety or general welfare, or result in a site that will be significantly incompatible with neighboring land use.
  - c) Adequate utilities, access roads, drainage, traffic plans and other site improvements have been, are, or will be provided.
  - d) The operator of the mining operation has acquired or has filed an affidavit stating that he has filed for, all applicable state and federal permits.
  - e) The noise, vibration, dust and odor levels at the property lines are within levels that do not create harm or nuisance to adjacent property.
  - f) Measures to screen the operation from public view and protect individuals from injury are adequate.

3. Upon receipt of an application for a mining permit, the Planning Commission will:

- a) Scheduling a public hearing on the application within thirty days.
  - b) Direct the Zoning Administrator to review the application, conclude a site plan review, and submit a recommendation at the public hearing. The Zoning Administrator may utilize the services of a professional engineer, planner or other consultant in the review;
  - c) At its next regular meeting, the Planning Commission will approve, approve with conditions attached or deny the application in writing. The Planning Commission will set forth in detail the reasons for their action, which will be limited to any defect in form or required information, the inadequacy of any utility, or any violation of any provisions of this or any other ordinance, and they will specify any changes which would make the plan acceptable.
  - d) Specify in each mining permit granted, the period of time for which that certain permit will remain in effect. An operator may apply for a new permit and will be required only to specify any changes from the initial application and permit.
4. If proposed mining is contemplated for more than sixty days before it will commence, the operator may submit, or the Planning Commission may request voluntary submission of, any or all information that would be required in an application for a mining permit pursuant to this Ordinance.

Such information may be submitted and may be reviewed by the Planning Commission at any time prior to the application for a mining permit.

Any suggestions or comments about the submitted information will be set forth in writing and presented during the public hearing. All pre-application deliberations and determinations of the Planning Commission will be summarized in writing and made part of the record and presented at the public hearing at which the application will be considered pursuant to Section 200 of this Ordinance.

5. The Zoning Administrator will not issue a zoning compliance permit or conditional permit for a mining operation unless a mining permit, approved by the Planning Commission pursuant to Section 200 of this Ordinance, has been issued.

The Zoning Administrator will periodically inspect mining operations for which mining permits have been issued. If violations of this Ordinance or of the applicable mining permit are apparent, the Zoning Administrator will request a review by the Planning Commission of the mining permit, and the Planning Commission will proceed pursuant to Section 200 of this Ordinance.

6. Any person operating a mining operation at the date of enactment of this Ordinance will not need a mining permit to continue mining at that operation.
7. A mining permit will not be required for an extraction of less than 500 cubic yards of minerals from a site of less than one acre.
8. No mining operation may be substantially altered, as defined by resolution of the Planning Commission, without acquiring a new mining permit for the operation which will include approval of the alteration.
9. The Planning Commission may require an operator of the mining operation to deposit a bond with the Planning Commission if it determines such a bond is necessary to ensure

faithful performance of all requirements of this Ordinance for a mining permit. The Planning Commission will:

- a) Determine the amount and the kind of bond based on an amount equal to the estimated cost of reclaiming all sites proposed in the application;
  - b) Determine length of the bonding period;
  - c) Allow a single bond to be posted in lieu of separate bonds for additional sites within this jurisdiction;
  - d) Require the operator to notify the Planning Commission of cessation of all mining activities at the project site no later than sixty days before the operations are to cease;
  - e) Release the bond upon implementation of the approved reclamation plan;
  - f) Find these requirements binding to the successor in interest to the operator upon the sale or transfer of assets of the mining operation.
10. Any administrative decision of the Planning Commission pursuant to Section 200 of this Ordinance will not be final, and any person having an interest affected by any decision will have the right to appeal to the Circuit Court.

## PART XIV

### INDUSTRIAL PERFORMANCE STANDARDS

#### SECTION 1400, INDUSTRIAL PERFORMANCE STANDARDS

Before the issuance of any building or occupancy permit for commercial or industrial use, the applicant must sign an agreement stating that the use of the property will meet the following performance standards, and that any violation of these standards in subsequent operations will be corrected, and the costs of a compliance inspection by experts will be borne by the applicant.

##### A) General Standards

1. Fire and Explosion Hazards - All activities will be conducted only in the buildings classified as fire-proof by the Building Code. The operations will be conducted in such a manner and with such precaution against fire and explosion hazards so as to produce no explosion hazards to a use on an adjacent property as determined by the Michigan Department of Labor. Flammable liquids, other than fuels used for heating, will be stored in an entirely closed building which will be used for no other purpose or in an underground tank, provided said storage building or tank is not closer than 100 feet to any building occupied by one or more persons.
2. Deleterious Effects - Every use which includes but is not limited to, odor, fumes, smoke, dust, air pollution, vibration, noise, waste disposal, electrical interference, disturbance or glare, explosion, atomic or other forms of radio activity, is harmful to other lawful uses of adjoining property, will be prohibited.
3. Liquid or Solid Waste - No industrial operations will directly discharge industrial waste of any kind into any existing reservoir, pond, stream, river or lake. All methods of sewage and industrial waste treatment and disposal will be approved by the Supervisor and The Department of Environmental Quality.
4. Access - No industrial operations will be located more than one-half mile from an existing state, federal or county paved road unless the applicant indicates in writing his intent to provide a paved access road which meets the road dedication standards of the Iron County Road Commission.
5. Utilities - With the exception of on-site independently owned and operated utilities, no industrial operations will create demand in excess of the current capacity of existing public or publicly regulated utilities.

##### B) Height and Area Standards

1. Height - No building will exceed a maximum height of forty feet. This provision may be waived by the Planning Commission upon determination of critical need and that the intent of the performance standards are met.
2. Front Yard - If any portion of the front yard is used for parking, a strip of land at least ten feet wide that runs parallel to the front line will be planted and landscaped, except for necessary entrance drives.

3. Side Yards - There will be two side yards and no side yard setback will be less than 20 feet. Where the side yard is the side street, the front yard provisions will apply.
4. Rear Yard - There will be one rear yard setback which will be no less than thirty feet.

## **PART XV**

### **PERMITS**

#### **SECTION 1500, ZONING COMPLIANCE PERMITS**

- A) Hereafter, no land use will be commenced or changed and no structure will be erected or enlarged until the person conducting such use or erecting or enlarging a structure has obtained a zoning compliance permit from the Zoning Administrator. The Administrator will issue such permit upon being furnished, in writing, such information as may be necessary to establish that the proposed use, structure, or addition is in full compliance with all provisions of this Ordinance and receives payment of a permit fee (see Fee Schedule) previously set by the Township Board. The Zoning Administrator will determine if all information is correct before issuing such permit.
- B) No zoning compliance permit will be issued if it appears that any land area required to conform to any provision of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof, in conformity with this Ordinance, or to keep it from becoming more nonconforming, if such land area was, at any time, subsequent to the commencement of development or use of such adjoining property, in common ownership with such adjoining property.
- C) Any zoning compliance permit based on any material false statement in the application of supporting documents, is void ab initio and will be revoked. No zoning compliance permit will remain valid if the use of the structure it authorized becomes nonconforming.

#### **SECTION 1501, SPECIAL LAND USE PERMITS**

- A) No special land use will be established in any zoning district except with a permit issued by the Planning Commission, who will be guided in making a decision by the standards set forth in this Ordinance. Any person seeking a special land use permit will provide to the Planning Commission such information as he/she may reasonably require to determine if the special land use is authorized by law. This information will be in the form of a site plan as required in Section 501 of this Ordinance.
- B) The Planning Commission will follow the standards and procedures outlined below when determining if it is in the public interest to issue a special land use permit.
  - 1. The Planning Commission will review the particular circumstances of the special land use request under consideration in terms of the following standards and will approve a special land use upon a finding of compliance with each of the following standards as well as applicable standards established elsewhere in this Ordinance.
    - a) The special land use will be designed, constructed and operated in a manner consistent with the intent of the applicable district and compatible with adjacent land uses.
    - b) The special land use will not generate traffic, noise, smoke, odor, health or safety hazards or degradation of natural resources so as to pose a nuisance to nearby uses of the community at large.

- c) The special land use will be adequately served by essential public facilities and services and will not place demands on public services and facilities in excess of current or proposed capacity.
  - d) The special land use will be consistent with the intent and purpose of this Ordinance.
  - e) The special land use will be compatible with the natural environment and capacities of public services and facilities affected by such use. The proposed special land use will be consistent with public health, safety and welfare and will comply in all other respects with this Ordinance.
  - f) The applicant for a special land use permit will demonstrate that public services and facilities affected by the proposed use or activity will be capable of accommodating the increased service and facility loads caused by the land use.
  - g) The applicant for a special land use permit will demonstrate that the proposed land use will protect the natural environment, conserve natural resources and energy, ensure compatibility with adjacent uses of land and promote the use of land in a socially and economically desirable manner.
  - h) The applicant for a special land use permit will submit a site plan as provided for in Section 501, including documents and drawings demonstrating that the proposed land use or activity is, in compliance with local, state and federal law. The site plan will be submitted for approval before authorization of a land use pursuant to this Ordinance. The Planning Commission, subject to the approval of the Township Board, will have the power to approve site plans.
  - i) The site plan, provided the same is approved, will become part of the record of approval. Site plan submissions, review and approval will be required as a condition precedent for special land uses. Decisions rejecting, approving or conditionally approving the site plan will be based upon the required and standards contained in this Ordinance.
  - j) To ensure compliance of this Ordinance and any conditions imposed hereunder, the Planning Commission may require a cash deposit, certified check, irrevocable bank letter of credit or surety bond acceptable to the Township Board to cover the cost of the special land use proposed. The performance guaranty will be deposited at the time a permit is issued authorizing a special land use. The Planning Commission or Zoning Board of Appeals will have the power to waive this requirement.
2. Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice of the approval request will be published in a newspaper which circulates in the Township of Mastodon, and will be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet.
  3. The notice will be given not less than fifteen days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit of spatial area owned or leased by

different individuals, partnerships, businesses or organizations, then one occupant of each unit or spatial area will receive notice.

4. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who will be requested to post the notice at the primary entrance to the structure.

The notice will:

- a) Describe the nature of the special land use.
  - b) Indicate the property which is the subject of the special land use request.
  - c) State when and where the special land use request will be considered.
  - d) Indicate when and where written comments will be received concerning the request.
  - e) Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a special land use.
5. At the initiative of the Planning Commission, or upon the request of the applicant for a special land use authorization, a property owner, or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for notice of a request for special land use approval, as provided in Section 200, will be held by the Planning Commission before a decision is made on the special land use request which is based on discretionary grounds.
  6. If the applicant or the Planning Commission requests a public hearing, only notification of the public hearing may be made. A decision on a special land use which is based on discretionary grounds will not be made unless notification of the request for special land use approval or notification of a public hearing on a special land use request has been made as required by this Ordinance.
  7. The Planning Commission may deny, approve or approve with conditions a request for special land use approval. The decision on a special land use will be incorporated into a statement that contains the conclusions which specify the basis for the decision and any conditions imposed.
- C) Decisions made by the Planning Commission may be appealed to the Township Board. Decisions made by the Township Board are final.

## **PART XVI**

### **FEES, CONVEYANCES, VIOLATIONS AND PENALTIES**

#### **SECTION 1600, FEES (See Fee Schedule Insert at the back of this book.)**

Neither the Planning Commission nor the Zoning Board of Appeals will consider any matter until a fee is paid as set by the Township Board, except that such fee will not be required where the Township or any official body thereof is the moving party.

Fees for the following will be set by such resolutions as may be adopted by the Township Board:

- A) Amendment of this Ordinance.
- B) Application for a Nonconforming Use Designation Permit.
- C) Application for a Land Division Permit.
- D) Application for a Zoning Board of Appeals Hearing.
- E) Application for Rezoning Permit.
- F) Application for a Planned Unit Development or Site Condo Permit.
- G) Application for Plats and Subdivisions Permit.
- H) Application for a Special Land Use Permit.
- I) Application for a Telecommunications Permit.
- J) Application for a Wireless Communication Permit.
- K) Application for a Mining Permit.
- L) Annual fee for Junkyards.
- M) Application for a Zoning Compliance Permit (See also Section 1400).

#### **SECTION 1601, CONVEYANCES**

All applicants for a zoning compliance permit shall agree that neither the applicant nor the successors in title to the applicant will sell, convey, lease or otherwise dispose of any land surrounding a structure if such conveyance will result in the structure being left on a lot which fails to meet the minimum requirements as set forth in this Ordinance.

#### **SECTION 1602, VIOLATIONS AND PENALTIES**

- A) Violations

Any person who violates a provision of this Ordinance or any amendment thereto, or who fails to perform any act required hereunder, or does any prohibited act including but not limited to nonconforming or providing misinformation, will be guilty of a misdemeanor and, upon conviction and/or any type of settlement thereof, will be punished by a fine and/or

imprisonment in the county jail for not more than thirty days for each offense. Each and every day on which any violation is committed or permitted to continue will constitute the additional daily violation fine as stated in the Permits, Fees and Fines Schedule.

Any violation of this Ordinance is hereby declared to be a public nuisance, per se.

B) Contested Violations

1. Any person who violates a provision of this Ordinance or any amendment thereto or who fails to perform any act required hereunder, or does any prohibited act including but not limited to nonconformance or providing misinformation, is responsible for any and all costs of enforcement incurred by the Township of Mastodon, including the reasonable legal expenses incurred therein.
2. Any special hearings held will constitute additional costs to the violator.

C) Violation and Fee Notices

1. First Notice of violation will be sent by Zoning Administrator by way of United States Postal Service proof of mailing, to property owner describing the nature of the violation including a copy of any Ordinance sections pertaining to the violation. This notice will allow the deadline of ten working days to correct the violation without any fine or further actions.
2. Second Notice of same First Notice violation will be sent, after expiration of the First Notice time limitations, by Zoning Administrator by way of United States Postal Service proof of mailing, to property owner with same information included in First Notice. This notice will also include the Zoning Ordinance violation fine and allow seven working days to correct the violation without any further action.
3. If violation is not corrected within the Second Notice time limit, the additional daily fine will begin on the next day following the Second Notice time limit. The property owner is encouraged to contact the Zoning Administrator if there are difficulties in correcting the violation.
4. If the violation is not rectified within the second notice, then the violation will be forwarded to the Township Attorney to commence prosecution.

## **PART XVII**

### **ZONING MAPS**

#### **SECTION 1700, ZONING MAPS (The Zoning Map is located in the back of this book)**

The location and boundaries of the zoning districts established by this Ordinance are set forth on the zoning maps of the Township of Mastodon which accompany this Ordinance, and which maps, with all notations, references and other information shown thereon are incorporated herein and are as much a part of this Ordinance as if fully described and set forth herein.

#### **SECTION 1701, INTERPRETATION OF THE ZONING MAP**

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

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

## PART XVIII

### DEFINITIONS

#### SECTION 1800, DEFINITIONS IN THIS ORDINANCE

Accessory	Both subordinate and incidental to a principal use of structure.
Building	Any structure, either temporary or permanent, which has a roof or other covering, and is designed or used for the shelter or enclosure of any person, animal or property of any kind. This includes tents, awnings or vehicles situated on private property and used for purposes of a building.
Building Height	The vertical distance from the grade at the center of the front of the building to either: the highest point of the roof surface in a flat roof, or to the deck line of mansard roofs, or to the beam height level between eaves and ridge for gable, hip and gambrel roofs.
Carport	A shelter for one or more vehicles which is not fully enclosed by walls and one or more doors.
Conveyance	An instrument or deed transferring the title to property.
Deck	Any platform or floor space attached to or near a structure. (NOTE: A deck covered by a roof is defined as a porch in this Ordinance.)
Distance	A measurement taken from point to point on a straight horizontal plane.
Easement	A right held by one person to make use of the land of another for a limited purpose, as the right of passage.
Family	An individual or group of two or more persons related by blood, marriage or adoption, together with not more than three additional persons not related by blood, marriage or adoption, living together as a single housekeeping unit.
Floor Area	Total gross area on all floors as measured by the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors, open porches, balconies and terraces.
Floor Space	Floor area of all floors as measured by the inside surfaces of the walls enclosing the part of the building occupied by a single occupant or shared by a distinct group of occupants, excluding common halls, stairwells, sanitary facilities and storage and other areas to which persons do not have regular access.
Garage	A fully enclosed building for the storage of motor vehicles, excluding buildings where motor vehicle repairs or other services will be performed or fuel is sold at retail.
Gas Station	A place where motor vehicle fuels will be sold at retail and/or where motor vehicle repairs or other services will be performed.

Green Belt	A strip of land of definite width and location, reserved for the planting of shrubs and/or trees, to serve as an obscuring screen or buffer strip to carry out the requirements of this Ordinance.
Hardship	The deprivation resulting from application of the Ordinance is so great as to effectively prevent the owner from making any reasonable use of the land.
Heavy Industry	Primary metals production (milling, smelting, forging), the storage or refining of petrochemicals, primary wood processing, secondary metal fabrication or mining.
Home Occupation	An occupation customarily conducted in a dwelling unit that is clearly an incidental and secondary use of the dwelling. Provides for the use of a single-family residence by an occupant of that residence for a home occupation, including, but not limited to, give instruction in a craft or fine art within the residence.
Junkyard, Commercial	An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A “junkyard” includes automobile wrecking yards and any area of more than 200 square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.
Kennel	Any activity which involves permanent or temporary keeping or treatment of four or more adult animals in a business other than ordinary agricultural operations.
Light Industry	Nonmetal fabrication and secondary industrial processes.
Lot	A lot is a parcel of land occupied, or intended to be occupied, by a main building or a group of main and accessory buildings or used for a purpose allowed in the zoning district. A lot may or may not be specifically noted on public records. A lot may also include a site condominium unit, along with any limited common elements, which also must meet the minimum yard and area requirements of the Zoning Ordinance.
Lot Area	The area of land within the boundary of a lot, excluding any part under water.
Lot of Record	A lot which is part of a subdivision and is shown on a plat or map thereof which has been recorded in the Office of the Register of Deeds for Iron County prior to the effective date of the Ordinance; or a parcel of land described by metes and bounds which is the subject of a deed or land contract recorded in said Office prior to said date.
Lot Line, Front	The boundary of a lot where it abuts the right-of-way of any public or private street and from whence access to the lot is obtained, except where a front lot line is not defined by any conveyance or recorded plat, it shall mean the nearest land actually used for purposes of a roadway or parallel drainage ditch. A lot

whose sides abut two such streets or roadways shall be considered a corner lot with two front lot lines.

Lot Line, Setback	The required horizontal distance between every structure and any lot line on the lot on which it is located.
Lot Line, Side	Any lot line which (a) meets the end of a front lot line, or (b) any other lot line within thirty degrees of being parallel to a side lot line as defined in Section 700 of this Ordinance.
Marina	A facility, owned or operated by a person(s), which extends into or over any body of water and which offers service to the public or members of the marina for docking, loading or other servicing of recreational water craft.
Mobile Home	A large house trailer placed for year-round living in one place.
Motel	A structure designed, used or offered for temporary lodging including tourist homes, resorts, cottages and hotels, but excludes hospitals or nursing homes.
Multiple-Family Dwelling	A structure designed or used for residential occupancy by more than two families, with or without common or separate kitchen or dining facilities, including apartment houses, apartment hotels, rooming houses, boarding houses, row houses, townhouses and/or similar housing types, excluding hospitals or nursing homes.
Nonconforming Use and Structure	A use or structure which does not conform to a provision or requirement of this Ordinance but was lawfully established before the time of its applicability. A) Any use or structure that is not contrary to the public health, safety or welfare as to the spirit of this Ordinance; that it 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.
Nursing Home	A structure designed or used for residential occupancy which provides limited medical or nursing care on the premises for its occupants, excluding hospitals or mental health centers.
Ordinary Highwater Mark	The line between upland and lowland which persists throughout successive changes in water levels, below which the presence and action of the water are so common or recurrent that the character of the land is marked distinctly from the upland and its apparent in the soil itself, i.e., the configuration of the surface of the soil and the vegetation.  A) On an inland lake which has a level established by law, it means the highest-established level. B) Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary highwater mark.

Out lot	A parcel of land set aside in a subdivision other than building sites, with no development, and is tax exempt.
Patio	An outdoor area adjoining or enclosed by the walls or arcades of a house, often paved and shaded.
Pier	A dock, wharf, or similar structure which extends into or over any body of water and provides a means of docking, loading, unloading or servicing or water craft.
Porch	<p>A covered entrance to a building (open at one or more sides) which usually projects from the wall and has a separate roof; a roofed or covered deck or entrance.</p> <p>A) An open porch may have columns to support the cover or roof as well as railings for safety.</p> <p>B) A closed porch may have a door(s) and window(s) or screen(s) to protect floor or deck from weather or flying insects.</p> <p>C) A walled porch does not qualify as a porch but rather as an addition to the structure, thus requiring a different permit.</p>
Principal Building	The principal present structure as it pertains to this Ordinance.
Premises	A lot of building as otherwise referred to in this Ordinance.
Planned Unit Development (PUD)	A type of residential, commercial or industrial land development that provides more planning flexibility than traditional zoning and lot layout. Buildings are often clustered on smaller lots, permitting the preservation of natural features in common areas or open park-like areas. The development maintains the same or slightly greater density than is permitted by conventional zoning methods. Individual properties are owned in fee with the common areas owned jointly or deeded to the local government.
Recreational Vehicle (RV)	Any of the following vehicles designed for travel, recreation and vacation uses: motor home (portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); van (portable, temporary dwelling constructed as an integral part of a self-propelled vehicle); pickup camper (a structure designed to be mounted on a truck chassis); recreational trailer (a portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections); park trailer (a semi-portable structure built on a single chassis which does not exceed 400 square feet when constructed to ASNI A-119.5 standards, and 500 square feet when constructed to USDHUD standards); or tent trailer (a canvas or synthetic fiber folding structure mounted on a hard body base and towed by a vehicle).
Restaurant	A building in which food and/or beverages are cooked, prepared, offered for sale and where the consumption is permitted on the premises. Included are establishments commonly known as bars, grills, cafes, taverns, nightclubs, supper clubs, drive-ins and fast food establishments.

Setback	The distance required by the Ordinance as measured from the front, side or rear lot line that describes the location where main and accessory buildings, or other uses or structures, may be located. The distance between a lot line and the setback is also referred to as a required yard.
Spot Zoning	The granting of a zoning classification to a piece of land that differs from other land in the immediate area. Structure Any constructed, erected or placed material or combination of materials in or upon the ground, including but not limited to, buildings, mobile homes, radio towers, sheds, signs and storage bins, and excluding fences, sidewalks and paving on streets, driveways, parking areas and patios.
Two-Family Dwelling	A structure designed or used for residential occupancy by two families.
Variance	Permission to deviate from the strict Ordinance requirements, based on the characteristics of the individual parcel of land. Waterfront Setback The required horizontal distance between every structure on a lot and any body of water which the lot abuts.
Yard	The area between any lot line and the setback.
Zoning	The governmental regulation of the use of land. The purpose is to ensure compatibility of land uses, protect natural resources and protect property values.

**PART XIX**  
**MISCELLANEOUS**

**SECTION 1901, REPEAL OF PRIOR ORDINANCES**

Once the provisions of this Ordinance become effective, all prior ordinances of the Township of Mastodon which are inconsistent or in conflict with this Ordinance, including but not limited to, any prior Zoning Ordinances, shall be repealed.

**SECTION 1902, ORDINANCE ADOPTION DATE**

This Ordinance is adopted on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

TOWNSHIP OF MASTODON

Dated \_\_\_\_\_

By: \_\_\_\_\_

Frank Siewiorek  
Its Supervisor

Dated \_\_\_\_\_

By: \_\_\_\_\_

Janet Kudwa Lemke  
Its Clerk

I, Janet Kudwa Lemke, Township Clerk for Mastodon Township, certify that the above Ordinance is a true and complete copy of said ordinance adopted by the Mastodon Township Board on \_\_\_\_\_, 20\_\_\_\_ and signed by Janet Kudwa Lemke, Mastodon Township Clerk. I further certify that the original of this ordinance has been inserted in the Township Ordinance Book on \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Janet Kudwa Lemke  
Township Clerk

MASTODON TOWNSHIP  
1371 South US Hwy 2  
Crystal Falls, Michigan 49920  
906-875-6232

## **Fees, Permits, and Fines Schedule**

Revised to coordinate with 2018 Mastodon Township Zoning Ordinance

### **Fees and Permits:**

#### **FEES:**

Neither the Planning Commission nor the Zoning Board of Appeals will consider any matter until a fee is paid as set by the Township Board, except that such fee will not be required where the Township or any official body thereof is the moving party.

Fees for the following will be set by such resolutions as may be adopted by the Township Board:

A) Application for a Nonconforming Use Designation Permit	\$250.00
B) Application for a Land Division Permit	\$250.00
C) Application for a Zoning Board of Appeals Hearing	\$250.00
D) Application for Rezoning Permit	\$250.00
E) Application for a Planned Unit Development or Site Condo Permit	\$2,500.00
F) Application for Plats and Subdivisions Permits	\$150.00/Lot
G) Application for a Special Land Use Permit	\$250.00
H) Application for a Telecommunications Permit	\$500.00
I) Application for a Wireless Communication Permit	\$500.00
J) Application for Mining Permit – Annual Renewal	\$10.00/Acre, \$300 Minimum Fee
K) Annual Fee for Junkyard - Annual Renewal	\$50.00
L) Application for a Zoning Compliance Permit	\$50.00

Any fee that is paid and a determination is made by the Planning Commission or the Zoning Board of Appeals that an error was made on the part of the Township representative, the applicable fee will be refunded.

#### **FINES:**

A) A. Zoning Ordinance Violation	\$750.00
Plus: At the discretion of the Township Board, until corrected	\$100.00/Day

