

COUNTY OF VAN BUREN, STATE OF MICHIGAN -

ZONING ORDINANCE

Proposed
ORDINANCE NO. 13*Excerpts from*

AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF BANGOR, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE TOWNSHIP RURAL ZONING ACT, ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED, AND PROVIDING FOR PENALTIES FOR VIOLATIONS HEREOF.

1. Whenever any lawful nonconforming use of a structure or land is superseded by a permitted use, or is suspended for 365 days or more, the use of such structure or land shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed. ✓
Absent for work, vacation, or military or similar service?
- b. accommodate or house a greater number of families;
Elderly parents? Friends or relatives disabled, or needing help?
- c. have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or be erected or altered in any other manner contrary to the provision of this ordinance.
Elderly or handicapped - more than needed or able to maintain.
6. All buildings, including accessory structures, must have a building permit. X
3. Feed and garden stores, nursery stock sales, and greenhouses.
5. Offices for personal or business services. General offices and professional service offices.
6. Personal service establishments similar in character to barber and beauty shops; health club and reducing salons, shoe repair, dressmaking, and tailor shops.
8. Public assembly buildings such as churches, auditoriums, clubs, lodges, and fraternal organizations, provided that the water supply and waste disposal systems are approved by the county health department.
11. Repair shops for appliances, bicycles, furniture and similar items. ✓
12. Retail and wholesale stores similar in character to those that sell dry good and clothing; household furnishings; appliances; and supplies; medicines, drugs, and personal articles; hardware; paint, and wallpaper; books, stationery, flowers, and gifts; automobile parts and accessories; jewelry; sports equipment; hobby and handicraft materials; musical instruments, tapes, compact discs, records; and notions and variety items. ✓
13. Retail stores where groceries, fruits, vegetables, meats, dairy products, baked goods, beverages, or confections are sold. Foodstuffs may be prepared, processed, or manufactured on the premises as an accessory activity provided that the sale of such products is limited to said premises. ✓
14. Shops for the manufacture of small tools, dies, gauges, molds, patterns, models or similar light manufacturing, fabrication or assembly. ✓

Intent: To preserve substantial portions of those lands within Bangor Township which lend themselves to production of food and fiber for the region, state and nation; to provide suitable open land areas for orderly and efficient future growth and development; to protect rural residential and agricultural properties which are presently without public water and sewerage facilities and are projected to remain without such facilities for a substantial period of time; to protect the inherent rights of farmers to, but not limited to, fertilize, spray, till, cultivate, and husband traditional farm animals. Further, to protect and stabilize the essential rural characteristics of outlying areas of the Township in order to promote and encourage agricultural activity and low-density rural life, until such time as it may be deemed in the public interest to promote development of higher densities requiring higher levels of public expenditure for services and utilities.

Right to farm was a God given right. Now it's a revocable government privilege.
1. Generally recognized agricultural buildings and activities, including livestock and poultry operations, dairy farming, horticulture, grain farming, forestry, gardening and similar agricultural uses of land as allowed under the Right to Farm Act.

A. The minimum size of dwelling units shall be 720 square feet of floor area per dwelling unit in original size without additions; the minimum width of a dwelling unit shall be fourteen (14) feet. *More than Grandma can care for?*

C. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development regulations entitled "Mobile Homes Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township.

5. Any mobile home or trailer used for storage must have wheels, bathroom and kitchen facilities removed, and must meet foundation, skirting and tie down regulations. X

6. No accessory building may be used for human habitation. X

Section 4.03 - Structures to Have Access.

A. To assure safety, health, and convenient and unobstructed access for fire protection, servicing and required off-street parking, every building designed or intended for human occupancy hereafter erected or relocated in Bangor Township shall be erected or relocated upon a lot or parcel of land abutting a public street, or with unrestricted access via a public or private street or right-of-way at least 40 feet wide and shall be so located on a lot or parcel of at least one (1) acre, not including the street or right-of-way, with a 150 feet wide building line.

B. It is further the intent of this ordinance that the duties of the Township Board in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be stated in this ordinance. Under this ordinance the Township Board shall have only the following duties: (1) considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, (2) establishing a schedule of fees and charges as stated in Section 9.05, and (3) appointing members of the Zoning Board of Appeals and the Zoning Administrator. V

The wolf appoints the fox to guard the hen house ??

I. Any consecutive Section number omitted from this Article at the date of adoption of this ordinance is reserved for future use of amendment of this ordinance. ?

streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which features are to be retained and

9. The name, signature; title, and mailing address of the person who prepared the site plan. A site plan for any development of more than 2 acres in land area or more than 10,000 square feet of floor area shall be prepared by a registered architect, engineer, or land surveyor. § §

A. The Zoning Administrator shall have the authority to grant Zoning Compliance Permits and to make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue a Zoning Compliance Permit for any excavation or construction or use until the Zoning Administrator has inspected such plans in detail and has found them in compliance with this ordinance. To this end, the Zoning Administrator shall require that an application for a Zoning Compliance Permit for excavation, construction, moving, alteration, or change in type of use or type of occupancy, moving, alteration, or change in type of use or type of occupancy, shall, where required, be accompanied by a site plan.

A. It shall be unlawful to commence the excavation for or the construction of any building or other structure, including an accessory building, or to commence the moving, alteration, or repair of any structure, including accessory building, until the Zoning Administrator has issued for such work a Zoning Compliance Permit including a certification of his/her opinion that plans, specifications, and intended use of such structure do in all respects conform to the provisions of this ordinance.

B. It shall be unlawful to change the type of use of land, or to change the type of use or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use, until the Zoning Administrator has issued for such intended use a Zoning Compliance Permit.

C. A building permit is required for all structures or buildings, application for a Zoning Compliance Permit shall be made coincident with the application for a building permit.

D. Any Zoning Compliance Permit issued under the provisions of this ordinance shall be valid only for a period of Thirty (30) days following the date of issuance thereof.

F. Before any Zoning Compliance Permit shall be issued, an inspection fee shall be paid in an amount fixed by a schedule established by resolution of the Township Board. § §

G. No building or structure or use for which a Zoning Compliance Permit has been issued shall be used or occupied until after a final inspection has been performed which indicates that all the provisions of this ordinance are being complied with and a certificate of occupancy has been issued by the Zoning Administrator or building inspector. The issuance of a certificate of occupancy shall in no case be construed as waiving any provisions of this ordinance.

A. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, ? morals, and general welfare. Wherever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the higher standards shall govern.

Morals ?? They come from the moral law of God - the 10 commandments. Ethics perhaps - that's closer to man's standards.

B. The word "shall" is always mandatory and not discretionary. The word "may" is permissive.

Building - An edifice, framed or constructed and designed to stand more or less permanently and covering a space of land, for use as a dwelling, store, storehouse, factory, sign, shelter or for some other useful purpose. Building in this sense includes a board fence or similar structure, trailer, tent or vehicle used as a dwelling.

Building Site - A lot, or a two dimensional condominium unit or land (i.e., envelope, footprint) with or without limited common element designed for construction of a principal structure or a series of principal structures plus accessory building. All building sites shall have access to public or private roads. *Like to have a Walden's Pond?*

Construction - The building, erection, alteration, repair, renovation (or demolition or removal) of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance shall constitute construction.

Excavation - Any breaking of ground, except common household gardening and ground care.

A. Violations of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of Variances or Special Uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 or imprisoned for not more than ninety (90) days, or both. Each day such violation continues shall be considered a separate offense.

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B. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

C. Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy violation of this ordinance.

Section 9.04 - Severability Clause.

A. Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. *It all is unconstitutional.*

Section 9.05 - Schedule of Fees, Charges, and Expenses.

A. The Township Board shall establish a schedule of fees, charges, and expenses and a collection procedure for permits and certificates of occupancy, appeals applications for Special Uses, Variances, rezonings, and other matters pertaining to this ordinance. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be amended only by the Township Board. *\$\$\$*

B. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.