

AUSABLE TOWNSHIP ZONING ORDINANCE
AUSABLE TOWNSHIP, ROSCOMMON COUNTY MICHIGAN, 1975

UPDATED 2005
(2007 printing which was reformatted in 2017)

An ordinance regulating and restricting the size and kind of buildings or structures, the size of yards, courts and other open spaces and location and use of buildings and land for trade, industry, residence and other purposes, creating districts for said purposes and establishing the boundaries thereof; providing for changes in regulations, restrictions and boundaries of such districts; defining certain terms used therein; and providing for violations of this Ordinance.

PREAMBLE

In pursuance of authority conferred by Act 184 of the Public Acts of 1943 of the State of Michigan, as amended, for the purpose of promoting the health, safety, morals, and general welfare of the inhabitants of AuSable Township, Roscommon County, Michigan, by lessening the congestion in the streets and roads; securing safety from fire, panic and other dangers; providing adequate light and air; preventing the overcrowding of lands; avoiding undue congestion of populations.

ENACTING CLAUSE

The Township of AuSable, County of Roscommon, Michigan ordains:

ARTICLE I

SECTION 1.1 - SHORT TITLE

This Ordinance shall be known as the Permanent Zoning Ordinance of the Township of AuSable, County of Roscommon, Michigan, and will be referred to herein as "THIS ORDINANCE."

ARTICLE II
ZONING DISTRICTS

SECTION 2.1

To carry out the purpose of this Ordinance, AuSable Township shall be divided into the following districts:

R-I	Residential
C-I	Neighborhood Service
CONS	Conservancy
GB	Green Belt
AG	Agriculture

SECTION 2.2 - Boundaries of the District Map

The boundaries of the districts are shown on a map attached hereto of AuSable Township and all the notations, references and other information thereon shall be as much a part of this Ordinance as other Matters and information in said Ordinance.

**ARTICLE III
DEFINITIONS**

SECTION 3.1

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

SECTION 3.2- ACCESSORY BUILDING

A subordinate building structure on the same lot with a main building, or a portion of the main building, occupied or devoted to an accessory use.

SECTION 3.3 -ACCESSORY USE

A use naturally and normally incidental and subordinate to the main use of the premises.

SECTION 3.4 - BASEMENT

That portion of the building which is partly underground and which has most of its floor to ceiling height below grade.

SECTION 3.5 - BOARD

Whenever the word "board" is used, it refers to the Board of Appeals.

SECTION 3.6 - BUILDING

Any structure having a roof.

SECTION 3.7 - BUILDING, HEIGHT OF

The elevation measured from the average finished lot grade at the front of the building to the highest point of the roof.

SECTION 3.8 - CABIN

A building which is used for seasonal occupancy as a dwelling or sleeping quarters.

SECTION 3.9 - CABIN COURT

One or more cabins used for seasonal occupancy as dwellings or sleeping quarters.

SECTION 3.10 - CAMPGROUND

Any parcel or tract of land under the control of any person wherein sites are offered for the use of the public or members of any organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational units.

SECTION 3.11 - CONVALESCENT AND NURSING HOMES

A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two or more persons are cared for. Said home shall conform and qualify for license under state law except that such home shall comply with the requirements of this Ordinance.

SECTION 3.12 - CORNER LOT

Any lot having frontage on two (2) intersecting streets or upon two (2) portions of a turning street where the angle of an intersection is less than 145 degrees.

SECTION 3.13 - DUPLEX

A building containing two (2) single family dwellings under one common roof.

SECTION 3.14 - DWELLING, SINGLE FAMILY

A building provided with the facilities for sleeping, cooking and sanitation and use primarily as a residence by one family. The use may be for year around or seasonal occupancy by the owner or leasee. The term dwelling is synonymous with the terms house, cottage, or bungalow when each is equipped with sleeping, cooking and sanitation facilities.

SECTION 3.15 - DWELLING, MULTIPLE FAMILY

A building or structure containing more than two (2) single family dwellings under a common roof.

SECTION 3.16 - ESSENTIAL SERVICES BY PUBLIC UTILITIES AND OTHER AGENCIES

This shall include the erection, construction, alteration, or maintenance by public utilities, municipal departments or other governmental agencies of underground or overhead gas, electrical, communication, steam or water transmission or distribution systems, or collection, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, cables, towers, fire alarm boxes, police and other call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith reasonably necessary for furnishing adequate service by such utilities or agencies, or for the public health and safety or general welfare; but not including offices and buildings or yards used for bulk storage, fabrication or manufacturing of materials used by such utilities or municipal departments or other governmental agencies.

SECTION 3.17 - FLOODPLAIN

The area of land adjoining the channel of a river, stream, water course, lake or other similar body of water which will be inundated by a flood which can reasonably be expected for that region.

SECTION 3.18 - FLOOR AREA

For the purpose of this Ordinance, floor area shall be considered the habitable first floor area, exclusive of garage, breezeway, or porches.

SECTION 3.19 - GARAGE, PRIVATE

A detached accessory building or portion of main building with the primary purpose of temporary storage of automobiles.

SECTION 3.20 - GREENBELT

Greenbelt shall mean a strip of land no less than thirty (30) feet in width, which shall be left in native vegetation as a screen between two conflicting land uses. Where native vegetation is not dense enough or high enough for effective screening, spruce or red pine shall be planted so that the screening will be as effective as two (2) rows of plantings no less than eight (8) feet apart and plants not over six (6) feet apart in the row. A greenbelt as described here is not synonymous with the Green Belt Zoning District.

SECTION 3.21- HOME OCCUPATION

Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used on sign other than a name plate not more than one (1) square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional person for consultation or emergency treatment, but not for general practice of his profession. Home occupation does not include the use of a premise by a beautician or barber.

SECTION 3.22 - JUNK

Worn out and discarded material that may be returned to some use. Rubbish of any kind that may not be returned to some use.

SECTION 3.23 - JUNK YARD

Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition or use of junk, including scrap metals, motor vehicles, machinery, building, structures, construction materials or other salvaged material. Also; any premises upon which two (2) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more.

SECTION 3.24 - KENNEL

An establishment wherein or whereon three (3) or more dogs are confined and kept for sale, boarding, breeding or training purposes, for remuneration, and such kennel facilities shall be so constructed as to prevent the public or stray dogs from obtaining entrance thereto and gaining contact with dogs lodged in said kennel.

SECTION 3.25 - LIVING SCREEN

A green belt of growing evergreen plants, spruce or red pine, at least four (4) feet in height at planting time, consisting of not less than two (2) rows which shall not be less than eight (8) feet apart, and plants not over six (6) feet apart in the rows.

SECTION 3.26 - LOT

A parcel of land which is or may be occupied by one main building or use, and its accessories, including the open spaces required by this Ordinance, but not necessarily conforming to the platted lot lines. The word "lot" shall include plat or parcel.

SECTION 3.27 - LOT, CORNER

See section 3.12 of this Ordinance

SECTION 3.28 - LOT COVERAGE

The amount of a lot, stated in terms of percentage that is covered by all roofed buildings and other structures located thereon. This shall be deemed to include all buildings, porches, arbors, breezeways, patio-roofs and the like, whether open box type and/or lathe roofs or fully roofed, but shall not include fences, walls or hedges used as fences, or swimming pools.

SECTION 3.29 - LOT LINE

For the purpose of this Ordinance, a lot line is the boundary line between two (2) lots or the line between the properties of two (2) different owners.

SECTION 3.30 - LOT LINE, FRONT

In the case of an interior lot, a line separating the lot from the street. In the case of a corner lot, a line separating the narrowest frontage from the street.

SECTION 3.31- LOT LINE, STREET

The lot line which divides a lot from the outside edge of the street or road.

SECTION 3.32 - MOBILE HOME

Any house trailer, trailer home, or similar vehicle used or so constructed as to permit being used as a conveyance or to be conveyed upon the public streets or highways licensed or licensable as such, including any self-propelled or non-self propelled vehicle, so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the occupancy thereof as a dwelling, a sleeping place, or the main body being supported on the ground by a foundation, blocks, jacks, or other means of support.

For the purpose of this Ordinance, a mobile home shall mean a trailer coach which is ten (10) feet or greater in width and is not generally moved from location to location by passenger car.

SECTION 3.33 - MOBILE HOME PARK

Any site, lot field or tract of land upon which one or more occupied mobile homes are harbored either free of charge or for revenue purposes, including any building, structure, vehicle or enclosure used or intended for use as part of the equipment of such mobile home park which site, lot field or tract shall be licensed and regulated by the Michigan Department of Public Health.

SECTION 3.34 - MOBILE HOME SUBDIVISIONS

Any site, field or track of land which is platted exclusively for mobile home use.

SECTION 3.35 - NONCONFORMING STRUCTURES

A structure lawfully existing on the effective date of this Ordinance, or any amendments thereto and which does not conform to the regulations of the district in which it is located.

SECTION 3.36 - NONCONFORMING USES

The uses of a building structure, lot or other parcel of land conflicting with the provisions of this Ordinance existing on the effective date of this Ordinance.

SECTION 3.37 - ORDINARY HIGH WATER LEVEL

Ordinary high water level shall mean the level where the natural shoreland vegetation changes from predominantly aquatic to predominantly terrestrial. For purposes of this Ordinance, where a lake level has been set by the courts, it shall be the ordinary high water level.

Where the boundary of a district follows the shoreline of a stream, lake or other body of water, the boundary line shall be interpreted as following the ordinary high water level.

SECTION 3.38 - PROPERTY USE CERTIFICATE

A standard form issued by the Zoning Administrator upon application and declaration by the owner or his duly authorized agent regarding proposed construction and use of land and buildings or structures hereon, granting approval for the construction or use applied for.

SECTION 3.39 - RECREATIONAL UNIT

A tent or vehicular type structure primarily designed as temporary living quarters for recreational, camping or travel use, which has its own motive power or is mounted on or drawn by another vehicle which is self-powered. The word "tent" is defined to mean a collapsible shelter of canvas or other fabric stretched and sustained by poles and used for camping out-of-doors.

SECTION 3.40 - RIDING STABLE

An establishment wherein or whereon three (3) or more horses are confined and kept for sale, boarding, breeding or training, but whose primary purpose is for remuneration on a rental basis; and such facilities shall be so constructed and maintained as to prevent public entrance of persons or animals and to prevent confined animals exiting and becoming a public nuisance.

SECTION 3.41- SETBACK

A minimum horizontal distance between the front line of the building and either street line or the proposed future street line.

SECTION 3.42 - SINGLE FAMILY DWELLING

See section 3.14, Dwelling, Single Family

SECTION 3.43 - STREET

A public or private thoroughfare which affords the principal means of access to abutting property.

SECTION 3.44 - STORY

That portion of a building included between the surface of any floor and surface or the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it, and exclusive of any mezzanine, balcony, or basement.

SECTION 3.45 - STORY, HALF

That portion of a building between the eaves and ridgelines of a pitched roof which may or may not be used for tenant purposes.

SECTION 3.46 - STRUCTURE

A building or anything constructed or erected the use of which requires permanent location of the grounds or which is attached to something having permanent location on the ground.

SECTION 3.47 - TAVERN

Any place where alcoholic beverages are sold for consumption on the premises.

SECTION 3.48 - TRAVEL TRAILER

A travel trailer shall mean a trailer coach which is less than ten (10) feet in width and is generally moved from location to location by a passenger car.

SECTION 3.49 - TRAVEL TRAILER PARK

Any site, lot, field or tract on which one or more occupied travel trailers are harbored either free of charge or for revenue purposes, including any building, structure, tent, vehicle or enclosure used or intended for use as part of the equipment of such travel trailer park; which site, lot, field or tract shall be licensed and regulated by the Michigan Department of Public Health.

SECTION 3.50 - YARD

An open space, on a lot occupied and unobstructed from the ground upward, except as otherwise permitted in this Ordinance.

SECTION 3.51- YARD, FRONT

A yard extending across the full width of the lot, the depth of which is the distance between the front lot lines and the main wall of the building including the porch, excepting steps.

SECTION 3.52 - YARD, REAR

A space unoccupied, except for an accessory building, extending across the full width of the lot, the depth of which is the distance between the rear lot line and the rear wall of the main building.

SECTION 3.53 - YARD, SIDE

A yard between a main building and the side lot line, extending from the front yard to the rear yard. The width of the required side yard shall be measured from the nearest part of the main building including porches.

SECTION 3.54 - ZONING ADMINISTRATOR

The Administration Officer of this Ordinance, appointed by the Township Board.

SECTION 3.55 - SUBDIVIDED RESIDENTIAL DEVELOPMENT

See sec. 560.102d Subdivision Control Act of 1967.

SECTION 3.56 – RESIDENTIAL (R-1)

See Article VI Section 6.1

SECTION 3.57 – NEIGHBORHOOD SERVICE (C-1)

See Article V11 Section 7.1

SECTION 3.58 – CONSERVANCY (CONS)

See Article VIII Section 8.1

SECTION 3.59 GREENBELT (GB)

See Article IX Section 9.1

SECTION 3.60 AGRICULTURE (AG)

A Zone which is intended for the control of open tracks of land for the operation of a farm.

- a. "Farm" means the land, plants, animals, buildings, structures, including ponds used for agricultural, machinery, equipment, and other appurtenances used in the operation of farm products.
- b. "Farm operation" means the operation and management of a farm or a condition or activity that occurs at any time as necessary on a farm in connection with the production, harvesting, storage of farm products.

**ARTICLE IV
GENERAL PROVISIONS**

These provisions shall apply to AuSable Township:

SECTION 4.1- SCOPE

Wherever any provisions of this Ordinance imposes more restrictions than are imposed by deeds, state law or regulations of other governmental authorities, the provisions of this Ordinance shall govern.

SECTION 4.2 - EXISTING USE OF BUILDINGS AND LAND

The lawful use of any existing building or land on the effective date of this Ordinance may be continued, as herein provided.

SECTION 4.3 - BUILDINGS AND LAND AFFECTED

Except as is hereinafter provided, no buildings shall be used for any purpose other than the types and uses permitted in the respective district in which such lands or buildings are located.

SECTION 4.4 - MOVING OF BUILDINGS

The moving of a building to a different location shall be considered the same as erection of a new building, and all provisions, regulations, or requirements relative to the erection of a new building shall be applicable thereto.

SECTION 4.5 - RAZING OF BUILDINGS

No building other than a farm out-building shall be razed until a permit has been obtained from the Zoning Administrator. Said permit shall be conditioned on the applicant completing the razing within such reasonable time period as shall be prescribed in the permit and complying with such regulations as to health and safety as the Zoning Administrator may prescribe, including filling of excavations and proper termination of utility connections.

SECTION 4.6 - ACCESSORY BUILDINGS OR STRUCTURES AND ACCESSORY USES

Accessory buildings, structures and uses supplemental to a main building or the main use which is permitted in any district shall also be permitted when located on the same building lot, provided that such accessory buildings and uses conform to the provisions prescribed in this Ordinance for the respective zoning district.

No Building Permit shall be issued for any structure, until Residential Home has been built.

(Vacant property, excluding for farm use).

SECTION 4.7 - WAIVER OF CERTAIN REQUIREMENTS

In cases where lawful use or conditions are such which would make exact compliance with the provisions of this Ordinance impracticable or cause an unreasonable hardship on owners of the land, the owners may appeal to the Zoning Board of Appeals for consideration and action.

SECTION 4.8 - CATEGORY OF BUSINESS WHEN NOT DESIGNATED

When the category into which a business belongs is not herein designated, the Zoning Board shall determine such category, taking into consideration the nature of such business and the category in which similar businesses have been placed. Such designation shall be in writing and shall be sent to the Township Clerk and the Zoning Administrator and shall be final until changed by the Zoning Board of Appeals on application made thereto provided, however, that this provision shall not affect the designation of business which may be made by amendment to this Ordinance. A notice of any Zoning Board meeting at which such categories are to be decided shall be published in a newspaper of general circulation in the township prior to such meeting.

Such notice shall state the purpose of the meeting, the type of business and the legal description of the property in question.

SECTION 4.9 - TEMPORARY BUILDING USE

No temporary use as a dwelling such as a basement, trailer coach, garage, accessory building, portable house shall be permissible, except by means of temporary occupancy permit from the Zoning Administrator, during the course of construction, but not to exceed six (6) months from the date of the building permit, with one six (6) months extension, without approval from the Board of Appeals.

SECTION 4.10 - SOIL EROSION AND SEDIMENT CONTROL

Before any proposed plat or development is approved by the Township Board, the developer shall submit a surface drainage and erosion control plan for the proposed subdivision or development. Said plan shall demonstrate that no pollutants will enter the lakes and streams of AuSable Township.

SECTION 4.11- GRADING, SOIL REMOVAL AND FILLING

Before any grading, soil removal or filling operation is commenced a permit shall be obtained from the Zoning Administrator.

No grading, soil removal or filling operation shall be permitted until said party demonstrates to the Zoning Administrator that said operation will leave four (4in.) inches of top soil and establish permanent vegetation cover and will not cause erosion of soil sediment upon any street, adjacent property, or into any drainage ditch, stream or lake.

Where soil is removed for any purpose, it shall be done in such a manner as to leave the area from which it was removed reasonably level. No holes may be left to fill or partly fill with stagnant water.

Upon completion of said operation, slopes shall be established and graded no steeper than a one (1) on four (4) slope.

The finished surface of ground areas outside the walls of any building or structure hereafter erected, altered or moved shall be so designed that surface water shall flow away from the building walls in such a direction and with such a method of collection that inconvenience to adjacent properties will not result.

When property is developed adjacent to existing properties, previously developed existing grades shall have priority.

Any soil removal, grading or filling operation must be completed within six (6) months. Upon completion of grading, soil removal or filling operation, the said party shall notify the Zoning Administrator, who shall make an inspection to determine the compliance with this section.

In the event that the Zoning Administrator determines that the provisions of this section have not been complied with, the said Administrator shall notify said party in writing by certified mail, return receipt requested, specifying the nature of the non-compliance with this section and ordering compliance within thirty (30) days of said notice.

In no event shall soil be removed below grade level within ten (10) feet of the nearest existing street or highway right-of-way.

SECTION 4.12 - MINING, SAND AND GRAVEL PITS

Before any mining, sand and/or gravel pits are commenced in AuSable Township, a permit shall be obtained from the Zoning Administrator.

The Zoning Administrator in deciding upon approval of application to establish such use, shall apply the standards set forth below in specifying appropriate conditions and safeguards to be applied to each application depending on the facts and circumstances:

- a. The proposed use shall be of such location, size and character as to be in harmony with the appropriate and orderly development of the zoning district in which situated and shall not be detrimental to the orderly development of the adjacent zoning districts.
- b. The location and size of the proposed use, the nature and intensity of the operation, the site layout and its relation to streets giving access to it, shall be such that traffic to and from the property, and the assembly of persons and equipment including cars and trucks connected therewith, will not be hazardous or inconvenient to the neighborhood, nor unduly conflict with the normal traffic of the neighborhood. In applying among other things; convenient routes for pedestrian traffic, particularly of children, the relationship of the proposed use to main traffic thoroughfares and to streets and road intersections; and the general character and intensity of the existing and potential development of the neighborhood. The Zoning Administrator shall determine that the proposed use will not have a detrimental effect upon the neighboring property or the neighboring area in general not impair the value of the neighboring property.
- c. Minimum parcel or lot size shall be ten (10) acres.
- d. There shall be a minimum setback often (10) feet from any street right-of-way or adjoining lot line, within which no excavation shall take place below grade elevation.
- e. Slopes in all areas where mining or excavating has stopped shall be established and graded to no steeper than a one (1) on four (4) slope.
- f. Reasonable restrictions may be imposed by the Zoning Administrator, in any permit granted, on hours of operation, dust and noise control, traffic routes and other matters to protect the health, safety and welfare of the surrounding community.

SECTION 4.13 - ESSENTIAL SERVICES BY PUBLIC UTILITIES AND OTHER AGENCIES

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead or underground gas, electrical, steam, and water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the finishing of adequate service by such public utility or municipal department or commission for the public health and safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the township of AuSable in any use district subject to exceptions listed in section 3.16 of this Ordinance, it being the intention to except such erection, construction, alteration and maintenance from the application of this Ordinance.

SECTION 4.14 - HEIGHT REGULATIONS

No building in any residential zoning district shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is lesser.

SECTION 4.15 - LIVING AREA

No area shall be considered as living area where more than four (4) feet of walls are below grade except that such finished area may be included if one wall is entirely above the grade line of the lot adjacent to said wall and which has an entrance to the out-of-doors through said wall furnishing access and exit from such finished quarters.

SECTION 4.16 - LOT SIZE

Where more than four (4) parcels of land or lots are created after adoption of this ordinance, they shall be no smaller than ten (10) acres in size.

All lots which were platted, subdivided otherwise created before the enactment of this Ordinance shall meet at least seventy-five (75) per cent of the lot size and lot width requirements of the zone in which the lot is situated. Side yard and front setback must meet the minimum requirements of the zone in which said plat is located.

SECTION 4.17 - REQUIRED AREA OR SPACE

- a. No lot being a part of a recorded plat and no parcel of unplatted land or site shall be so reduced that the yard, setback, open space or area is less than the minimum requirements of this Ordinance.
- b. Accessory buildings, including enclosed and unenclosed porches, and garages attached to a dwelling or to other main building shall be deemed a part of such building for the purpose of determining yard space, areas and setbacks.
- c. All unattached accessory buildings, with the exception of roadside stands where permitted, shall be located in the rear or side yard of the premises.
- d. In determining lot and yard requirements, no area shall be ascribed to more than one main building or use, and no area necessary for compliance with the space requirements for one main building shall be included in the calculations of the space requirements for any other building in use.

SECTION 4.18 - INTERSECTION VISIBILITY

On any corner lot in any district requiring front and side yards, no fence, wall, screen, hedge, sign, or other structure or planting shall obstruct vision between the heights of three (3) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line and intersecting them at points which are on said right-of-way lines and twenty-five (25) feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street centerlines at the point of intersection. No fence, wall, screen, hedge, sign or other structure or planting shall obstruct vision from a driveway.

SECTION 4.19 - SIGNS

The signs for identification of premises and for providing information relative to the function of the premises shall be permitted upon compliance with the following requirements:

- a. All Zoning Districts. Signs in all zoning districts shall be permitted upon compliance with the following requirements:
 1. No signs shall be permitted on trees or painted on rocks or other natural features.
 2. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from vehicular view.
 3. No temporary sign made of paper, cardboard, canvas or similar material, other than a sign advertising the sale or renting of the premises on which the same is located, shall be permitted on the exterior walls.
 4. No sign shall be allowed to remain standing which is not maintained and in good repair. Such signs not in good repair will be removed at the owner's expense, at the determination of the Zoning Administrator.
 5. Signs for non-conforming business use shall not exceed twenty (20) square feet in area.
 6. All signs not on the premises of business advertised shall have the name and address of the owner legibly on the sign.
 7. No signs shall be permitted on or in the clear view area at street and/or road intersections and where there are any variations in road right-of-way. Clear view area shall be twenty-five (25) feet from the street right-of-way of both intersecting streets as described in section 4.18 herein, and where there are variations, the view shall not be obstructed.
- b. R-I, Conservancy, and Green Belt Zoning Districts
 1. Only one (1) sign per premises will be permitted. It shall not be larger than six (6) square feet in area.
 2. No sign shall be placed closer than twenty-five (25) feet to any street right-of-way.
 3. No illumination of any sign shall be permitted.
 4. Signs shall be free standing.

c. C-I Zoning Districts

1. All signs that are permitted in any residential zoning district.
 2. Signs may be attached flat against a main building or parallel to the building with a projection not to exceed eight (8) inches and may face only public streets or parking areas which are a part of the development.
 3. Signs may be illuminated, but if intended to have moving illumination, such illumination shall first be approved by the Zoning Board, which shall insure that light intensity, color and movement will not distract motor vehicle operators or constitute a traffic hazard.
 4. Freestanding signs shall not exceed two hundred (200) square feet in area.
- d. Organizations and Institutions. One sign per lot shall be allowed for churches, schools, clubs, associations and institutions and/or bulletin boards, not to exceed two hundred (200) square feet in area. Such signs may be placed flat against the wall of a building or may be free standing, providing that signs may not be closer to any property line than ten (10) feet. Such signs may be illuminated providing that the source of light is not visible.
- e. Subdivision Identification. One sign at the entrance of each platted subdivision will be permitted the subdivision. Such sign shall be no larger than fifty (50) square feet in size and shall be no closer to the highway or right-of-way than twenty-five (25) feet. All bare incandescent light sources and immediately adjacent reflecting surfaces shall be shielded from vehicular view. All such signs shall be approved by the Zoning Board before erection of same.
- f. Fees. Any fees for signs shall be set by the AuSable Township Board.

SECTION 4.20 - SPECIAL EXCEPTION USES

Because of special aspect, some uses and heights other than those permitted in a zoning district may be allowed by special exception use permit. For example; dumps, junk yards, mobile home parks and subdivisions and other special uses may not be compatible with other use of a particular zoning district, but may be permitted by the Board of Appeals in accordance with provisions of section 11.1 of this Ordinance.

SECTION 4.21 - TENTS

No tents shall be erected except in the Conservancy zoning districts and in parks and campgrounds so designated as trailer coach parks and campgrounds, licensed by the Michigan Department of Public Health and excepting that children may put up a play tent on the property of their parent's dwelling.

SECTION 4.22 - LOCATION OF TRAVEL TRAILER COACHES, TRAVEL TRAILERS, BOATS AND UTILITY TRAILERS

No person shall park or occupy a trailer outside of a licensed trailer camp except as otherwise provided in this Ordinance. Emergency or temporary parking of a trailer on any street, alley or highway will be permitted for a reasonable period not to exceed twelve (12) hours subject to any other and further regulations or limitations imposed by traffic or parking regulations or ordinances for that street, alley or highway.

Campers and/or travel trailers may be parked and occupied on a residence in all zones where the occupants of said trailer or camper that are visiting relatives or friends of said residence for a period not to exceed fourteen (14) days.

It shall be unlawful to store any unoccupied trailer on any otherwise unoccupied site, lot field, parcel or tract of land.

In R -1, Conservancy and Green Belt Zoning Districts only:

- a. Not more than one (1) unoccupied trailer or other recreational unit shall be stored or parked on any one piece of property other than a licensed trailer camp or trailer sales lot at any time. Such unoccupied trailer may be stored:
 1. In a garage provided for the same which is located not less than ten (10) feet from any other structure, and;
 2. In the rear yard of a dwelling provided it is located not less than five (5) feet from any other structure or side property line.
- b. An owner may store only his own boats on his own property.

SECTION 4.23 - JUNK YARDS

After the effective date of this Ordinance junk yards, where allowed, shall have been issued a special exception use permit by the Board of Appeals in accordance with section 11.1 of this Ordinance and shall meet the following requirements:

- a. A person proposing to establish and operate a junkyard shall submit a site plan to the Zoning Administrator:
 1. A location map or sketch showing significant physical features.
 2. A site map or sketch showing access, on-site roads, type of screening provided, surface drainage, general soil type, size and legal description.
- b. Isolation and Visual Screening:

A junk yard shall be located at least five hundred (500) feet from the nearest residence other than the Caretaker, and be reasonably screened by natural objects, plantings, fences or other appropriate means from streets, roads or highways open to public vehicular travel and from nearby residences.

c. Maintenance of the site:

The site shall be maintained in a sanitary manner at all times so as not to create general unsightliness and health and safety hazards.

d. Burning - open burning shall not be carried on.

e. Other applicable laws:

Nothing in this Ordinance shall preclude the necessity to comply with all state and federal regulations governing junkyards.

SECTION 4.24 - MOBILE HOMES

All mobile homes shall be on a permanent foundation, wheels removed and skirted and have a minimum floor area of nine hundred thirty-six (936) square feet and a width of twenty-four feet (24ft.) exclusive of porches, garages and utility areas.

SECTION 4.25 - MOBILE HOME PARKS

Mobile home parks shall have been issued a special exception use permit by the Board of Appeals in accordance with section 11.1 of this Ordinance, shall meet all state regulations governing mobile home parks and the following requirements:

- a. All mobile home parks shall be in single ownership.
- b. Every mobile home park shall have a minimum land area of not less than ten (10) acres.
- c. Every mobile home park shall maintain a minimum front, side and rear yard of fifty (50) feet each.
- d. All electric and telephone service shall be installed underground.
- e. Only enclosed storm drainage to an outlet shall be used.
- f. No mobile home site shall be less than forty (40) feet in width and consist of less than four thousand (4,000) square feet in area.
- g. There shall be a minimum of twenty (20) feet between mobile homes.
- h. Not less than one and one-half (1-1/2) off-street parking spaces shall be required for each mobile home.
- i. Private water supply and sewage disposal systems shall be connected to public water and sewage systems within one (1) year after such facilities become available.
- j. Buildings housing laundry facilities, offices, rest rooms or shower facilities, a pool or the sale of retail goods for the exclusive use of the residents of the park may be permitted as an accessory use.
- k. Sites for travel trailers or camping accommodations may be provided within a mobile home park for temporary stays not be exceed fourteen (14) days. These sites shall be provided with at least common rest rooms, showers laundry facilities and water supply. Provision shall be made for the sanitary disposal of sewage into the public system on the premises.

- l. Health Department approval of the proposed park must be obtained and evidence of such approval must be submitted with the application for a special exemption use permit.
- m. A development plan shall be submitted for each mobile home park with the application for a special exception use permit and said plan shall indicate or illustrate how the requirements of this section are being met.
- n. There shall be a living screen or greenbelt around the outside perimeter of the park within the fifty- (50) foot front, side and rear yards required.

SECTION 4.26 - MOBILE HOME SUBDIVISIONS

Mobile home subdivisions shall meet the following minimum requirements and shall have been issued a special exception use permit by the Board of Appeals in accordance with section 11.1 of this Ordinance:

- a. Each site, field or tract of land which is platted for the purpose of a mobile home subdivision shall contain a minimum land area of ten (10) acres.
- b. One mobile home or doublewide mobile home per lot shall be allowed.
- c. A private garage on each lot will be allowed within the front and side lot line setback specified herein.
- d. One accessory building per lot will be permitted to the rear of the mobile home within the side lot lines specified herein.
- e. No mobile home may be placed on any lot on a temporary basis. All must be on a permanent foundation, wheels removed and skirted.
- f. Private water supply and sewage disposal systems shall be connected to public systems within one (1) year after such facilities become available.
- g. Front yard - there shall be a front setback of not less than thirty-five (35) feet from the road right-of-way to any part of the mobile home.
- h. Side yard - there shall be a side yard of not less than ten (10) feet on each side of any mobile home or building. Corner lots shall have a side yard of not less than twenty-five (25) feet on the street side.
- i. Rear yard - there shall be a rear yard of not less than ten (10) feet.
- j. Lot area - no lot shall be less than sixty-five (65) feet wide at the distance of twenty-five (25) feet from its front lot line.
- k. If lot diminishes in width from front to rear, it shall be no less than sixty-five (65) feet wide at a distance of fifty (50) feet from its front lot line.
- l. If the lot is diagonal to the front lot line; the lot shall be not less than sixty-five (65) feet wide at the distance of twenty-five (25) feet from its front lot line on a line perpendicular to the sides of the lot.

- m. No lot shall have an area of less than twelve thousand (12,000) square feet. Where a public water system and sanitary sewage facilities are available, the lot shall not be less than fifty (50) feet wide at a distance of twenty-five (25) feet from its front lot line on a line perpendicular to the sides of the lot. No lot with both public water and sewers shall be less than five thousand (5,000) square feet.
- n. Each mobile home shall have a minimum floor area of nine hundred thirty-six (936) square feet exclusive of porches, garages and utility areas.
- o. There shall be a living screen or greenbelt where the subdivision abutt any other residential zone.
- p. A development plan shall be submitted for each mobile home subdivision with the application for a special exception use permit and said plan shall indicate or illustrate how the requirements of this section are being met.
- q. Pets, no domestic animals or fowl other than ordinary household pets shall be housed on said premises.

SECTION 4.27 - WATER, OVER 10,000 GALLONS PER DAY USED

Any use requiring over 10,000 gallons of water per day shall not be allowed unless both a public water system and public sewers are available. When such services are available and such uses allowed, such uses shall not be allowed within (one-half (1/2) mile of each other.

SECTION 4.28 - INGRESS, EGRESS AND SERVICE ROADS

In order to provide for a safe community, service roads shall be provided in commercial zones where possible.

SECTION 4.29 - NATURAL DRAINAGE

No natural drainage ways in the township shall be interfered with without the consent of the Michigan Department of Natural Resources under Inland Lakes and Streams Act 346 of 1972.

SECTION 4.30 - FLOODPLAINS

Any disturbance of designated floodplains shall not be undertaken without permit from the Michigan Department of Natural Resources under the Inland Lakes and Streams Act 346 of 1972.

**ARTICLE V
NONCONFORMING BUILDINGS AND USES**

SECTION 5.1 - USES ON EFFECTIVE DATE OF THIS ORDINANCE

- a. The lawful use of a building on the effective date of this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance.
- b. Whenever a district shall hereafter be changed in classification, any then existing nonconforming use in such reclassified zoning district may be continued or changed to a use of more restricted or similar classification provided all other regulations governing new uses are complied with.

SECTION 5.2 - REPAIRS

Nothing in this ordinance shall prevent the repair, reinforcement improvement or rehabilitation of any nonconforming building, structure, or parts thereof existing at the effective date of this Ordinance, that may be necessary to secure or insure the continued advantageous use of the building or structure during its natural life; provided, however, that such repairs, reinforcement, improvements or rehabilitation involve no major structural change in the use of said building or part thereof.

SECTION 5.3 - ALTERATIONS, CHANGES AND EXTENSIONS

- a. Any nonconforming use shall not be enlarged or extended except by specific approval of the Board of Appeals.
- b. Nonconforming use of any parcel of land, building or structure shall not be changed to any other nonconforming use after such use has been changed to a conforming use.

SECTION 5.4 - ABANDONMENT AND DISCONTINUANCE

If the nonconforming use of any building, structure, land or premises or part thereof is discontinued or abandoned through vacancy, lack of operation, destruction by fire, wind, collapse, explosion, act of God, public enemy, or otherwise damaged to an extent of fifty (50) per cent of its assessed valuation for a continuous period of one hundred eighty (180) days, then any further use of said building, structure, land or premises shall conform in its entirety to the provisions of this Ordinance; provided, however, that the Board of Appeals may, upon application within thirty (30) days of termination of said period, permit the resumption of such nonconforming use.

Provided that:

- a. Such rebuilding or restoration will not substantially extend the probable duration of such nonconforming use, or;
- b. That circumstances are such that the land previously occupied by such nonconforming use cannot then be advantageously used for a use permitted in the zone.
- c. If damage incurred is more than fifty (50) per cent of the assessed valuation, then any further use of said building, structure, land or premises shall conform to the zoning of that particular district.

SECTION 5.5 - QUESTIONABLE CASES

Any questionable cases involving certain building, accessories, structures, land or premises, or any uses thereof; as to whether they do or do not conform to the provisions of this Ordinance for the respective district shall be referred to the Zoning Administrator, and, if necessary, appealed to the Board of Appeals for settlement.

SECTION 5.6 - BLIGHT and BLIGHTING FACTORS

- a. In any area zoned for residential purposes, the storage upon property of junk automobiles, except in a completely enclosed building. For the purpose of this Ordinance, the term “junk Automobiles” shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan, and shall also include, whether so licensed or not, any motor vehicle which is inoperative.
- b. In any area, the storage or accumulation of junk, trash, rubbish or refuse of any kind without a land fill permit, except domestic refuse stored in such a manner as not to create a nuisance for a period not to exceed 15 days. The term “junk” shall include parts of machinery or motor vehicles, unused stoves or other appliances store in the open, remnants of woods, metal, or any other material or other cast-off material of any kind whether or not the same could be put to any reasonable use.
- c. In any area the existence of any structure or part of any structure which, because of fire, wind, or other natural disaster, or physical deterioration is no longer habitable, if a dwelling, nor useful for any other purpose of which it may have been intended.
- d. In any area, the existence of any vacant dwelling, garage or other outbuilding unless such buildings are kept securely locked, windows kept glazed or neatly boarded up and otherwise protected to prevent entrance thereto by vandals, or other unauthorized persons.
- e. This Ordinance shall not include usable farm machinery and other agricultural equipment.

**ARTICLE VI
R-1 RESIDENTIAL**

SECTION 6.1 - DESCRIPTION AND PURPOSE

A zone providing for the construction of single family homes at a reasonably high density.

SECTION 6.2 - USE REGULATIONS

Land and/or buildings may be used for the following purposes only:

- a. One single family dwelling on each lot.
- b. One private garage on each lot.
- c. One detached accessory building other than a garage, not more than twelve (12) feet or one (I) story in height, subject to the following conditions:
 1. Said accessory building shall not be located closer to a side lot line than that allowed for a principal building.
 2. A detached accessory building, any portion of which is located to the side of the main building, shall be not less than six (6) feet from such main building and not nearer to the side lot line than the width of the side yard required on the lot for the main building, and shall maintain a front setback equal to, or greater than, that of a main building.
 3. A detached accessory building, any portion of which is located to the rear of the main building, shall be located not nearer to the main building than ten (10) feet, and not nearer than five (5) feet to the rear lot line.
- d. Home occupation as defined in section 3.21 herein.
- e. Pets. Animals which are usually considered as farm animals including horses, are not permitted.
- f. Signs as permitted in section 4.19 herein
- g. Special exception uses that may be authorized in this zoning district include the following uses, provided that an application has been submitted for a special exception use permit and approved by the Board of Appeals in accordance with the procedures, provisions and standards of section 11.1 of this Ordinance:
 1. Mobile home parks meeting the requirements of section 4.25.
 2. Mobile home subdivisions meeting the requirements of section 4.26.

SECTION 6.3 - AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be hereafter erected unless the following yards and setbacks are maintained:

- a. Front yard - there shall be a front setback of not less than thirty (30) feet. Where there are adjacent dwellings with a lesser front setback, there shall be permitted a front yard equal to that of the average of all existing dwellings one hundred fifty (150) feet on either side of the site.
- b. Side yard - there shall be a side yard of not less than eight (8) feet on each side of any building. Corner lots shall have a side yard of not less than twenty-five (25) feet on the street side.
- c. Rear yard - there shall be a rear yard of not less than forty (40) feet.
- d. Lot area - no lot shall be less than sixty-five (65) feet wide at the building line. No lot shall have an area of less than twelve thousand (12,000) square feet, except that, where a public water system and sanitary sewage facilities are available, the lot area may be reduced to nine thousand (9,000) square feet.

SECTION 6.4 - MINIMUM FLOOR AREA

Each dwelling unit in this area shall have a minimum first floor area of nine hundred thirty-six (936) square feet with a minimum width of twenty-four feet (24ft.).

**ARTICLE VII
C-I NEIGHBORHOOD SERVICE**

SECTION 7.1 - DESCRIPTION AND PURPOSE

This zoning district is intended to accommodate those retail sales and service facilities that are considered to be an indispensable function of residential neighborhoods. Commercial activities for neighborhood service are those which primarily offer goods and services which are generally required by a family on a daily or less than weekly frequency. Lots 1-6 of Kirtland Heights Subdivision - sec. 2, and One acre in N.W. corner of sec.11.

SECTION 7.2 - USE REGULATIONS

Land and/or buildings in this zone may be used for the following purposes only:

- a. The retail sales of the following types of merchandise:
 1. Foodstuffs
 2. Pharmaceutical and allied products
 3. Clothing and dry goods
 4. Hardware
 5. Florist products
 6. Souvenirs or gifts
 7. Gasoline service stations
 8. Sport shop
- b. The rendering of personal services such as, by way of illustration and not limitation:
 1. Bank
 2. Barber shop
 3. Beauty Shop
 4. Business and professional offices
 5. Convalescent and nursing homes as defined in section 3.11
- c. Government buildings - post office, township hall, fire hall.
- d. Churches, provided the building or structure is not less than fifty (50) feet from any other residentially zoned lot.
- e. Signs as permitted in section 4.19 herein.

- f. Pets. Animals which are usually considered as farm animals are not permitted.
- g. Special exception uses that may be authorized in this zoning district include the following uses, provided that an application has been submitted for a special exception use permit and approved by the Board of Appeals in accordance with the procedures, provisions and standards of section 11.1 of this Ordinance:
 - 1. Mobile home parks meeting requirements of section 4.25.
 - 2. Mobile home subdivisions meeting the requirements of section 4.26.

SECTION 7.3 - AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall be erected unless the following yard area requirements are provided and maintained:

- a. Building setback - there shall be a minimum setback of not less than fifty (50) feet.
- b. Side yard - all buildings in this zone may be built to side lot lines provided that no drainage shall fall on adjacent property and provided that walls are of fireproof construction. Where a building is not constructed to the property line, there shall be a minimum side yard of not less than ten (10) feet for fire protection purposes. Where C- I abutts a residential zone on the side, a side yard of not less than twenty-five (25) feet must be maintained. On the street side of a corner lot not less than twenty -five (25) feet must be maintained.
- c. Rear yard - a rear yard of not less than fifty (50) feet must be maintained.

SECTION 7.4 - OFF-STREET PARKING

All new development in this district shall be required to provide an area for parking facilities on private property in the ratio of three (3) square feet of parking area for each square foot of building area devoted to sales or service facilities.

**ARTICLE VIII
CONSERVANCY ZONING DISTRICT**

SECTION 8.1 - DESCRIPTION AND PURPOSE:

A zone to restrict the use of land comprised of soils whose characteristics are such that the rate of absorption of effluent' may cause the contamination of pollution of available ground water, thus increasing the potential for health hazards, especially where there is a possibility of there being no protective layer below the upper layer.

Much of this land is subject to seasonal high water table levels. Wet sand areas, muck and peat land areas and areas with high slope, with high erosion potential shall also be included with this district.

Because the land in this district has many limitations for development and because some of it is beyond the limits of services for central sewer, and because the cost' new roads, road maintenance, longer school bus routes will place greater financial burden upon the township, land in this district shall not be used for subdivided development until such time that services can be feasibly extended to these areas.

The conservancy district has been created for areas which are:

1. To be kept open to protect sources of water supplies;
2. To be kept open from residential development because of unstable soil conditions;
3. Presently adaptable only for fishing; hunting; preservation of scenic, historic, and scientific area; soil and water conservation; stream bank and lake shore protection; water retention and wildlife preserves; agriculture and forestry.

SECTION 8.2 - USE REGULATIONS:

1. Forestry and forest products along with equipment and buildings necessary to carry out the operations.
2. Agriculture, along with necessary building and equipment.
3. Dwellings: One single-family dwelling may be permitted per lot or acreage:
 - (a) On site sanitary seepage beds are four (4) feet above ground water table.
 - (b) No new public roads are built to serve the dwellings.

SECTION 8.3 - AREA REGULATIONS:

No building, tower, sign or any other structure shall exceed fifty (50) feet in height in this zoning district.

SECTION 8.4 - AREA REGULATIONS:

1. Set Back: There shall be a front setback of not less than thirty (30) feet. Where there are adjacent dwellings with a lesser front yard, there shall be permitted a front yard equal to that of the average of all existing dwellings one hundred and fifty (150) feet on either side of the site.
2. Side Yard: No building structure of any kind or part of such shall extend closer than twenty-five (25) feet to the side lot lines including steps, eaves, and porches, except on corner lots where side yard of at least thirty-five (35) feet shall be maintained on the street side.
3. Rear Yard: No building structure of any kind or part of such shall extend closer than fifty (50) feet to the rear lot line including steps, eaves, and porches.
4. Lot Sizes: No dwelling shall be built upon a lot with less than ten (10) acres in area, unless such lot was established prior to the enactment of this ordinance. In no case shall a dwelling be built upon a lot with less than 12,000 square feet.
5. Floor area: Minimum residence floor area for this zone shall be nine hundred thirty-six (936) square feet.

**ARTICLE IX
GREEN BELT ZONING DISTRICT**

SECTION 9.1 - DESCRIPTION AND PURPOSE

A zone providing the most desirable residential, summer home and cottage area that may complement such use of the zone, so as to preserve the high quality of the AuSable River, and their tributaries, lakes and ponds. The Green Belt Zoning District shall be the first tier of lots or 300 ft. from the water's edge thereof. Water's edge shall be the ordinary high water level as defined in section 3.37 of this Ordinance.

SECTION 9.2 - USE REGULATIONS

Land and/or buildings in the Green Belt Zoning District may be used for the following purposes only:

- a. One single family dwelling on each lot.
- b. One private garage on each lot.
- c. Accessory building, other than a garage, not more than twelve (12) feet in height or one (1) story, subject to the following conditions:
 1. Said accessory building shall not be located closer to a side lot line than that allowed for a principal building.
 2. A detached accessory building, any portion of which is located to the side of the main building, shall be not less than six (6) feet from such main building and not nearer to the side lot than the width of the side yard required on the lot for the main building, and shall maintain a setback equal to or greater than, that of the main building.
 3. A detached accessory building, any portion of which is located to the rear of the main building, shall be located not nearer to the main building than ten (10) feet and not nearer than five (5) feet to the rear lot line.
- d. Pump houses for drawing water from streams for watering of lawns and gardens will be permitted if no more than three (3) feet in height.
- e. Home occupation as defined in section 3.21.
- f. Docks may be constructed not to exceed eight (8) feet in width, with no more than five (5) feet of the dock extending over the water, nor more than twenty (20) feet in length parallel to the water.
- g. Steps may be permitted on the bank provided they do not exceed six (6) feet in width.
- h. Signs as permitted in section 4.19.
- i. Pets. Animals which are usually considered as farm animals are not permitted.

SECTION 9.3 - AREA REGULATIONS

No building or structure nor the enlargement of any building or structure shall hereafter be erected unless the following yards, lot areas and building coverage requirements are provided and maintained in connection with such building, structure, or enlargement, except that; all lots created after the adoption of this Ordinance shall conform to the minimum lot size and width required by this section and all lots existing at the time of the adoption of this Ordinance shall conform as much as possible.

- a. Front yard - the front yard shall be considered as that part of any lot nearest the water. No building shall be constructed closer than fifty (50) feet to the ordinary high water level, except that for every foot of ground elevation above the minimum grade of four (4) feet above the high ground water level, five (5) feet may be subtracted from the minimum setback. However, no structure shall be closer than thirty (30) feet to the ordinary high water level.
- b. Side yard - there shall be a side yard of not less than eight (8) feet on each side of any building. Corner lots shall have a side yard of not less than twenty-five (25) feet on the street side.
- c. Rear yard - there shall be a rear yard of not less than forty (40) feet.
- d. Lot area - the minimum lot area shall be twenty two thousand five hundred (22,500) square feet.
- e. Lot width - the minimum lot width shall be one hundred fifty (150) feet.

SECTION 9.4 - MINIMUM FLOOR AREA

Each dwelling unit in this zoning district shall have a minimum floor area to comply with the residential zone through which the water flows. That portion of the Green Belt Zoning District which is within the R-1 Residential Zone shall have a minimum floor area of nine hundred thirty-six (936) square feet. That portion which is within the Conservancy Zone shall have a minimum floor area of nine hundred thirty-six (936) square feet.

SECTION 9.5 - NATIVE PROTECTION STRIP

A strip twenty-five (25) feet wide bordering each bank of the river, creek, and tributaries, lakes and ponds in this zone shall be left in its natural state as a native protection strip which shall begin at the ordinary high water level. Trees and shrubs in a space fifty (50) feet in width may be trimmed and pruned for a view of the water.

SECTION 9.6 - FLOOR AREAS AND GRADE LEVEL

No dwelling shall be constructed on lands which are subject to flooding or on land where the minimum of four (4) feet between finished grade level and high ground water cannot be met. Land may be filled to meet the minimum requirements of four (4) feet between finished grade level and high ground water only under the following conditions:

- a. The twenty-five (25) foot protection strip is maintained.
- b. No material is allowed to enter the water either by erosion or mechanical means.
- c. No fill shall be allowed over organic material. All vegetation shall first be removed so that fill is over mineral soil only.
- d. Fill material shall be of a pervious material such as gravel or sand.

SECTION 9.7 - SANITARY WASTE SYSTEMS

Disposal fields and septic tanks shall be no closer than one hundred (100) feet to the ordinary high water level. The disposal field tile shall be at least four (4) feet above the high ground water table.

SECTION 9.8 - SUB SOIL DRAINAGE SYSTEMS

No septic or disposal fields shall be nearer than forty (40) feet to any sub soil drainage system (footing drains) emptying directly into the water.

**ARTICLE X
ADMINISTRATION AND ENFORCEMENT**

SECTION 10.1 - ADMINISTRATION OFFICIAL

The Zoning Administrator, appointed by the AuSable Township Board is hereby authorized to direct, supervise and enforce the provisions of this Ordinance. For the purpose of this Ordinance, he shall have the power of a police officer.

SECTION 10.2 - PROPERTY USE CERTIFICATE

- a. Application. Before any change to or in the use of any building or parcel of land is undertaken, the owner or his duly authorized agent shall apply to the Zoning Administrator for a property use certificate on forms provided by the township. The application shall include the name and address of the owner, the intended use, “Estimated” cost of structure proposed signs, and a sketch, which includes the lot dimensions, size and location on the lot of proposed structure, size, and location of existing structures, distances between structures, dimensions of front, side, and rear yards, location of well, septic tank, and drain fields.
- b. Site Plan. A person proposing to establish a commercial enterprise in AuSable Township shall also submit a site plan and perk test to the Zoning Administer.
 - 1. A location map or sketch showing significant physical features.
 - 2. A site map or sketch showing access on site roads, type of screening provided, surface drainage, general soil type, size, and legal description.
 - 3. Perk test results
- c. Issuance. Whenever the uses are set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the owner or his duly authorized agent a property use certificate within ten (10) days of the filing thereof, exclusive of Sundays or Holidays. In any case where a property use certificate is refused, the cause shall be stated in writing to the applicant within ten (10) days, exclusive of Sundays and Holidays, of application by registered mail.
- d. Revocation. The Zoning Administrator shall have the power to revoke or cancel any property use certificate in case of false statements or misrepresentation in the application. The owner shall be notified of the revocation in writing and noticed by registered mail.

SECTION 10.3 - FEES

Property use certificate fees shall be set by the AuSable Township Board.

SECTION 10.4- VIOLATIONS and PENALTY

- a. Any person, firm, or corporation who violators, disobeys, omits, neglects, or refuses to comply with or who resists enforcement of any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined up to five hundred dollars (\$500.00) or by imprisonment in the county jail up to ninety (90) days for each offense, or may be both fined and imprisoned at the discretion of the court. Every day the violation is permitted to exist shall constitute a separate offense.
- b. Upon application to any court of competent jurisdiction, the court may order the nuisance abated and/ or the violation restrained and enjoined. The enforcement of this Ordinance by abatement of any nuisance by the enforcing Officer or by the application of any Court Competent Jurisdiction for abatement by Judicial decree or writ shall not preclude enforcement of this Ordinance by issuance of a criminal complaint and the imposition of fine and costs.
- c. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance nor prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

**ARTICLE XI
AMENDMENTS**

SECTION 11.1 - CHANGES IN THIS ORDINANCE, HOW MADE

- a. The AuSable Township Board may, by separate ordinance, amend, supplement, or change the provisions of this Ordinance: provided that all amendments and procedures are in accord with the manner provided in Act 184 of Public Acts of 1943, as amended; provided that it shall be necessary to publish only the section or sections which are amended, deleted from, or added to this Ordinance.
- b. Amendments may be proposed or initiated by any property owner or his duly authorized agent, the AuSable Township Board or the AuSable Township Zoning Board, and can be enacted by the AuSable Township Board in accordance with item a. above.
- c. A petition for amendments by a property owner or his duly authorized agent shall be on a form furnished by the Township and filed with the Zoning Administrator along with such fee as set by the Township Board.

**ARTICLE XII
REPEALS, SEVERABILITY AND EFFECTIVE DATE**

SECTION 12.1 - CONFLICTING PROVISIONS REPEALED

All prior ordinances or resolutions or parts thereof enacted by the AuSable Township Board in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed.

SECTION 12.2 - SEVERING CLAUSE

Sections of this Ordinance declared by the courts to be unconstitutional or invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the parts so declared to be unconstitutional or invalid.

SECTION 12.3 - EFFECTIVE DATE

This zoning ordinance shall take effect thirty (30) days after publication. Adopted, approved, ordained and ordered published by the AuSable Township Board at a meeting held on the 19th day of July, A.D. 1978.

Robert E. Wahl, Township Supervisor

Patricia E. Sheppard, Township Clerk

At the Regular Board Meeting held July 15, 2004, the AuSable Township Board voted unanimously to adopt the Ordinance #001-2004 and make all AuSable Ordinances both regular and zoning including any and all amendments permanent within thirty (30) days from July 13, 2004.

Jack Sheppard, Township Supervisor

Fred Roemer, Township Clerk

On September 12, 2005, this Zoning Ordinance Booklet was re-printed to include all previous Adopted Ordinances.

Bruce Willet, Township Supervisor

Robert Berg, Township Clerk

On December 12th, 2006 at the Regular Board Meeting, the Township Board voted unanimously to adopt all amendments and make them permanent within thirty (30) days.

Bruce Willet, Township Supervisor

Robert Berg, Township Clerk

**ARTICLE XIII
BOARD OF APPEALS**

SECTION 13.1 - POWERS, DUTIES, RULES

There is hereby established a Zoning Board of Appeals as provided for in Act 184, Public Acts of 1943 as amended, which shall have all of the powers and duties provided by state law and no others except as specifically set forth in this or any other ordinance of the Township of AuSable. It may make any rules of procedure, consistent with law, which may be necessary or convenient for carrying out its functions. Copies of such rules shall be made available to the public by the Zoning Administrator at cost.