

HUDSON
TOWNSHIP
ZONING
ORDINANCE

Charlevoix County, Michigan

Adopted

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Amended

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Prepared by the Hudson Township Planning Commission

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HUDSON TOWNSHIP ZONING ORDINANCE

INTRODUCTORY STATEMENT

An Ordinance to provide for the establishment of zoning districts for Hudson Township so that the proper use of land and natural resources shall be encouraged and within which districts the location, the size of, the uses that may be made of, the minimum open spaces, sanitary, safety, light and the maximum number of families that may be housed in dwellings, buildings and structures, that may hereafter be erected, altered or moved, shall be regulated; to provide for the administration hereof; to provide for a method of amending; to provide for conflicts with other acts, ordinances or regulations; to provide for the collection of fees for the furtherance of the purpose of this Ordinance; to provide for petition and public hearings; to provide for appeals and for the organization and procedures of the Board of Appeals.

BE IT ORDAINED by the Board of Hudson Township of Charlevoix County, State of Michigan, as follows:

ARTICLE I PURPOSE AND AUTHORITY

Section 1.0 – Purpose

It is the purpose of this Zoning Ordinance to promote the public safety, health, convenience and general welfare; to encourage the use of lands and natural resources in the township with accordance with their character, adaptability and suitability for particular purposes; to maintain social and economic stability, property values and the general character and trend of township development; to limit the improper use of land; to avoid overcrowding of population; to provide adequate light and air; to lessen congestion on the public streets and highways; to reduce the hazards of life and property; to facilitate adequate provisions for a system of transportation, sewerage, drainage, safe and adequate water supply and distribution, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and properties by establishing herein standards for township development in accordance with these objectives and by providing for the enforcement of such standards.

It is the further purpose to adopt provisions for each designated zoning district which, within each location, the sizes and uses of buildings, land and minimum open spaces, sanitary measures required, and the number of families to be housed in certain areas, in buildings erected or altered in the future, are specified.

Section 1.1 – Authority

This ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, Township Rural Zoning Act, Act 184 of the Public Acts of 1943, as amended.

**ARTICLE II
SHORT TITLE**

This Ordinance shall be known and may be cited as the “Hudson Township Zoning Ordinance” and will be referred to herein as “this Ordinance”.

**ARTICLE III
RULES APPLYING TO TEXT AND DEFINITION**

Section 3.0 – Rules Applying to Text

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

- a) The particular shall control the general.
- b) In case of any difference of meaning or implication between the text of this Ordinance and any caption, the text shall control.
- c) The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- d) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- e) The word “building” includes the word “structure”.
- f) A “building” or “structure” includes any part thereof.
- g) The word “person” includes a corporation as well as an individual.
- h) The words “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, or “designed to be used” or “occupied.
- i) Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- j) The term “adjoining lots and parcels” is intended to include lots and parcels separated by highways, road, streets or rivers.

Section 3.1 – Definitions

For the purposes of this Ordinance, the following terms and words are defined as follows:

Accessory Building or Structure: A subordinate structure devoted to an accessory use and located on the same premises with a main structure. An accessory structure attached to a main structure shall be considered part of the main structure.

Accessory Use: A use subordinate to the main use on a lot and used for purposes customarily incidental to those of the main use.

Agriculture: See “farm”.

Apartment: A room or suite of rooms, including bath and culinary accommodations, in a multiple dwelling, intended or designed for use as a residence by a single family.

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

Bed and Breakfast Facilities: A single-family dwelling unit, which may be used for the purpose of renting sleeping rooms to transient guests, provided that certain zoning requirements are met.

Billboard: A type of advertising sign which is either erected on the ground or attached to, painted on, or supported by a building which directs attention to a business commodity, service, entertainment or other activity conducted, sold or offered at a place other than on the premises on which the sign is located.

Boarding House – Rooming House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals or lodging and meals are provided for three (3) persons or more.

Bordering Lands: All lands adjacent to a parcel of land, including, but not limited to those lands separated from the parcel by a road right-of-way, easements or public utility right-of-ways.

Buffer Strip: A planting strip at least ten (10) feet in width, composed of deciduous and/or evergreen trees spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart.

Building: A structure either temporary or permanent, having a roof supported by columns or walls.

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.

Building Inspector: The administrator of the building, housing, plumbing, electrical or other codes that have been adopted or may be adopted in the future by the township or the county.

Cabin: A detached building which is used for seasonal occupancy, but not including motels, as a dwelling or sleeping quarters.

Cabin Court: One (1) or more cabins used for seasonal occupancy as dwellings or sleeping quarters for transients or tourists for a fee.

Condominium Unit: That portion of a condominium subdivision designed and intended for occupancy and use by the unit owner consistent with the provisions of the master deed. A condominium unit is not a lot or parcel as those terms are used in this ordinance.

Development Plan: A scale drawing which shows the location and dimensions of improvements upon a parcel of land, including, but not limited to, location and size of buildings, driveways, parking areas, landscaping, sidewalks, signs, sewage systems and drainage facilities, and environmental features.

Districts: “Districts” as used herein is synonymous with the word “zones” or “zoning districts”.

Dog Kennel: Any place where more than three (3) dogs over six (6) months of age are housed or cared for and which is not an animal hospital.

Drive-In Restaurant: A public eating place where food is prepared and served or sold for consumption other than solely within a building on the premises.

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, Multiple: A dwelling or group of dwellings on one (1) plot and in one (1) structure, containing separate living units for three (3) or more families, but not including automobile courts, motels or hotels.

Dwellings, Single or One-Family: A detached building designed for or occupied exclusively by one (1) family.

Dwellings, Two-Family: A detached building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling Unit: A building, or portion thereof, designed for permanent residential occupancy by one (1) family.

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, poles or 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 or 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.

Family: An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not to exceed four (4) persons not related by blood or marriage, occupying the premises and living as a single non-profit housekeeping unit with single culinary facilities, as distinguished from a group occupying a boarding house, or lodging house, hotel, club, fraternity or similar dwelling for group use. The usual domestic servants residing in the premises shall be considered as part of the family.

Farm: All the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner or by his agent or by a tenant farmer, provided that the area thereof is sufficient to constitute actual farming; and for the purpose of this Ordinance, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, dairy farms and apiaries and other similar activities. The words "agriculture" and "farming" shall be considered synonymous.

Flashing Sign: Any sign having a conspicuous and intermittent variation in the illumination of the sign.

Floor Area: The area of all floors computed by measuring the dimensions of the outside walls of a building. Porches, patios, terraces, breezeways, carports, verandas, garages, unfinished attics, attic floor areas with less than five (5) vertical feet from floor to finished ceiling, all basements, except walkout basements, are excluded.

Garage – Private: A detached accessory building or portion of main building for the parking or temporary storage of automobiles, boats, house trailers and similar vehicles owned and used by the occupants of the building to which it is accessory.

Garage – Public: A building, other than a private garage, used for the sale, repair, or equipment of automobiles, motorcycles, snowmobiles, boats and other similar vehicles or where such vehicles are parked or stored for remuneration, hire or sale.

Gasoline Service Station: A structure or structures and space combined, used solely for servicing motor vehicles with the usual operating commodities such as gasoline, fuel oil, grease, water, batteries, tires and other minor accessories, or services such as washing, waxing and lubricating and in connection with which there is no repair or refinishing of motor vehicles, except that the repair of tires, lights, charging of batteries or engine repairs and adjustments when conducted within an enclosed building shall not be excluded.

Grade: An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Greenbelt: A planting strip or buffer strip at least ten (10) feet in width, composed of deciduous and/or evergreen trees spaced not more than thirty (30) feet apart and not less than one (1) row of dense shrubs, spaced not more than five (5) feet apart and not less than five (5) feet in height. A greenbelt, as described here, is not synonymous with greenbelt zoning.

Heavy Industry: Manufacturing, fabricating activities or other large scale specialized industrial operations having external effect which will be felt to some degree by surrounding uses.

Home Occupation: An occupation or profession carried on as a subordinate use by a member of a family residing on the premises and which is clearly incidental and secondary to the use of the parcel of land for residential purposes and does not change the character thereof. These uses shall be conducted entirely within the dwelling except where it is determined by the Township Planning Commission that use of an accessory building will not adversely affect surrounding property owners.

Hotel: A building in which transient lodging or boarding and lodging are offered to the public for compensation. Boarding houses, motels, motor hotels and apartments are excluded.

Industrial Parks: Any site, field or tract upon which three or more industrial sites are available.

Inoperable Motor Vehicle: Any vehicle made to be propelled or operated by a motor or engine which is no longer in an operating condition, and which is useful only for parts.

Institutional or Public Uses: Churches, schools teaching academic subjects, hospitals, convalescent and nursing homes, parks, civic centers, libraries and other governmental structures..

Junk: Worn out and discarded material that may be returned to some use. Rubbish of any kind that may be returned to some use.

Junkyard: Any parcel of land maintained or operated for the purchase, sale, storage, dismantling, demolition or use of junk, including scrap metals, motor vehicles, machinery, buildings, structures, construction material 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 outside a building for a period of six (6) months or more. The purchase and storage of used cars in operable condition, used or salvaged materials, used furniture and household equipment are excluded if carried on in enclosed buildings.

Living Space: That area within a structure intended, designed, erected, or used for human occupancy.

Lot: A parcel of land exclusive of any adjoining street which is or may be occupied by one (1) 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.

Lot – Corner: A lot which occupies the interior angle at the intersection of two (2) street lines which make an angle of less than 145 degrees.

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.

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

Lot – Through: A lot, other than a corner lot, having frontage on more than one (1) street.

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.

a) **Front:** In the case of an interior lot, the boundary line of the lot immediately adjacent to the right-of-way upon which the lot fronts, and in the case of a corner lot, the front lot line shall be the boundary line of the lot immediately adjacent to the street right-of-way on that side of the lot which has the narrowest street frontage. In the case of a waterfront lot, the front lot line shall be considered to be the lakeward or riverfront property line, and setback measurements shall be made from the ordinary high water mark.

b) **Rear:** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular shaped lot, a line ten (10) feet in length within the lot, parallel to and at the maximum distance from the front lot line.

c) **Side:** Any boundary line not a front lot line or a rear lot line.

d) **Width:** The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

e) **Depth:** The distance between the front and rear lot lines measured in the mean direction of the side lot lines.

Lot of Record: A lot which is part of a subdivision, the map of which has been recorded in the Office of the Register of Deeds, or a lot described by metes and bounds, the deed to which has been recorded in the Office of the Register of Deeds at the time this Ordinance is passed.

Mobile Home: Any vehicle or structure so designed and constructed that it will permit the occupancy thereof as sleeping quarters for one (1) or more persons, or the conduct of any business or profession, occupation or trade, or storage and when manufactured has no foundation other than wheels, jacks, skids or skirting and is so designed that it may be mounted on wheels and moved from place to place on streets, but not including travel trailer or recreational-type vehicles used for temporary seasonal travel. House trailers shall be construed to be synonymous with mobile homes.

Mobile Home Park: Any site, field or tract upon which three (3) or more occupied mobile homes 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 mobile home park which site, lot, field or tract shall be licensed and regulated by the Michigan Department of Public Health.

Motel: Groups of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade, commonly known as motels or motor courts.

Non-Conforming Use: Any use, whether a building or other structure or a tract of land, which does not conform to the applicable use regulations for the district, either at the effective date of this Ordinance or as a result of a subsequent amendment thereto.

Open Space: Land not used for any of the following: parking and loading spaces, road right-of-ways, building coverage, sewage disposal areas, water-well houses, related uses.

Owner: A person holding any legal, equitable, option or contract interest in land.

Persons: "Persons" includes any individual, political subdivision, estate, trust, or body of persons, whether incorporated or not, acting as a unit.

Planning Commission: The Planning Commission shall consist of five (5) members who are appointed by the Township Board, and who shall make a plan for the development of the township. Such plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development within the township which will be in accordance with the present and future needs. The Planning Commission shall also establish zoning districts and boundaries, recommend the text of a zoning ordinance, serve as an advisory body to the Township Board on matters involving proposed amendments, and recommend the manner of administering and enforcing the zoning ordinance.

Principal or Main Use: The primary or predominant use of the premises.

Right-of-Way: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

Sign: Any announcement, written declaration, pictorial representation, emblem, flag, illustration, insignia or any figures of similar character which is a structure or any part thereof or is attached to, painted, or in any other manner represented on a building or structure and is used to announce, direct attention to, or advertise and is visible from outside a building. Signs shall include billboards but shall not include illustrations, pictorial representations or other similar items within buildings.

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

Story – Half: That portion of a building between the eaves and ridge lines of a pitched roof which may or may not be used for tenant purposes.

Structure: Anything constructed, erected or to be moved to or from any premises which is permanently located above, on or below the ground, including signs and billboards.

Travel Trailer: A travel trailer shall mean a mobile home which is less than ten (10) feet in width and is generally moved from location to location by a passenger car and is generally used for recreation purposes.

Travel Trailer Park: Any site, lot, field or tract upon which one (1) 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.

Vehicle Sales – New: An authorized dealership primarily for the sale of new vehicles but as an incidental use may include the sale of used vehicles, and having complete and enclosed facilities on the premises for the display, service, repair and sale of new vehicles and accessories.

Vehicle Sales – Used: An authorized dealership for the sale of used vehicles with completely enclosed office and sales facilities on the premises. All related activities incidental to the sale of used vehicles such as minor repairing, servicing and restoring, shall be performed within completely enclosed facilities.

Yard: An open space on the same lot with a building unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure. However, in cases where the lot is bordered by an easement road, the yard measurement shall begin thirty-three (33) feet from the center of the road.

Yard – Front: A yard extending across the front of the lot between the side lot lines and measured between the front line of the lot and the nearest point of the building.

Yard – Rear: A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On the corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

Yard – Side: A yard between the side lot line and the nearest side line of the building and extending from the rear line of the building to the front line of the building.

Zoning Administrator: The Administrator of this Ordinance, appointed by the Hudson Township Board.

Zoning Permit: 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 and structures thereon granting approval for the construction or use applied for.

ARTICLE IV GENERAL PROVISIONS

Section 4.0 – Purpose

General regulations apply to all districts except as noted herein. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

Section 4.1 – Application of Regulations

Zoning affects every structure and use and extends vertically. Except as hereinafter provided:

- a) No building or structure shall hereafter be erected, altered or moved, nor shall any building or premises hereafter be used for any purpose other than is permitted in the district in which said building or premises are located.

- b) No building shall hereafter be erected or altered to exceed the height limitations, or occupy a greater percentage of lot area, or intrude upon the required front yard, rear yard, side yards, or inner or outer courts, or accommodate or house a greater number of families, or provide less space per dwelling unit than is specified for the district in which such building is located.
- c) No lot area and no yard, court, parking areas or other required space shall be so divided, altered, reduced or diminished as to make said area or dimension less than the minimum required under this Ordinance, except where such reduction has been brought about by the expansion or acquisition of public right-of-ways for a street, road or highway. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced.

Section 4.2 – Lot-Building Relationship

Hereafter, every building erected, altered or moved shall be located on a lot of record as defined herein, and except in the case of an approved multiple dwelling development, there shall be no more than one (1) principal building and its permitted accessory structures located on each lot in any residential district.

In the Agricultural District (A), two dwellings may be located on a lot of record, provided there is adequate acreage per dwelling unit to fulfill the requirement of Section 6.6 d) 4), and further, provided that the dwelling units shall be separated by a minimum of fifty (50) feet.

Section 4.3 – Accessory Buildings

- a) Authorized accessory buildings may be erected as part of the principal building or may be connected to the principal building by a roofed porch, patio, breezeway or similar structure or may be completely detached from the principal building. For detached accessory buildings of one hundred (100) square feet or less, a zoning permit shall not be required.
- b) Where an accessory building is attached to the side or front of a principal building, such accessory building shall be considered part of the principal building for purposes of determining yard dimensions.
- c) No detached accessory building shall be located nearer to a side or rear lot line than the permitted distance for the principal building on the same lot.
- d) No accessory building shall project into any front yard.
- e) An accessory building shall not occupy more than thirty (30) percent of any rear yard.

Section 4.4 – Accessory Buildings as Dwellings

No building on the same lot as a principal building shall be used for dwelling purposes except for watchmen, caretakers or other domestic employees whose employment functions are directly related to the function of the principal building; providing that all other applicable requirements of this Ordinance are satisfied.

Section 4.5 – Temporary Buildings

Temporary buildings for use incidental to construction work, and all debris, shall be removed within thirty (30) days after the completion or abandonment of the work. No structure shall be used for temporary dwelling purposes that does not comply with the requirements of this Ordinance or any applicable building codes, provided the Zoning Board of Appeals may allow variances on the size of temporary dwelling units. No garage or other accessory building, trailer coach, basement, partial or temporary structure, whether of a fixed or portable construction, shall be erected or moved onto a lot and used for any dwelling purposes unless authorized by the issuance of a permit by the Zoning Administrator and satisfying all of the conditions thereof.

Section 4.6 – 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 4.7 – Razing of Buildings

No building shall be razed until written permission has been obtained from the Zoning Administrator. Said permission shall be conditioned on the applicant completing the razing within such reasonable time period as shall be prescribed and complying with such regulations as to health and safety as the Building Inspector may prescribe including filling of excavations and proper termination of utility connections.

Section 4.8 – Yard Encroachments

The yard requirements of all zones are subject to the following permitted encroachments.

- a) Terraces, patios and similar structures may project into a yard as required herein, provided that such structure be unroofed and without walls or other continuous enclosures; except that porches and other appurtenances shall be considered an integral part of the building to which they are attached and shall be subject to all yard requirements thereof.
- b) Chimneys, flues, sills, pilasters, cornices, eaves, gutters and similar features may project into any required yard a maximum of twenty-four (24) inches.
- c) Unenclosed and unroofed fire escapes, outside stairways and balconies may project into a required yard a maximum of five (5) feet.

Section 4.9 – 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) and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and thirty (30) 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 between the heights of three (3) feet and ten (10) feet, measured above the elevation of the street centerline, within ten (10) feet of any front property line.

Section 4.10 – Through Lots

In any district, a through lot, as herein defined, shall have a front yard, as hereinafter provided for its particular district on all frontages along each street lot line.

Section 4.11 – Essential Services

Essential services, as defined herein, shall be permitted as authorized and regulated by law, public policy and specific zoning regulations in any district, it being the intention otherwise to exempt such erection, construction, alteration and maintenance from the application of this Ordinance when not in conflict with Article I of this Ordinance. When in conflict, the Board of Appeals shall have the power to determine reasonable conditions under which such facilities shall be erected.

Section 4.12 – Required Water Supply and Sewage Disposal Facilities

Every building hereafter erected, altered or moved upon any premises and used in whole or in part for dwellings (year-round or seasonal), recreational, business, commercial or industrial purposes, including churches, schools and other buildings in which persons customarily congregate, shall be provided with a safe and sanitary water supply system and with means for collecting and disposing of all human excreta and all water-carried domestic, commercial, industrial and other wastes that may adversely affect health conditions. The written approval of such facilities by the District Department of Health, shall be filed with an application for a zoning permit.

Section 4.13 – Dumping Rubbish and Waste Matter

It shall be unlawful throughout the township to store, collect or place discarded material, building materials, refuse, junk or inoperable motor vehicles upon land owned or operated by any individual, or company, or public place unless such land has been designated as a solid waste disposal site by the Michigan Department of Natural Resources.

Section 4.14 – Street Closures

Whenever any street, alley or public right-of-way, or railroad right-of-way, is vacated by official action of the appropriate agency or governmental body, the zoning district adjoining each side of such right-of-way shall be automatically extended to the center of such vacation, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

Section 4.15 – Storm Water Drainage and Grades

No premises shall be filled or graded so as to discharge surface runoff on abutting premises in amounts and at intervals which exceed the natural or preceding conditions on site. When property is developed adjacent to existing properties previously developed, existing grades shall have priority.

Section 4.16 – Vehicle Storage

No inoperable vehicle shall be stored outside an enclosed building except in permitted and licensed junkyards or landfills.

Section 4.17 – Removal of Soil, Sand or Other Material

The removal of soil, sand, topsoil or other material from the land is not permitted in any zone except under a temporary permit from the Planning Commission which may be denied or issued in appropriate cases upon the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect, or that no material shall be taken from any part of a lot within 200 feet of any road or trail, traveled by the general public, or within 200 feet of an adjacent lot line, or leave the surface of the land, at the expiration of such permit, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the zone in which such removal occurs. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of buildings or to affect normal farm operations.

Section 4.18 – Mobile Homes

- a) A mobile home sited on an individual lot shall meet the standards for minimum lot size, yard setback and floor area for the district in which it is located.
- b) Mobile homes shall be installed according to manufacturer's setup requirements, and the construction of the unit shall comply with the National Mobile Home Construction and Safety Standards Act of 1974.
- c) Mobile homes shall be attached to an approved permanent foundation or basement and shall be anchored using a system that meets the Michigan Mobile Home Commission requirements.
- d) The wheels, axles and towing assembly shall be removed from a mobile home before the unit is attached to the foundation. Additionally, no mobile home shall have any exposed undercarriage or chassis.
- e) Mobile homes shall not be used as an accessory building.

Section 4.19 – Recreational Vehicles Used as Dwellings

No recreational vehicle shall be used as a permanent dwelling unit, nor shall any recreational vehicle be permanently connected to drinking water or sewerage facilities. On undeveloped lots or parcels, the Zoning Administrator may issue a renewable temporary use permit for recreational occupancy not to exceed periods of ninety (90) days. Renewal may be denied or an issued permit may be revoked if any of the following conditions occur: unsafe or objectionable sanitation conditions, litter, lack of maintenance, or any other site conditions determined by the Zoning Administrator to constitute a safety hazard or public nuisance.

Section 4.20 – Greenbelts

A greenbelt, as defined herein, shall be required for any commercial or industrial use that abuts a residential use on either side yard or rear yard. In all instances, this may be provided as part of the side or rear yard requirements. If waived in writing by adjacent residential property owners, the greenbelt may be omitted or a fence substituted for the greenbelt if, after public hearing and notice, the Planning Commission finds that there would be no adverse effects upon the neighboring property resulting from the waiver or omission.

Section 4.21 – Shoreland Protection Strip

No building, fence or structure, except docks or launch ramps, shall be erected closer than fifty (50) feet from the shoreline at normal high water level of any lake, stream or creek within the township. In addition, a strip of land thirty-five (35) feet wide from the normal high water mark bordering the body of water shall be maintained in trees and shrubs in their natural state. Trees and shrubs may be pruned, however, to afford a view of the water. Within the thirty-five (35) foot wide vegetation strip, the use of pesticides, herbicides or fertilizers is strongly discouraged. Additionally, the burning or storage of any leaves, grass clippings or brush within thirty-five (35) feet of the ordinary high water mark is strongly discouraged and selective vegetation removal may be permitted to provide reasonable pedestrian and boat access to the water, not to exceed fifteen (15) feet of cleared area per one hundred (100) feet of water frontage.

Section 4.22 – Restoration of Unsafe Buildings

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Building Inspector. The owner of an unsafe building shall be allowed six (6) months to repair an unsafe building, with one (1), six (6) month renewal with cause.

Section 4.23 – Continued Conformance with Regulations

The maintenance of yards, open spaces, lot areas, height and bulk limitations, fences, walls, clear vision areas, parking and loading spaces, and all other requirements, including the proper maintenance and repair of screening arrangements, for a building or use specified within this Ordinance shall be a continuing obligation of the owner of such building or property on which such building or property or use is located.

Section 4.24 – Notice of Mineral Rights Severance

In all cases where mineral rights to real property is located in Hudson Township are severed from surface rights to that property, and not included in a proposed property sale or transfer, the seller shall notify the buyer in writing of such severance prior to consummation of the sale or transfer.

Section 4.25 – Private Roads

Where a private road serves five (5) or more dwelling units, the road shall be developed in accordance with Charlevoix County Road Commission design standards regarding right-of-way, drainage, construction, erosion control, surface and signage. Where a private road serves three (3) or more parcels, a permanent right-of-way, or easement, at least sixty-six (66) feet in width shall be reserved at a location feasible for future vehicular access, and a passable vehicular access installed within the right-of-way.

ARTICLE V
ESTABLISHMENT OF ZONING DISTRICTS

Section 5.0 – Zoning Districts

In order to regulate and restrict the location, erection, alteration or use of buildings, structures or land and to carry out the purposes of this Ordinance, Hudson Township is hereby divided into the following zoning districts.

- “R-1” - Single Family Residential District, Lake and Stream
- “R-2” - Single Family Residential District
- “R-3” - Mobile Home Park Residential District
- “R-4” - Multiple Family Residential District
- “C-1” - Commercial District
- “I” - Industrial District
- “A” - Agricultural District
- “CR” - Conservation Reserve District
- “RR” - Rural Residential District

Section 5.1 – Zoning Districts Map ** See amendments 1 and 3 of 2003 ******

The locations and boundaries of these districts, so established, are bounded and defined as shown on the map, entitled “Hudson Township Zoning District Map”, which accompanies and is hereby declared to be a part of this Ordinance with the same force and effect as if the districts shown thereon were fully set forth by metes and bounds herein. A current and up-to-date Hudson Township District Map with all amendments noted, shall be kept on file in the office of the Hudson Township Board and the Charlevoix County Clerk, and these maps shall be the final authority as to the current status of land, buildings and other structures in Hudson Township.

Section 5.2 – Interpretation of Zoning District Boundaries

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the Zoning District Map, the following rules shall apply:

- a) Where district boundaries are indicated as approximately coterminous with street or highway centerlines or right-of-way lines, such centerlines or right-of-way lines shall be construed to be said boundaries.
- b) Where district boundaries are indicated as approximately coterminous with platted lot lines, section lines, quarter-section lines, or other survey lines, such lines shall be construed to be said boundaries.
- c) Where district boundaries are indicated as approximately parallel to street or highway centerlines or right-of-way lines, or to section lines, quarter-section lines or other survey lines, such boundaries shall be construed to be parallel thereto and at such distance therefrom as indicated on the Zoning District Map.
- d) 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 such shoreline and in the event of change in shoreline shall be construed as moving with said shoreline.

Section 5.3 – Areas Not Included Within a District

In every case where property has not been specifically included within a district, such property shall be in the “A – Agricultural” zone.

INSERT "Zoning Districts Map" HERE (Page 16)

**ARTICLE VI
ZONING DISTRICT REGULATIONS**

Section 6.0 – “R-1”, Single Family Residential District, Lake and Stream

- a) Purpose – The purpose of this district and its accompanying regulations is to provide for a stable and sound residential environment on lots of sufficient area to accommodate the safe and healthful use of onsite water and waste disposal systems. This zone district is intended to encourage the proper development of lands along the shores of water bodies within the township, to avoid pollution of these water bodies and to preserve the natural resources of the township.
- b) Use Regulations – Land and/or buildings in the “R-1” Zoning District may be used for the following purposes only:
 - 1) One (1) single family dwelling on each lot.
 - 2) Parks, playgrounds, and other recreation facilities, owned and operated by a governmental agency or a non-profit neighborhood group.
 - 3) Docks, boat landings and similar structures are permitted as accessory structures subject to the regulations provided in this Ordinance and subject to regulations enforced by the State of Michigan.
 - 4) Other accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and loading spaces, as required by Article VII of this Ordinance.
 - 5) Special uses that may be authorized in this district include the following; provided that an application is submitted for a special use permit and is approved in accordance with the procedures, provisions and standards of Article IX of this Ordinance.
 - + Camps, clubs, campgrounds. Commercial activities may be conducted on the premises for the exclusive use of the residents of the camp, club or campgrounds.
 - + Churches and church-related structures.
 - + Bed and Breakfast facilities, providing the number of guest rooms is limited to five (5); the length of stay is limited to a maximum of fourteen (14) consecutive days; the operator lives on the premises during operation; not more than one (1) non-resident worker is employed; breakfast is served only to overnight guests; one (1) off-street parking space is provided for each guest room, in addition to two (2) off-street operator parking spaces; and no nuisance conditions are created which would be detrimental to the residential character of the neighborhood.
- c) Height Regulations – No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is less.
- d) Area Regulations – No building or structure shall be hereafter erected, altered or enlarged unless the following yards and lot areas are provided and maintained in connection with such alteration, construction or enlargement.
 - 1) Front Yard – There shall be a front yard of not less than fifty (50) feet.
 - 2) Side Yard – There shall be a side yard of not less than fifteen (15) feet on each side of any dwelling or accessory building, excepting the street side of a corner lot on which not less than a thirty-five (35) foot side yard shall be maintained.

- 3) Rear Yard – There shall be a rear yard of not less than thirty-five (35) feet.
- 4) Lot Area – The minimum lot area for use in this zone district shall be twenty thousand (20,000) square feet with a minimum width of one hundred (100) feet at the building line.
- e) Floor Area Regulations – Each dwelling unit in this zoning district shall have a minimum floor area of nine hundred sixty (960) square feet of floor area exclusive of porches, garages, basements and utility areas if a one (1) story building, one thousand one hundred (1,100) square feet if a one and one-half (1-1/2) story building, or one thousand three hundred (1,300) square feet if a building of more than one and one-half (1-1/2) story.
- f) Other Development Regulations –
 - 1) Docks, boat landings and similar structures shall comply with the side yard requirements of the “R-1” Zoning District and shall not be longer than is required to reach a water depth of six (6) feet at normal low water, provided no dock shall exceed fifty (50) feet.
 - 2) No subsoil footings drain system shall empty directly into any water body.
 - 3) Any fill material used shall be of sand or gravel or other pervious material and shall not be allowed to enter the water by erosion or mechanical means.
 - 4) The developer or builder shall be required, where possible, to ensure that new or altered structures in this zoning district will not be damaged by flooding or flood hazards and that excessive soil erosion, adverse changes in the natural drainage course, or unnecessary destruction of natural features will be avoided, or remedies will be provided.

Section 6.1 – “R-2”, Single Family Residential District

- a) Purpose – The purpose of this district and its accompanying regulations is to provide for a stable and sound residential environment on lots of sufficient area to accommodate the safe and healthful use of onsite water and waste disposal systems.
- b) Use Regulations – Land and/or buildings in the “R-2” Zoning District may be used for the following purposes only:
 - 1) One (1) single family dwelling on each lot.
 - 2) Public schools; fifty (50) foot side and rear yards are required if the property abuts any residentially zoned lots.
 - 3) Parks and playgrounds, libraries, fire stations, community centers and other public buildings owned and operated by a governmental agency or a non-profit neighborhood group.
 - 4) Golf courses, country clubs, tennis clubs, and other related athletic clubs, when operated as part of a development; fifty (50) foot landscaped side and rear yards are required.
 - 5) Accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and loading spaces as required by Article VII of this Ordinance.

- 6) Special uses that may be authorized in this district include the following; provided that an application is submitted for a special use permit and is approved in accordance with the procedures, provisions and standards of Article IX of this Ordinance.
- + Home occupations
 - + Religious institutions
 - + Cemeteries
 - + Hospitals and other institutions for human care
 - + Public utility buildings
 - + Bed and Breakfast Facilities, providing the number of guest rooms is limited to five (5); the length of stay is limited to a maximum of fourteen (14) consecutive days; the operator lives on the premises during operation; not more than one (1) non-resident worker is employed; breakfast is served only to overnight guests; one (1) off-street parking space is provided for each guest room, in addition to two (2) off-street operator parking spaces; and no nuisance conditions are created which would be detrimental to the residential character of the neighborhood.
- c) Height Regulations – No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is less.
- d) Area Regulations – No building or structure shall hereafter be erected, altered or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building, erection, alteration or enlargement.
- 1) Front Yard – There shall be a front yard of not less than thirty-five (35) feet.
 - 2) Side Yard – There shall be a side yard of not less than ten (10) feet on each side of any dwelling or accessory building, except on the street side of a corner lot where a thirty-five (35) foot side yard shall be provided and maintained.
 - 3) Rear Yard – There shall be a rear yard of not less than thirty-five (35) feet.
 - 4) Lot Area – The minimum lot area for uses in this zoning district shall be fifteen thousand (15,000) square feet with a minimum width of one hundred (100) feet at the front lot line. If lands proposed for subdivision are zoned “R-2”, and the developer does not propose to provide at least ten (10) percent of the gross acreage for community parks within the subdivision, the minimum lot area for the subdivision shall be twenty thousand (20,000) square feet with a minimum width of one hundred (100) feet at the front lot line.
- e) Floor Area Regulations – Each dwelling unit in this zoning district shall have a minimum floor area of eight hundred sixty (860) square feet of floor area exclusive of porches, garages, basements and utility areas if a one (1) story building, one thousand (1,000) square feet if a one and one-half (1-1/2) story building or one thousand two hundred (1,200) square feet if a building of more than one and one-half (1-1/2) story.

Section 6.2 – “R-3”, Mobile Home Park Residential District

- a) Purpose – The purpose of this district and its accompanying regulations is to provide for a stable and sound environment for mobile home residential development at a medium high density. This zone district will be established only upon approval of an application from the owner of the property proposed for a mobile home park. Establishment of this zone district shall follow the provisions of Article XI, Section 11.4 of this Ordinance. There is no intention to promote, by these regulations, a zoning district of lower quality and desirability than in the “R-1” Zoning District, although a higher density is permitted.
- b) Use Regulations – Land and/or buildings in the “R-3” Zoning District may be used for the following purposes only:
 - 1) Mobile home parks provided that all state regulations governing mobile home parks and the following requirements are met:
 - + Each park shall be in single ownership and shall contain a minimum land area of ten (10) acres with a minimum width of three hundred (300) feet.
 - + All mobile home parks must maintain a hundred (100) foot landscape setback from any public street that borders the park boundaries, and fifty (50) foot minimum landscaped rear and side yards shall be provided and maintained adjacent to any adjoining properties.
 - + All public and private utilities shall be installed underground.
 - + Each park shall have a minimum of two (2) access streets entering a public arterial or collector street with no ingress or egress to or from a local street.
 - + All streets within a mobile home park shall be paved with the provision of a forty (40) foot right-of-way for one-way streets and a fifty (50) foot right-of-way for two-way streets, and a minimum roadway of twenty (20) feet, exclusive of parking facilities.
 - + All property in any mobile home court shall be graded so as to be well drained, and a means of conveying storm water away from structures and streets shall be provided.
 - + Off-street parking shall be provided.
 - + At least ten (10) percent of the park area shall be retained for open space and recreation purposes.
 - + Health department approval of the proposed park must be obtained and evidence of such approval must be submitted with the application for a zoning permit.
 - + Buildings housing laundry facilities, offices, restroom 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.
 - + Sites for travel trailers or camping accommodations may be provided within a mobile home park for temporary stays not to exceed fourteen (14) days. These sites shall be provided with at least common restrooms, showers, laundry facilities and water supply. Provisions shall be made for the sanitary disposal of sewage into the public system on the premises.
 - + A development plan shall be submitted for each mobile home park in accordance with Article IV, Section 4.19 of this Ordinance.

- c) Height Regulations – No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is less.
- d) Area Regulations – No building or structure shall be hereafter erected, altered or enlarged or mobile homes located in this zoning district unless the following yards and lot area requirements are provided and maintained in connection with such building, structure or enlargement.
 - 1) Front Yard – There shall be a minimum front yard of twenty (20) feet.
 - 2) Side Yard – There shall be a minimum side yard of ten (10) feet on each side of the building excepting the street side of the corner lot where a twenty (20) foot side yard shall be required.
 - 3) Rear Yard – There shall be a minimum rear yard of twenty (20) feet.
 - 4) Lot Area – There shall be a minimum lot area of five thousand (5,000) square feet with a minimum width of fifty (50) feet.
- e) Floor Area Regulations – Each dwelling unit in this zoning district shall have a minimum of six hundred (600) square feet of usable floor area exclusive of porches, garages, basements and utility areas.

Section 6.3 – “R-4”, Multiple Family Residential District

- a) Purpose – This zoning district is provided to encourage the development of a sound and stable environment for multiple family dwelling units. This zone district will be established only upon approval of an application from the owner of the property proposed for a preplanned apartment, garden apartment or condominium apartment complex. Establishment of this zone district shall follow the provisions of Article XI, Section 11.4 of this Ordinance.
- b) Use Regulations – Land and/or buildings in the “R-4” Zoning District may be used for the following purposes only:
 - 1) Multiple family dwellings as defined herein.
 - 2) Two (2) family dwelling units.
 - 3) Playgrounds, parks, tot lots, open spaces and other recreational uses, either enclosed or in the open, for the use of occupants only.
 - 4) Bed and Breakfast facilities.
 - 5) Accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and loading spaces, as required in Article VIII of this Ordinance.
- c) Height Regulations – No building shall exceed thirty-five (35) feet or three stories in height, whichever is less.
- d) Area Regulations – No building or structure shall be hereafter erected, altered or enlarged, unless located on a parcel at least two (2) acres in area with a minimum width of two hundred (200) feet, and where the following yards and lot requirements are provided and maintained in connection with such construction, alteration or enlargement for multiple family residential development.
 - 1) Front Yard – Where it is the intention of the developer to utilize the front yard area for parking, there shall be a setback from the right-of-way of each street on which the “R-4” Zoning District abuts of at least seventy-five (75) feet; the front twenty-five (25) feet of which shall be landscaped. Where the front yard setback area is not used for parking, there shall be a setback from the right-of-way of all streets on which the “R-4” Zoning District abuts of forty (40) feet; the total of which shall be landscaped.

- 2) Side and Rear Yards – There shall be a minimum side yards and rear yards of thirty (30) feet, except where the subject property abuts any agricultural or single family zoning district in which case side yards and rear yards shall be forty (40) feet.
- e) Density Regulations – No land shall hereafter be used in this zone district unless the following density regulations are followed and maintained.
 - 1) Not more than four (4) dwelling units per gross acre shall be permitted in this zone district, except as otherwise herein provided.
 - 2) There shall be a minimum of fifty (50) percent of the gross area of the proposed “R-4” Zone District maintained as open space or non-profit recreational uses.
 - 3) Density bonuses will be allowed provided the developer follows the accompanying schedule:

Open Space +	Density ++
50 percent	4 units/acre
55 percent	6 units/acre
60 percent	8 units/acre
70 percent	10 units/acre

+ Percent of Gross Acreage
 ++ Units – Gross Acre

- 4) In the process of determining the usable gross acreage in a particular “R-4” project, the developer shall not consider the following:
 - + Lands having a slope greater than 20 percent (twenty (20) feet of vertical fall in one hundred (100) lineal feet).
 - + Lands having a ground water table four (4) feet or less from the surface.
 - + Lands covered by water
 - + Lands currently being utilized as a power line or gas line right-of-way, or dedicated as some other type of right-of-way.
- f) Floor Space Regulations – Each dwelling unit in this zone district shall have an average floor area of eight hundred sixty (860) square feet of usable floor area exclusive of porches, patios, garages, basements and utility areas. If the developer proposes a mixture of units having differing floor plans, a minimum floor space of seven hundred fifty (750) square feet shall be maintained.
- g) Other development regulations
 - 1) The horizontal distance measured in feet between parallel or nearly parallel elements of buildings forming courts and courtyards shall be not less than twice the height of the taller building measured in feet.
 - 2) Not less than two (2) off-street parking spaces shall be required for each dwelling unit. Such parking shall be placed so as not to interfere with any recreation or service area and shall not be less than twenty-five (25) feet from any property lines or street right-of-way lines.
 - 3) All areas provided for use by vehicles shall be surfaced with bituminous asphalt, concrete or similar materials.

- 4) Areas for loading and unloading delivery trucks and other vehicles and for refuse collection service, fuel and other services shall be provided and shall be adequate in size and shall be so arranged that they may be used without blockage or interference with the use of access ways or automobile parking facilities.
- 5) Provisions shall be made for safe and efficient ingress and egress to the public streets and highways servicing the “R-4” Zoning District without undue congestion or interference with normal traffic flow.
- 6) All buildings within the zoning district shall be served by a public sanitary sewage disposal system and public water supply system. All utility lines (power, telephone, water, gas, cable TV) serving the “R-4” Zoning District shall be placed underground.
- 7) The developer shall be required, where possible, to preserve or incorporate natural features such as woods, streams and open spaces which add to the overall development of the area.
- 8) The developer shall be encouraged to give consideration to the provision of community areas, laundry facilities, playground and tot lots, and other services necessary for the comfort and convenience of “R-4” residents.
- 9) A development plan shall be submitted for each multiple family development or other permitted use in the “R-4” Zoning District in accordance with Article IV, Section 4.19 of this Ordinance, and said plan shall indicate or illustrate how the requirements of this section are being met.

Section 6.4 – “C-1”, Commercial District

- a) Purpose – This zone district is intended to provide areas in the township for commercial land uses.
- b) Use Regulations – Land and/or buildings in the “C-1” Zone District may be used for the following purposes only:
 - 1) Book, stationery, gift, florist or souvenir shop.
 - 2) Bowling alley, including associated restaurant and/or tavern.
 - 3) Grocery stores, package take-out stores.
 - 4) Lodge halls, private clubs, veteran’s clubs.
 - 5) Motels, hotels, bed and breakfast facilities and cabins.
 - 6) Restaurants and taverns.
 - 7) Golf courses, country clubs, tennis clubs, and other associated resorts or athletic clubs, provided fifty (50) foot landscaped side and rear yards are provided.
 - 8) Other similar uses provided that such uses shall be found to be similar to the preceding listed permitted uses by the Township Planning Commission. The Township Planning Commission shall make its determination of whether or not a proposed use is “similar” only after a public hearing has been held with notice of said hearing published in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
 - 9) Accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and loading spaces, as required by Article VII of this Ordinance.

- 10) Special uses that may be authorized in this district include the following; provided that an application is submitted for a Special Use Permit and is approved in accordance with the procedures, provisions and standards of Article IX of this Ordinance.
- + Automobile service and repair shops, provided all operations are conducted within a completely enclosed structure.
 - + Contractors (plumbing, heating, electrical), provided all operations are conducted within a completely enclosed structure.
 - + Cottage maintenance services, provided incidental equipment such as fertilizers, tools and supplies are kept within a completely enclosed structure.
 - + Nursery, flower, plant or garden shops, provided all incidental equipment and supplies, tools and containers, are kept within a completely enclosed structure.
- c) Height Regulation – No building shall exceed thirty-five (35) feet or three (3) stories, whichever is less.
- d) Area Regulations – No building or structure shall hereafter be erected, altered or enlarged unless located on a parcel at least one (1) acre in area with a minimum width of two hundred (200) feet, and where the following yards and lot areas are provided and maintained in connection with such alteration, construction or enlargement.
- 1) Front Yard – There shall be a front yard of not less than twenty-five (25) feet, provided that where established or adjacent lots vary from this minimum, a new building shall be constructed with a front yard of no less depth than the average front yards for those buildings located on each side of the proposed building and provided that this provision shall not be interpreted to require a front yard of more than forty (40) feet nor less than fifteen (15) feet.
 - 2) Side Yard – There shall be a side yard of not less than twenty-five (25) feet on each side of any building excepting the street side of a corner lot or where the side of a lot in the “C-1” Zoning District abuts a lot in any residential district in which case a fifty (50) foot side yard shall be required and maintained.
 - 3) Rear Yard – There shall be a rear yard of not less than thirty-five (35) feet.
 - 4) Lot Area – The minimum lot area for use in this zoning district shall be one (1) acre with a minimum width of one hundred fifty (150) feet at the front lot line.
- e) Floor Area Requirements – There shall be no minimum floor area requirements in this zoning district.

Section 6.5 – “I”, Industrial District ** See amendment 2 of 2003 ******

- a) Purpose – This zone is intended to accommodate the industrial needs of the entire community in such a manner that no unreasonable noise, dust, vibration or any other like nuisance shall exist to adversely affect any adjoining properties.
- b) Use Regulations – Land and/or buildings in the “I” Industrial Zoning District may be used for any of the following uses only:
 - 1) Assembly and repair of electrical appliances, instruments and devices.
 - 2) Lumber supply and building materials, sales and storage yards, including equipment storage yards.

- 3) Machine shops, blacksmith shops and tool and die shops.
 - 4) Public service installations, including public utility buildings and structures for gas, water and electrical service, telephone exchanges, transformer stations, substations, power generating plants including the storage of equipment and vehicles.
 - 5) Sales, service and repair of farm machinery, trailers and heavy equipment.
 - 6) Shops for sheet metal and woodworking.
 - 7) Off-street parking and loading spaces as required by Article VII of this Ordinance.
 - 8) Accessory uses, customarily incidental to the preceding listed permitted uses, including, but not limited to, restaurant or cafeteria facilities for employees and office facilities.
 - 9) Other uses provided that such uses shall be found to be compatible only after a public hearing has been held with notice of said hearing published in a newspaper of general circulation at least fifteen (15) days prior to the date of the hearing.
- c) Height Regulations – No building shall exceed thirty-five (35) feet in height.
- d) Area Regulations – No building or structure shall hereafter be erected, altered or enlarged unless located on a parcel at least five (5) acres in area with a minimum width of three hundred (300) feet, and where the following yards and lot area requirements are provided and maintained in connection with such building erection, alteration or enlargement.
- 1) Front Yard – There shall be a minimum front yard of fifty (50) feet.
 - 2) Side Yard – There shall be a minimum side yard of twenty (20) feet in this district except on the street side of corner lots where fifty (50) feet shall be required. Where an industrial district abuts a residential or agricultural zone on the side, there shall be maintained a fifty (50) foot side yard on such yard.
 - 3) Rear Yard – There shall be a minimum rear yard of twenty-five (25) feet in this district except where such uses abut a residential or agricultural zone, a minimum rear yard of fifty (50) feet shall be provided.
 - 4) Lot Area – The minimum lot area for use in this zone shall be five (5) acre with a minimum width of three hundred (300) feet.
- e) Floor Area Regulations – There shall be no minimum floor area requirements for this zone.
- f) Other development Regulations
- 1) All uses shall be conducted within a completely enclosed building or within an area enclosed on all sides by a solid non-combustible fence or wall at least six (6) feet in height. All business shall be conducted in such a manner that no unreasonable noise, dust, vibration or any other like nuisance shall exist to adversely affect adjoining properties.
 - 2) A greenbelt, as required by Article IV, Section 4.20 of this Ordinance, shall be provided where required.
 - 3) A development plan, in accordance with Article IV, Section 4.21, shall be submitted for uses in this zoning district.

Section 6.6 – “A”, Agricultural District

- a) Purpose – This zoning district is intended for large tracts used for farming or which are idle. It is not intended for any use except agricultural, low density, single family residential use and other specialized rural uses requiring large tracts of land. This restriction is necessary to prevent development without proper planning. If development and subdividing are to occur, they should be preceded by rezoning and sound planning.
- b) Use Regulations – Land and/or buildings in the “A”, Agricultural District may be used for the following purposes only:
 - 1) Any use permitted in the “R-2” Zone.
 - 2) Farms for both general and specialized farming, together with farm dwellings and buildings and other installations useful to such farms.
 - 3) Golf courses, country clubs, riding stables and publicly owned recreation areas.
 - 4) Non-intensive recreation facilities such as ski hills and lifts, snowmobile trails, archery and rifle, skeet or gun range, and hunting and fishing preserves or clubs, provided that commercial activities such as bars, hotel and/or lodge accommodations, retail stores, service establishments are not permitted.
 - 5) Roadside stands for the sale of products raised on the lot or parcel, provided that off-street parking shall be provided and no hazardous traffic condition shall result from such activity.
 - 6) Dog kennels and related facilities.
 - 7) Buildings for the storage and repair of equipment provided such buildings are located one hundred (100) feet from any property boundary line.
 - 8) Accessory uses customarily incidental to the preceding listed permitted uses including, but not limited to, off-street parking and loading spaces as required by Article VII of this Ordinance.
 - 9) Special uses that may be authorized in this zoning district include the following uses provided that an application is submitted for a special use permit and approved in accordance with the procedures, provisions and standards of Article IX of this Ordinance.
 - + Junkyards, salvage yards, sewage treatment facilities and sanitary landfills, provided that all applicable regulations of the State of Michigan are complied with.
 - + Commercial natural resources extraction or relocation, including sand and gravel, but specifically exempting cases where land grades are changed in connection with the erection or construction of any roads, and other land improvements in which case such operations shall be permitted without a special use permit.
 - + Camps, clubs, campgrounds, provided no commercial activity shall be conducted on the premises; buildings shall not exceed thirty (30) feet in height, and parking facilities shall be no closer than twenty (20) feet to any property line.
 - + Airports and their associated facilities.
 - + Racetracks used by automobiles, motorcycles, snowmobiles and horses, and their associated facilities.

- + Bed and Breakfast facilities, providing the number of guest rooms is limited to five (5); the length of stay is limited to a maximum of fourteen (14) consecutive days; the operator lives on the premises during operation; not more than one (1) non-resident worker is employed; breakfast is served only to overnight guests; one (1) off-street parking space is provided for each guest room, in addition to two (2) off-street operator parking spaces; and no nuisance conditions are created which would be detrimental to the residential character of the neighborhood.
 - + A second dwelling unit on an agriculturally zoned property may be permitted if at least one (1) acre of yard area is available for each dwelling.
- c) Height Regulations – No residential building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is less.
 - d) Area Regulations – No building or structure shall hereafter be erected, altered or enlarged unless the following yards and lot area requirements are provided and maintained in connection with such building erection, alteration or enlargement.
 - 1) Front Yard – There shall be a front yard of not less than thirty-five (35) feet.
 - 2) Side Yard – For residential buildings, there shall be total side yards of fifty (50) feet, provided that no yard shall be less than twenty (20) feet. For all other buildings, there shall be a minimum side yard of sixty (60) feet.
 - 3) Rear Yard – There shall be a rear yard of not less than one hundred (100) feet.
 - 4) Lot Area – The minimum lot area for use in this zone shall be twenty (20) acres with a minimum lot width of two hundred (200) feet.
 - e) Floor Area Regulations – Each dwelling unit in this zone district shall have a minimum floor area of six hundred (600) square feet for a one (1) bedroom dwelling; six hundred fifty (650) square feet for a two (2) bedroom dwelling; and seven hundred twenty (720) square feet of floor area for a three (3) bedroom dwelling, exclusive of porches, garages, basements and utility areas if a one (1) story building; nine hundred (900) square feet if a one and one-half (1-1/2) story building, or one thousand (1,000) square feet if a building or more than one and one-half (1-1/2) story.

Section 6.7 – “CR”, Conservation and Forestry Reserve District

- a) Purpose – The purpose of this district and its accompanying regulations is to preserve state and township public, park, forest and recreation areas and to preserve privately held commercial forest crop land.
- b) Use Regulations – Land and/or buildings in the “CR” Conservation and Forestry Reserve District may be used for the following purposes only:
 - 1) Parks, forests, open space and recreation areas owned by a governmental agency.
 - 2) Docks, launch ramps and associated parking areas.
 - 3) Uses similar to the preceding which tend to preserve in substance the scenic character of the area.
- c) Other Regulations – There shall be no yard, height or floor area regulations in this zone district. The minimum parcel area shall be forty (40) acres, except for local park use which shall have no minimum parcel size.

Section 6.8 – “RR”, Rural Residential District

- a) Purpose – The purpose of this district and its accompanying regulations is to provide for a stable and sound residential environment on large lots in a rural setting, of sufficient size to accommodate a safe and healthful use of onsite water and wastewater disposal systems.
- b) Use Regulations – Land and/or buildings in the “RR” Zoning District may be used for the following purposes only:
 - 1) Uses permitted in the “R-2” Single Family Residential District.
 - 2) Uses permitted in the “A” Agricultural District
 - 3) Special uses that may be authorized in this district include the following; provided that an application is submitted for a special use permit and is approved in accordance with the procedures, provisions and standards of Article IX of this Ordinance.
 - + Special uses authorized in the “R-2” Single Family Residential District.
 - + Special uses authorized in the “A” Agricultural District
 - + A second dwelling unit on an “RR” District property may be permitted if at least one (1) acre of yard is available for each dwelling.
 - + Along Huffman Lake Road, Camp Ten Road and Thumb Lake Road, any use allowed in the “C-1” Commercial or “R-4” Multiple Family Residential districts may be established without a re-zoning action, provided that all applicable requirements of the respective “C-1” or “R-4” districts are met; and provided that the building or structure in which the commercial or multiple family residential use occurs is located at least five hundred (500) feet away from any existing residence and at least five hundred (500) feet away from any lake or stream.
- c) Height Regulations – No building shall exceed thirty-five (35) feet or two and one-half (2-1/2) stories in height, whichever is less.
- d) Area Regulations – No building or structure shall be hereafter erected, altered or enlarged unless the following yards and lot areas are provided and maintained in connection with such alteration, construction or enlargement.
 - 1) Front Yard – There shall be a front yard of not less than thirty-five (35) feet.
 - 2) Side Yard – For residential buildings, there shall be total side yards of fifty (50) feet, provided that no yard shall be less than twenty (20) feet. For all other buildings, there shall be a minimum side yard of sixty (60) feet.
 - 3) Rear Yard – There shall be a rear yard of not less than fifty (50) feet.
 - 4) Lot Area – The minimum lot area for use in this zone shall be one (1) acre with a minimum lot width of two hundred (200) feet.
- e) Floor Area Regulations – Each dwelling unit in this zone district shall have a minimum floor area of six hundred (600) square feet for a one (1) bedroom dwelling; six hundred fifty (650) square feet for a two (2) bedroom dwelling; and seven hundred twenty (720) square feet of floor area for a three (3) bedroom dwelling, exclusive of porches, garages, basements and utility areas in a one (1) story building, or one thousand (1,000) square feet if a building is more than one and one-half (1-1/2) story.

Section 6.9 – Schedule of Regulations

District	Minimum Lot Area	Average Min Lot Width in Feet	Minimum Yard in Feet			Maximum Feet	Height Stories	Min Floor Space per D.U. (in sq ft) 1 bdrm/2bdrm/3bdrm (1 st/1.5 st/>1.5 st)
			Front	Rear	Side			
Conservation and Forestry Reserve CR	40 acres	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Agricultural A	20 acres	200	35	100	(a)	35	2-1/2	600/650/720
Rural Residential RR	1 acre	200	35	50	(b)	35	2-1/2	600/650/720
Residential R-1	20,000 sq ft	100	50	35	15	35	2-1/2	(960/1,100/1,300)
Residential R-2	15,000 sq ft	100	35	35	10	35	2-1/2	(860/1,000/1,200)
Residential R-3 (c)	10 acres	300	100	50	50	35	2-1/2	600
Residential R-4 (d)	2 acres	200	(e)	(e)	(e)	35	3	N/A
Commercial C-1 (d)	1 acre	200	(f)	35	(g)	35	3	N/A
Industrial I	5 acres	300	50	(h)	(i)	35	N/A	N/A

Footnotes:

- (a) See Section 6.6 (d) (2) for side yard requirements.
- (b) See Section 6.8 (d) (2) for side yard requirements.
- (c) Regulations are for the Mobile Home Park as a whole. For individual lot requirements within the Mobile Home Park, see Section 6.2 (d) and (e).
- (d) See Section 5.4 for locating C-1 and R-4 uses along major roadways.
- (e) See Section 6.3 (d) (2) for yard requirements.
- (f) See Section 6.4 (d) (1) for front yard requirements.
- (g) See Section 6.4 (d) (2) for side yard requirements.
- (h) See Section 6.5 (d) (3) for rear yard requirements.
- (i) See Section 6.5 (d) (2) for side yard requirements.

**ARTICLE VII
OFF-STREET PARKING AND LOADING SPACE REQUIREMENTS**

Section 7.0 – Description and Purpose

To permit and regulate the parking and loading of automotive vehicles in all zones.

Section 7.1 – General Regulations and Definitions

The following regulations and definitions shall apply in all zoning districts.

- a) A plan of the proposed parking and loading areas shall be submitted to the Zoning Administrator for all new commercial, industrial, multiple family, and mobile home parks.
- b) A minimum area of two hundred (200) square feet shall be provided for each vehicle parking space exclusive of aisles and access.
- c) “Gross floor area” is the sum of the gross horizontal areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.
- d) The Board of Appeals may, without proof of unnecessary hardship, but after a public hearing, grant any applicant a variance on the requirements of this chapter if the Board finds from the evidence presented that the intended use of a proposed building does not require parking or loading facilities to the degree specified herein. However, the Board shall require that adequate open areas be retained around such a building to permit development of the required parking or loading areas should the use of the building change at a later date.

Section 7.2 – Parking Requirements

Hereafter, no building shall be erected or altered and no land used unless there is provided adequate off-street parking spaces in accordance with the following schedule.

Residential Use Requirements:

- Two (2) spaces per dwelling unit

Commercial, Service and Office Use Requirements:

- Three (3) square feet of parking per square foot of gross floor area

Industrial Use Requirements:

- One (1) square foot of parking per square foot of gross floor area

In the case of a use not specifically mentioned, the requirements of off-street parking facilities shall be the same as for the most similar use listed.

Section 7.3 – Loading Space Requirements

For every building, or addition to an existing building, hereafter erected to be occupied by a use allowed in any commercial or industrial zone district or other similar use requiring the receipt or distribution, in vehicles, of materials or merchandise, there shall be provided and maintained on the same premises with such building or addition off-street loading spaces in relation to floor area as follows:

- a) Up to twenty thousand (20,000) square feet – one (1) space.
- b) Twenty thousand (20,000) to fifty thousand (50,000) square feet – two (2) spaces.
- c) Fifty thousand (50,000) to one hundred thousand (100,000) square feet – three (3) spaces.
- d) One (1) additional space for each additional one hundred thousand (100,000) square feet or fraction thereof.

Each such loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. No such space shall be located closer than fifty (50) feet to any lot in any residential or agricultural district unless wholly within a completely enclosed building or enclosed on all sides by a wall.

ARTICLE VIII NON-CONFORMING USES, LOTS AND STRUCTURES

Section 8.0 – Continuance of Use

The lawful use of any premises existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the provisions hereof, but if such nonconforming use is discontinued, the future use of said premises shall be in conformity with the provisions of this Ordinance.

- a) If a structure or use is nonconforming because of height, floor area, parking or loading space provisions of this Ordinance, it may be extended, enlarged, altered, remodeled or modernized to comply with these provisions. Once in compliance, no structure or use shall again become non-conforming in these categories.
- b) An existing non-conforming use may be altered or remodeled within the interior dimensions of the building, provided no exterior structural alterations are made except those that may be required by the building inspector.

Section 8.1 – Restoration and Repair

Such repairs and maintenance work as are required to keep a non-conforming building or structure in a sound condition may be made. In the event any non-conforming building or structure shall be damaged by fire, wind, an act of God, or a criminal act, it may be rebuilt or restored provided the cost thereof shall not exceed fifty (50) percent of the true cash value of the building at the time of the occurrence; said determination to be made by the Planning Commission.

The Zoning Board of Appeals may grant a variance from this requirement, provided the variance is granted upon a finding:

- a) that such rebuilding or restoration will not substantially extend the probable duration of such non-conforming use, or
- b) that circumstances are such that the land occupied by such non-conforming use cannot be advantageously used for a use permitted in the zone.

Section 8.2 – Change of Non-Conforming Use

Whenever a zoning district shall be changed, any then existing non-conforming use in such changed district may be continued, provided all other regulations governing the use are complied with. Whenever a non-conforming use of a building or premises has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

Section 8.3 – Non-Conforming Use Discontinued

In the event that any non-conforming use is discontinued for a period of one (1) year, any subsequent use shall conform to the uses permitted in the district in which the premises are located.

Section 8.4 – Repair of Non-Conforming Buildings

Nothing in this Ordinance shall prevent the repair, reinforcement or reconstruction of a non-conforming building, or part thereof, rendered necessary by wear and tear, deterioration or depreciation, provided the cost of such work shall not exceed fifty (50) percent of the true cash value of such building at the time such work is done, nor shall any provision of this Ordinance prevent compliance with the provisions of any building code in effect in the township.

Section 8.5 – Non-Conforming Lots of Record

Lots of record that are non-conforming because of lack of the required number of acres or minimum number of square feet shall be allowed to be built on, and variances shall be allowed for required setback and yard sizes, provided that an adequate potable water supply and proper and safe sewage disposal facilities can be provided.

**ARTICLE IX
SPECIAL USE PERMITS**

Section 9.0 – Permit and Site Plan Required for Certain Uses

- a) Purpose – Certain land use activities entitled “Special Uses” may be authorized in the various zoning districts but only if adequate safeguards are provided for in the required site plan as agreement between the Township and the developer to ensure the protection of the public health, safety and general welfare. The special uses that may be authorized are listed in the “Use Regulation” section of each zoning district.
- b) Special uses may be authorized by the Township Planning Commission by the issuance of a special use permit provided that:
 - 1) The proposed use is one listed as a special use for the district in which said use is located.
 - 2) The provisions of this Article are complied with.
 - 3) The standards for the particular use as stated in the provisions for that district in which said use is located are fulfilled, and the standards or other requirements of this Ordinance are met.

Section 9.1 – Procedure

- a) Applications for special use permits authorized in this Ordinance shall be submitted to the Zoning Administrator on a form supplied for such purposes. Applications shall be accompanied by the payment of the fee specified in Section 11.5. Applications for special use permits shall also be accompanied by a required site plan containing the following information:
 - 1) The date, north arrow, scale and name of individual or firm responsible for preparing said plan. The scale must be at least one (1) inch = twenty (20) feet for parcels under three (3) acres and not less than one (1) inch = seventy-five (75) feet for parcels three (3) acres or more.
 - 2) The boundary lines of the property, to include all dimensions.
 - 3) The location of all structures on the site, including proposed drives, walkways, signs, exterior lighting, parking (show the dimensions of a typical parking area), loading and unloading areas, common use areas, recreational areas and facilities.
 - 4) The location and widths of all abutting rights-of-way (streets, alleys or easements).
 - 5) The location of unusual environmental features, such as streams, wetlands, shorelines, etc.
 - 6) The location and identification of all existing structures adjacent to the site.
 - 7) The name and address of the property owner.
 - 8) The existing zoning district in which the site is located and, in the case of a request for a zoning change, the classification of the proposed new district.
 - 9) The location of all existing and proposed landscaping, as well as all existing and proposed fences or walls.
 - 10) A locational sketch of the proposed use or structure, including floor plans and elevations.
 - 11) The type, location and size of all utilities existing and proposed for the site.
 - 12) The location of any areas where toxic or hazardous materials will be used, stored, as well as the safety precautions proposed where such materials are used or stored.
 - 13) For uses where objectionable noises or noise levels are anticipated to be audible off-site, a description of the control practices or devices proposed to minimize or eliminate the objectionable noises or noise levels.
 - 14) When the application is for public sanitary landfills, commercial and industrial sanitary landfills, or natural resource extraction operations, the application shall also include a topographic map showing existing contour lines at an interval not greater than five (5) feet and proposed contour lines at the same interval.
- b) An application for a special use permit shall be processed in the following manner:
 - 1) The Zoning Administrator shall forward the application and supporting data to the Township Planning Commission.
 - 2) The Township Planning Commission shall review the proposed development as presented in the application and in terms of the specifications established in this Ordinance.

- 3) One (1) notice that a request for special land use approval has been received shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet. The notice shall be given not less than five (5) nor more than fifteen (15) days before the date of application will be considered. If the name of the occupant is not shown, the term “occupant” may be used in making notification. The notice shall:
 - (a) Describe the nature of the special land use request.
 - (b) Indicate the property that is the subject of the special land use.
 - (c) Indicate that a public hearing on the special land use request will be held stating date, time and location of hearing and where written comments may be received prior to the hearing.
- 4) The Township Planning Commission, after public hearing procedures, may issue a special use permit. A copy of the decisions of both, with any conditions or reasons for rejection, if it be so, shall be sent promptly to the Zoning Administrator and to the applicant.

Section 9.2 – Basis of Determination

The Township Planning Commission shall review the proposed special use in terms of the standards stated within this Ordinance and shall find adequate evidence that such use in the proposed location:

- a) Will be designed, constructed, operated and maintained so as to be harmonious with the existing or intended character of the general vicinity and that such a use will not change the essential character of the area in which it is proposed to be located.
- b) Will not be hazardous or disturbing to existing or future nearby uses.
- c) Will be equal to or an improvement in relation to property in the immediate vicinity and to the township as a whole.
- d) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility.
- e) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the township.
- f) Will be consistent with the intent and purposes of this Ordinance.

Section 9.3 – Conditions and Safeguards

The Township Planning Commission may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights on nearby parcels, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed. Special use permits may be issued for specific time periods as determined by the Township Planning Commission.

Section 9.4 – Reapplication

No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions found to be sufficient to justify reconsideration by the Township Planning Commission.

Section 9.5 – Jurisdiction of Zoning Board of Appeals

The Zoning Board of Appeals shall have no jurisdiction over decisions of the Township Planning Commission or Hudson Township Board in regard to matters concerning the granting of special use permits.

**ARTICLE X
ZONING BOARD OF APPEALS**

Section 10.0 – Purpose

In order that the objectives of this Ordinance may be fully and equitably achieved, that a means shall be provided for competent interpretation of this Ordinance, that adequate but controlled flexibility be provided in the application of this Ordinance, that the health, safety and welfare of the public be secured, and that justice be done, there is hereby established a Township Zoning Board of Appeals.

Section 10.1 – Creation, Membership, Terms of Office

The Hudson Township Board shall appoint a Township Zoning Board of Appeals to consist of three (3) members. The first member of such board of appeals shall be the chairman of the Township Planning Commission, the second member shall be a member of the Township Board; and the third member shall be selected and appointed by the Township Board. No elected officer of the township nor any employee of the Township Board may serve simultaneously as the third member of or as an employee of the Township Zoning Board of Appeals.

The Township Board may provide that the Township Board of Appeals shall have five (5) members. The additional members shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the township. An additional member shall not be an employee of the Township Board. The member who is a member of the Township Board appointed by the Township Board shall not serve as chairman of the Township Board of Appeals.

Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

Section 10.2 – Rules of Procedure

- a) The Board shall adopt rules and regulations to ensure proper conduct of its meetings. Copies of such regulations shall be made available to the public at the office of the Township Clerk.
- b) Meetings of the Board shall be open to the public and shall be held at the call of the Chairman and at such times as the Board may determine.

- c) The Board shall act by resolution. The concurring vote of a majority of the members of said Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant any matter upon which the Board is required to pass under this Ordinance or to grant variances from the requirements of this Ordinance.
- d) Records – Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. The grounds of every determination shall be stated. Such minutes shall accompany and be attached to the standard forms required of persons appealing as part of the Zoning Board of Appeals’ permanent records. Such minutes shall become a public record and as such be filed in the office of the Township Clerk. A copy of the decision shall be sent promptly to the applicant and the Zoning Administrator.
- e) Secretary and Counsel – The Township Clerk shall be responsible for acting as the Secretary, or providing secretarial services for the Zoning Board of Appeals; and all records of the Board’s action shall be taken and recorded under his direction. The township attorney may be requested to attend any meeting of the Zoning Board of Appeals.

Section 10.3 – Appeals

- a) Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by an officer or board of the township.
- b) Time Limit – Any appeal from the ruling of the Zoning Administrator shall be made within thirty (30) days after receipt of the ruling. The person making the appeal must file with the Zoning Administrator a signed notice of appeal specifying the grounds for the appeal. The Zoning Administrator shall immediately transmit to the Zoning Board of Appeals all the papers concerning the case being appealed.
- c) Hearings – When a notice of appeal has been filed in proper form with the Zoning Board of Appeals, the secretary shall place the request for appeal upon the calendar for hearing and shall cause notices stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least five (5) days prior to the date of the scheduled hearing. The Zoning Board of Appeals may recess such hearings from time to time; and, if the time and place of the continued hearing be publicly announced at the adjournment, no further notice shall be required.
- d) Decisions – The Zoning Board of Appeals shall return a decision upon each case within sixty (60) days after a request or appeal has been filed with the Board unless additional time is agreed upon with the parties concerned. Decisions made by the Zoning Board of Appeals will be forwarded, in writing, to the appealing party and the Zoning Administrator.
- e) Representation – Any party may appear in person or by agent or by attorney at a hearing considering his request or appeal.

Section 10.4 – Duties and Powers of the Zoning Board of Appeals

The Township Zoning Board of Appeals shall have the following specified duties and powers:

- a) Review – Shall hear and decide appeals from any review, any order, requirement, decision or determination made by the Zoning Administrator in the administration of this Ordinance.
- b) Interpretation – Shall have the power to:
 - 1) Hear and decide upon appeals for the interpretation of the provisions of this Ordinance.
 - 2) Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision on such subject made by the Zoning Administrator.
 - 3) Determine the off-street parking and loading space requirements of any use which is not mentioned in Article VII, Section 7.2 or 7.3, either by classifying it with one of the groups listed in that section or by an analysis of the specific need.
- c) Variances – The Zoning Board of Appeals shall have the power to authorize, upon appeal, specific variances from such dimensional requirements as lot area and width regulations, building height and square foot regulations, yard width and depth regulations, and such requirements as off-street parking and loading space as specified in this Ordinance when all the basic conditions listed below are specified.

It shall be found by the Zoning Board of Appeals that any variances granted:

- 1) Will not be contrary to the public interest or to the spirit and intent of this Ordinance;
 - 2) Shall not permit the establishment within a zoning district of any use which is not permitted by right within that district;
 - 3) Will not cause any adverse effect to property in the vicinity or in the zoning district or the township;
 - 4) Relates only to property that is under control of the applicant;
 - 5) Affects only property subject to exceptional or extraordinary circumstances or conditions that do not generally apply to other property or uses in the vicinity, and have not resulted from any act of the applicant.
- d) In addition to the foregoing conditions, the following rules shall be applied in the granting of variances.
- 1) In granting a variance, the Zoning Board of Appeals may specify, in writing to the applicant such conditions in connection with the granting that will, in its judgment, secure substantially, the objectives of the regulations or provisions to which such variance applies. The breach of any such condition shall automatically invalidate the permit granted.
 - 2) No application for a variance which has been denied wholly or in part by the Zoning Board of Appeals shall be submitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board of Appeals to be valid.
 - 3) Each variance granted shall become null and void unless the provisions of the variance have been utilized by the applicant within six (6) months after the granting of the variance.

Section 10.5 – Stay of Proceedings

An appeal stays all proceedings in the furtherance of the action appealed from unless the Zoning Administrator certifies to the Zoning Board of Appeals after the notice of the appeal shall have been filed with him that, for reasons of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Zoning Board of Appeals or, an application, by the Circuit Court on notice to the officer from whom the appeal is taken and on due cause shown.

**ARTICLE XI
ZONING ADMINISTRATION AND ENFORCEMENT**

Section 11.0 – Administration

The provisions of this Ordinance shall be administered by the Hudson Township Board in accordance with the State of Michigan, Township Rural Zoning Act, Act 184, of the Public Acts of 1943, as amended.

The Hudson Township Board shall employ a Zoning Administrator to act as its officer and except as otherwise provided in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance, including the receiving and processing of applications for zoning permits, special use permits, appeals for variances or other matters the Zoning Board of Appeals or Township Planning Commission is required to decide. The Administrator shall also be responsible for inspection of premises, the issuance of zoning permits and institution of proceedings for the enforcement of the provisions of this Zoning Ordinance.

Section 11.1 – Zoning Permits

It shall be unlawful for any person to commence excavation for any building or structure or to commence the erection, addition, alteration or repair of any building, structure or parking area or repair or move any building or structure; and no land use shall be commenced until a zoning permit has been secured from the Zoning Administrator. Except upon a written order of the Township Zoning Board of Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.

Exempted from the requirement of Section 11.1 are ordinary farm buildings used in an agricultural pursuit (other than those used or intended for human habitation) such as barns, sheds, outbuildings, silos, grain storage facilities, pens, fences and corrals, in the Agricultural District only. Also exempted from the permit requirements are exterior alterations and ordinary maintenance repairs made on all dwellings and their related outbuildings whose total cost, including estimated reasonable labor costs, does not exceed twelve hundred (1200) dollars in any one twelve (12) month calendar year.

Section 11.2 – Zoning Permit Application

Application for a zoning permit shall be filed in writing with the Zoning Administrator, signed by the person, firm, co-partnership or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership or corporation. There shall be submitted with all applications for zoning permits one (1) copy of a plot plan, giving accurate dimensions on either a scale drawing or rough sketch. Drawings shall be required on all structures and shall contain the following information:

- a) Existing and intended use of the structure.
- b) Lines and dimensions of the lots to be use.
- c) Location upon the lot of all existing and proposed structures and any streets bordering the property.
- d) Application for zoning permits under the provisions of this Ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit.
- e) Evidence that all required federal, state and county licenses or permits, including any necessary soil erosion and sediment control permit, have been acquired or that applications have been filed for same.
- f) Other information with respect to the proposed structure, use, lot and adjoining property as may be required by the Zoning Administrator.

The written approval of the water supply and sewage disposal facilities, as obtained from the District Health Department, and as required in Article IV, Section 4.12 of this Ordinance, shall be accompanied by one copy of both plans and specification, which shall be filed and retained by the office of the Zoning Administrator.

In cases of minor alterations, the Zoning Administrator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance.

Any permit required by this Zoning Ordinance shall be displayed face out, within twenty-four (24) hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest street and shall be continuously displayed until all work is completed.

Section 11.3 – Expiration of Zoning Permit

The approved zoning permit shall expire if the work described in the permit has not begun within a period of one (1) year from the date of issuance. Any application for zoning permit renewal shall be filed with the applicable fee.

Section 11.4 – Amendments

Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

- a) The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the zoning map may be amended, supplemented or changed by ordinance of the Hudson Township Board.
- b) Proposals for amendments, supplements or changes may be initiated by the Hudson Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
- c) The procedure to be followed for initiating and processing an amendment shall be as follows:

- 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee prescribed in Section 11.5 to cover administrative and publication costs.
- 2) The Township Planning Commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the most likely effect on the community's physical development. The Township Planning Commission may recommend any additions or modifications to the original amendment proposal.
- 3) After deliberation on any proposal, the Township Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by two (2) publications in a newspaper of general circulation in the township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days notice of the time and place of such hearing shall also be given by certified mail to each public utility company that has registered its name and mailing address with the Township Planning Commission. The notices shall include the places and times at which the tentative text and any map of the zoning amendment may be examined.
- 4) If an individual property is proposed for rezoning, the property shall be conspicuously posted. The Township Board shall also give a notice thereof to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed and the occupants of all single and two family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and the tenants at the address given in the last assessment roll. If the tenant's name is not known, the term occupant may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing stating the time, place, date and purpose of the hearing.
- 5) Following such hearing, the Township Planning Commission shall consider the testimony taken at the public hearing and its own findings, and shall make a determination as to its recommendation. The recommendation shall then be submitted to the Charlevoix County Planning Commission. The approval of the Planning Commission shall be conclusively presumed unless the Commission shall, within thirty (30) days of its receipt, have notified the township clerk of its disapproval.

- 6) After receipt of the County Planning Commission recommendation, the Township Planning Commission shall transmit the proposed amendment to the Township Board. If the Township Board shall deem any amendments, changes, additions, or departures, it shall refer the amendment to the Planning Commission for a report. After receiving the report, the Township Board shall grant a hearing on any proposed amendment to any property owner who by certified mail addressed to the Clerk of the Board requests to be so heard and shall request the Planning Commission to attend any such hearing. Thereafter at any regular meeting or at any special meeting called therefore the Township Board may ordain and enact into law the proposed amendment to the Hudson Township Zoning Ordinance.
- 7) No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial; except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Board to be valid.
- e) The Township shall have the power to revoke or cancel any change of zone affected for any failure or neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in any petition, application, specification, plan or sketch submitted or filed pertaining to rezoning proceedings, or for failure to carry out any provisions of such application, petition, specification, plan or sketch or conditions or provisions on which such amendment was granted.

Section 11.5 – Filing Fees

The Township Board, by majority motion, has the authority to set reasonable administrative fees for all applications and petitions filed pursuant to the provisions of this Ordinance, and to amend such fees from time to time to reflect changing costs of ordinance administration.

Section 11.6 – Enforcement ** See amendment 4 of 2003******

- a) Buildings erected, altered, moved, razed or converted or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se.
- b) The Zoning Administrator shall inspect each alleged violation and, after verbal warning, shall order correction in writing to the violator of all conditions found to be in violation of this Ordinance. A violation not corrected within a period of not less than thirty (30) days nor more than six (6) months as determined by the Zoning Administrator shall be reported to the Township Board who shall initiate prosecution procedures.
- c) Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this Ordinance upon conviction thereof before any court of the county shall be fined not more than five hundred (500) dollars, or imprisonment at the discretion of the court, with the cost of prosecution for each offense. Every day that violation is permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.

Section 11.7 – Interpretation and Conflict

In interpreting and applying the provisions of this Ordinance, the provisions shall be held to be the minimum requirements adopted for the promotion of the public safety, health, convenience, comfort, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties provided, however, that where this Ordinance imposes a greater restriction upon the use of a building or land than existing easements, covenants or other agreements, the provisions of this Ordinance shall govern or control. Whenever the requirements of this Ordinance differ from the requirements of other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

Section 11.8 – Validity

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

Section 11.9 – Effective Date

This Ordinance shall become effective thirty (30) days following its publication in a newspaper of general circulation in the township. Publication of the Ordinance shall be undertaken with ten (10) days following approval by the Township Board.

August 15, 1974
Date Ordained

Ronald Czinki,
Supervisor

Celia Sevenski,
Clerk

Fred Weissel,
Zoning Administrator
Box 366, Boyne Falls

July 6, 1994
Date Amended

Ralph Ellison,
Supervisor

Frank D. Wasylewski,
Clerk

Daniel Smith,
Zoning Administrator

TOWNSHIP OF HUDSON
Zoning Ordinance Amendment No. 1 of 2003

AN ORDINANCE TO AMEND SECTION 5.1 OF THE HUDSON TOWNSHIP ZONING
ORDINANCE TO RE-ZONE CERTAIN PROPERTY.

THE TOWNSHIP OF HUDSON ORDAINS:

Section 1. Amendment to Section 5.1.

Section 5.1 of the Hudson Township Zoning Ordinance is hereby amended to re-zone the following real property from its current Conservation and Forestry Reserve District (CR) to Industrial (I):

The South ½ of the Northeast ¼ and that portion lying North of Woodward Road in the North ½ of the Southeast ¼ of Section 16, T32N, R4W, Hudson Township, Charlevoix County, Michigan, (approximately 100 acres).

Section 2. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF HUDSON

By: _____
Terrence L. Erber, Supervisor

By: _____
Frank D. Wasylewski, Clerk

TOWNSHIP OF HUDSON
Zoning Ordinance Amendment No. 2 of 2003

AN ORDINANCE TO AMEND SECTION 6.5 OF THE HUDSON TOWNSHIP ZONING
ORDINANCE TO INCLUDE HOT-MIX ASPHALT PLANT AS A SPECIAL USE.

THE TOWNSHIP OF HUDSON ORDAINS:

Section 1. Amendment to Section 6.5(b)

Section 6.5(b) of the Hudson Township Zoning Ordinance is hereby amended to include a new subsection 10 which shall read in its entirety as follows:

10) Special uses that may be authorized in this district include the following; provided that an application is submitted for a Special Use Permit and is approved in accordance with the procedures, provisions and standards of Article IX of this Ordinance.

+ Hot-Mix Asphalt Plants and Concrete Production provided careful consideration to Section 9.2 and Section 9.3 of this Ordinance is given, as well as the establishment of an acceptable site plan review process. A current Air Quality Certificate issued by the DEQ, or other State permitting agency shall be included with all applications for such special use request.

Section 2. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF HUDSON

By: _____
Terrence L. Erber, Supervisor

By: _____

Frank D. Wasylewski, Clerk

**TOWNSHIP OF HUDSON
Zoning Ordinance Amendment No. 3 of 2003**

AN ORDINANCE TO AMEND SECTION 5.1 OF THE HUDSON TOWNSHIP ZONING ORDINANCE TO RE-ZONE CERTAIN PROPERTY.

THE TOWNSHIP OF HUDSON ORDAINS:

Section 1. Amendment to Section 5.1.

Section 5.1 of the Hudson Township Zoning Ordinance is hereby amended to re-zone the following real property from its current Agricultural (A) to Rural Residential (RR):

The Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 18 and the West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 18 (120 acres) lying East of Kuzmik Road, Hudson Township, Charlevoix County, Michigan.

Section 2. Severability.

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the township intends said portion to be disregarded, reduced and/or revised so as to be recognized to the fullest extent possible by law. The township further states that it would have passed and adopted what remains of this Ordinance following the removal, reduction or revision of any portion so found to be invalid or unconstitutional.

Section 3. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF HUDSON

By: _____
Terrence L. Erber, Supervisor

By: _____
Frank D. Wasylewski, Clerk

TOWNSHIP OF HUDSON
Zoning Ordinance Amendment No. 4 of 2003

AN ORDINANCE TO AMEND SECTION 11.6 OF THE HUDSON TOWNSHIP ZONING ORDINANCE BY DELETING CRIMINAL PENALTIES, ADDING CIVIL INFRACTIONS, AND ALTERING ENFORCEMENT PROCEDURES AND OPTIONS.

THE TOWNSHIP OF HUDSON ORDAINS:

A. Amendment to Section 11.6.

Section 11.6 of the Hudson Township Zoning Ordinance is hereby repealed and replaced with the following section which shall read in its entirety as follows:

Section 11.6 – Enforcement

- A. Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Ordinance or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Ordinance are hereby declared to be a nuisance per se.
- B. Any person, partnership, corporation, or association who creates or maintains a nuisance per se as defined in subsection A above or who violates or fails to comply with this Ordinance or any permit issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Ordinance. Nothing in this section shall exempt the offender from compliance with the provisions of this Ordinance.
- C. The Township Zoning Administrator is hereby designated as the authorized township official to issue municipal civil infraction citations directing alleged violators of this Ordinance to appear in court.
- D. In addition to enforcing this Ordinance as a municipal civil infraction, the Township may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Ordinance.

B. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that they would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

C. Conflicts.

If any provision of the Hudson Township Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

D. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF HUDSON

By: _____
Terrence L. Erber, Supervisor

By: _____
Frank D. Wasylewski, Clerk