

# ADAMS TOWNSHIP ZONING ORDINANCE

## SECTION 1 - INTRODUCTION

### 1. Authority

Whereas, the Township Board, Adams Township, Houghton County, Michigan deems it necessary, in order to protect the public health, and general safety and welfare of the people, adopts this ordinance under the authority of MICHIGAN ZONING ENABLING ACT, Act 110 of 2006 as amended.

### 2. Purpose

This ordinance is based on the Adams Township Master Plan and is intended to:

- 2.1 Promote and protect the public health, and general safety and welfare of the people;
- 2.2 To divide the Township into zones or districts restricting and regulating the location, erection, construction, reconstruction, alteration and use of buildings, structures, and land for residential, business and manufacturing and other specified uses;
- 2.3 To protect the character and the stability of the residential, business, and manufacturing areas within the Township, and to promote the orderly and beneficial development of such area(s);
- 2.4 To protect against fire, explosion, noxious fumes, and other hazards in the interest of the public health, safety, comfort and general welfare;
- 2.5 To define and limit the powers and duties of the administrative officers and bodies as provided herein.

### 3. Intent

This is an Ordinance dividing Adams Township, Houghton County, Michigan into districts for the purpose of classifying and regulating and limiting the intensity of the use of land within the Township; providing for administration, enforcement, and amendment of such regulations.

### 4. Interpretation

In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be the minimum requirements for the promotion of public health, and general safety and welfare.

### 5. Severability

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

### 6. Title

This Ordinance shall be known, cited, and referred to as the "Adams Township Zoning Ordinance of 2022."

## SECTION 2 – GENERAL PROVISIONS

### SECTION 201: Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the unincorporated areas of Adams Township. All uses of land established hereafter, shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such uses, shall be located.

### SECTION 202: Use Restrictions

- 2.1. Principal Uses – Only those principal uses specified for a zoning district, shall be permitted in that district.
- 2.2. Accessory Uses – Accessory uses and structures are permitted in any district, but not until their principal structure previously exists or is under construction.
- 2.3. Special Uses – Special uses and their accessory uses are permitted in districts as specified.
- 2.4. Unclassified or Unspecified Uses – In case of uncertainty where the Zoning Administrator is unable to determine literally whether a use is permitted as a principal or accessory use, the Board of Appeals shall interpret the rules.
- 2.5. Temporary Uses – Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure, are permitted while sales or construction are in progress.

### SECTION 203: Control of Heat, Glare, Fumes, Dust, Noise and Vibration

Every use shall be so conducted and operated that it does not create a nuisance and so that it is not dangerous by reason of heat, glare, fumes, dust, noise or vibration beyond the premises upon which the use is located.

### SECTION 204: Application and Enforcement

The regulations herein established within each Zoning District shall be the minimum regulations for promoting and protecting the public health, safety and general welfare, and shall be uniform for each class of land or buildings and structures throughout each district. Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals shall have power in passing upon appeals, in accordance with rules passed by resolution of the Adams Township Board, to vary or modify regulations and provisions of this Ordinance so that the intent and purposes of this Ordinance shall be observed<sup>(?)</sup>

### SECTION 205: Existing Non-conforming Uses and Structures

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

## SECTION 3 – ZONING DISTRICTS

### SECTION 301: Establishment

For the purpose of this Ordinance, the Township of Adams is hereby divided into the following zoning districts:

AG	Agriculture
COM	Commercial
FF	Forest District
REC	Recreation
RES	Residential
RUR	Rural Residential

### SECTION 302: District Boundaries

Boundaries of these districts are hereby established as shown on the official zoning map which accompanies and is hereby declared to be part of this Ordinance. Where uncertainty exists as to the boundaries of zoning districts as shown on the zoning map, the following rules of construction and interpretation shall apply:

- 2.1. Boundaries indicated as approximately following the centerline of streets, highways, or alleys shall be construed to follow such centerlines.
- 2.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- 2.3. Boundaries indicated as approximately following township boundaries shall be construed as following township boundaries.
- 2.4. Boundaries indicated as approximately following shorelines or lake or stream beds shall be construed as following such shorelines or lake or stream beds; and in the event of change in the location of shorelines or lake or stream beds shall be construed as moving with the shoreline and lake or stream bed.
- 2.5. Boundaries indicated as approximately following property lines, section lines or other lines of a government survey shall be construed as following such property lines, section lines or other lines of a government survey as they exist as of the effective date of this Ordinance or applicable amendment thereto.

### SECTION 303: Areas Not Included Within a District

In every case where land had not been included within a district on the zoning map, such land shall be in the FF (Farm and Forest District).

Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the adjoining district. If the vacated street or alley adjoins two different zones, the center line of the vacated street or alley shall constitute the zone boundary.

## **SECTION 304: Districts:**

### **4.1 Agriculture and Forest**

Purpose – The Forest District is established as a zone in which agriculture, forest and certain related uses are encouraged as the principal uses of land. The specific intent is to facilitate the proper use of lands best suited to agriculture and forestry through preventing the mixture of urban uses which creates incompatibility and conflict, places unbalanced tax loads on the agricultural and forestry lands to help pay for urban services, and contributes to the premature termination of agricultural and forestry pursuits.

#### Permitted Uses –

- a. Agricultural and forestry uses, including but not limited to, horticulture; forestry; crop and tree farming; gardening; dairy, stock and poultry farming; and the operation of any machinery or vehicles and other uses customarily incidental thereto; but excluding slaughter houses, fertilizer works, plants for the process of animal skins or hides, and plants for the reduction of animal matter.
- b. Agricultural supply outlets
- c. Dwellings
- d. Public or private community facilities such as schools, churches, cemeteries, libraries, parks recreational facilities, and similar uses.
- e. Removal and processing of sand, gravel, or other such minerals when authorized as a special use by the Board of Appeals. In considering such authorization, the Board of Appeals shall consider the following standards:
  - The size of the property from which such sand, gravel, or other such materials are to be removed;
  - The amount of sand, gravel, or other such materials which is to be removed;
  - The safe effect of such removal on adjoining property which may include safety hazard, creation of erosion problems and altering the groundwater table.
- f. Accessory Uses, including the following:
  - Home occupations and neighborhood related services in a single-family dwelling provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling;
  - Living quarters for hired help such as a tenant house, mobile home, apartment, or room per persons employed on the premises;
  - Barns and other bona fide farm buildings or structures;
  - Private garages and private greenhouses;
  - Kennels;
  - Riding stables
- g. Public Utility and service uses such as electric substations, transmission structures, radio, radio-television-microwave relay towers, water reservoirs, or pumping stations, government buildings, transportation facilities, and similar uses.

### **4.2 REC – Recreation District**

Purpose - The Recreation District is established to permit a controlled mixture of dwellings in an area without public sewer and water services. This district is intended to provide an orderly transition between F&F and higher density of the urban areas.

### Permitted Uses

- a. Dwelling, single and multi-family dwellings
- b. Agriculture and forestry
- c. Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, hospitals, institutions, etc.
- d. Neighborhood services.
- e. Accessory Uses, including the following:
  - Home occupations and neighborhood related services in a single-family dwelling provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling;
  - Living quarters for hired help such as a tenant house, mobile home, apartment, or room per persons employed on the premises;
  - Barns and other bona fide farm buildings or structures;
  - Private garages and private greenhouses;
  - Kennels;
  - Riding stables

### **4.3 RUR – Rural Residential District**

Purpose – The purpose of this District is to accommodate a compatible mixture of seasonal and year-round housing types. Densities must necessarily be relatively low because public sewer and water will not be available.

#### Permitted Uses

- a. Single-family dwellings.
- b. Agricultural and forest activities as regulated by Section 4: AF and RUR.
- c. Accessory uses

Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling.

Private garages

- d. Special uses

Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, institutions, etc.

Public boat landings, docks or access points for pleasure or fishing boats and buildings for storage of boats.

Dwelling units for seasonal occupancy.

Commercial boat landings and related facilities.

### **4.4 RES - RESIDENTIAL**

Purpose The Residential District is intended for the establishment and preservation of quiet neighborhoods for single-family dwellings and two-family dwellings free from other uses except those which are both compatible with and convenient to the residents in this District.

#### Permitted Uses

- a. Single-family dwellings.
- b. Two-family dwellings.
- c. Family Day Care Home

- d. Home occupation in a single-family dwelling provided that such use is incidental to the main use as a dwelling and further provided that such use is limited to a person actually residing in the dwelling.
  - e. Private garages
  - e. Special uses
- Public or private community facilities such as schools, churches, cemeteries, libraries, parks, recreational facilities, institutions, etc.

#### **4.5 Commercial**

Intent: The Commercial/Industrial District is designed and intended for commercial and industrial activities, including manufacturing, storage, and other industrial uses.

Permitted Principal Uses:

- a. Retail Stores and restaurants
- b. Manufacturing.
- c. Processing, assembling and fabrication operation.
- d. Contractor yards and shops.
- e. Warehouses.
- f. Auto repair facilities.
- g. Car Wash
- h. Lumberyards and Woodyards.
- i. Sawmills.
- j. Concrete and asphalt plants,
- k. Power generating and transmitting facilities.

Permitted Accessory Uses: Any structural or mechanical building or use customarily incidental to the permitted principal use

### **SECTION 4 - SITE PLAN REVIEW**

It is the purpose of this Section to require site plan review approval for all buildings, structures, and uses that can be expected to have a significant impact on natural resources, traffic patterns, adjacent parcels and the character of future development. The regulations contained herein are intended to enforce the requirements and rules of this Zoning Ordinance.

#### **SECTION 401: SITE PLAN REQUIRED**

1. The Adams Township Board requires the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance. The Adams Planning Commission is responsible for reviewing site plans and granting approval.
2. The Adams zoning ordinance requires site plan approval. The site plan, as approved, shall become part of the record of approval. Subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Adams Planning Commission that approved the site plan.
3. Site plan submission, review, and approval shall be required for conditional uses. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements

and standards contained in the zoning ordinance, other local unit of government planning documents, other applicable ordinances, and state and federal statutes.

4. A site plan shall be approved if it contains the information required by the Adams zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other Houghton County planning documents, other applicable ordinances, and Michigan and federal statutes. A site plan is required and shall accompany the applications for:
  - a. Zoning Compliance Permits for:
    - 1) Any proposed construction
    - 2) Any commencement of a new use
    - 3) Any proposed change in use
  - b. Conditional Use Permit
  - c. Variances
  - d. Any other request for zoning status where the Zoning Administrator determines a sure plan is necessary for accurate review or documentation of the existing development.

#### **SECTION 402: SITE PLAN REQUIREMENTS**

The site plan may be drawn on the application form or on a separate sheet of paper as appropriate to the scale and amount of information shown. Each site plan shall be drawn to a 44 scale where one (1) inch does not equal more than forty (40) feet. Maximum drawing size not to exceed twenty-four by thirty-six (24"x36") inches.

The site plan shall show the following information:

1. A legal description of the site.
2. All lot lines and dimensions of the lot.
3. All roads and easements.
4. All existing and proposed buildings will be shown and labeled.
5. Proposed use of each building.
6. Date, North point, and scale.
7. Name and address of owner.
8. Any other information considered necessary

#### **SECTION 403: REVIEW PROCEDURES**

Upon receipt of any site plan, the Zoning Administrator shall review it to determine whether it is in proper form, contains all of the required information, shows compliance with this Ordinance and all other Ordinances.

Upon demand by the proposer of the site plan, the Zoning Administrator shall within ten (10) working days, approve or deny in writing, setting forth in detail the reasons which shall be limited to any defect in form or required information, any violation of provision of this or any other Ordinance, and any changes which would make the plan acceptable. The proposer may appeal any denial to the Township Zoning Board or Appeals.