WATERSMEET TOWNSHIP ZONING ORDINANCE

REVISED April 22, 2024

WATERSMEET TOWNSHIP
GOGEBIC COUNTY
STATE OF MICHIGAN

N4689 1st Street
Phone: 906-358-4501

AN ORDINANCE to establish zoning districts and regulations in the unincorporated portions of Watersmeet Township, Gogebic County, Michigan, in accordance with the provisions of Act. No. 184 of the Public Acts of Michigan, 1943, the Township Rural Zoning Act as amended; to provide for current and/or upgrading the future uses of land, buildings and structures; to provide for its administration, including penalties for the violation thereof; to provide for a Board of Appeals, and for amendments.

DOCUMENT REVISION HISTORY

REVISION DATE	SECTION NO. REVISED	BRIEF DESCRIPTION
Oct. 01, 2009	5.04C	added wording and "Boat Lifts"
"	5.04C2	Replaced old with new dock dimension definition
"	5.04C3	Replaced old with new dock/boat lift 50ft. setback
"	5.04C4	Added new--temp. dock/boat lift annual removal date
"	Section 7.14	Added new—wind turbine/solar panel requirement
Dec. 21, 2009	Section 1.02	Deleted the word "morals"
"	1.03	Ended 1st sentence at "each such district", deleted remaining words. Added 2nd sentence "See the Master Plan……etc".
"	Section 2.01-4	Corrected RF to R&F
"	Section 5.01A	1st sentence, after "side line lots" replace "should" with "shall be a minimum of". Deleted last sentence.
"	Section 5.02B	After "Cisco Chain" added "of Lakes". After "(300) feet of lake frontage" added "(side lines of lots shall….etc)".
"	Section 8.01A	Added item 3. back which was inadvertently left out of last rev.
August 20, 2010	Section 5.04D	Added new. Private Boat Launches
"	Section 7.15	Added new. Outdoor Wood-fired Furnace Restrictions
"	Section 8.02, 8.02A	Changed words "certificate of approval" to "Zoning Certificate"
"	Section 12.01	Added words "of Trustees" after "Township Board" and words "of Appeals, the Township Zoning Administrator, the Township Planning Commission" after "Township Zoning Board"
"	Section 12.02	Changed words "Zoning Board" to "Planning Commission"
February 1, 2011	Section 5.01D	Replace paragraph with new wording-(discontinued resorts).
"	Section 8.02A	Added item 4
"	Section 8.02B	Replaced 1d with new paragraph (pollution control statement). Old 1d became 2. Old 3 became 4 and old 4 became 5.

June 1, 2011	**Article Three Title**	**Remove words "AND RESTRICTED COMMERCIAL DISTRICT" Add "AND R2"**
"	**Section 3.01**	**Remove words in 1st para. "and Restricted Commercial", "within the Sanitary District", "Village", "if properly integrated". Add words "& R-2", "Township"**
"	**Section 3.02B**	**Add item #6**
"	**Article Four Title**	**Replace title words "Residential and Restricted Commercial Districts, R-2" with "Restricted Commercial and Downtown District"**
"	**1st Sentence**	**Remove words "Residential and", "R-2"**
"	**Section 4.00**	**1st sentence: remove words "a", "R-2". Add words "and Downtown"; "zoning requirements as defined in Section 4.01". Remove remainder of section**
"	**Section 4.01**	**Title: replace words "Business District Definition" with "Restricted Commercial District"**
"	**Section 4.01**	**1st sentence: replace word "business" with "Restricted Commercial". Add "South" to bass lake**
"	**Section 4.01A**	**New section**
"	**Section 4.02**	**Remove words "by Section 1.02 or as may be provided, the"**
"	**Section 4.02A Item #1**	**Add words "and R-2". Remove word "District"**
January 16, 2013	**Section 7.14B**	**Add section 7.14B & 7.14C**
July 17, 2013	**Section 5.04C2**	**Add words "unless a depth of three feet is not reached in which case a temporary dock extension may be added to a length where three feet of depth is reached, maximum, and does not cause a navigational hazard."**
April 3, 2014	**Section 7.16 Medical MarijuanaAddendum**	**Medical Marijuana addendum added**
August 20, 2014	**Language change 5.03**	**Add changes to 5.03 per Attorney Pope**
Dec. 10, 2014	**Zoning Square Footage proposed reductions**	**Add changes to sections 5.01 and 6.01B**
Jan. 13, 2016	**Section 704c Reconstruction of damaged non-conforming buildings**	**Modify language in 7.04c**
Feb. 04, 2019	**Wording change R1, R2 and R&F**	**Under Primary Uses without Special Approval. Term "structure" shall be changed to "Single family dwelling" & phrase "more than one dwelling changed to "more than one family structure"**

August 12, 2019	**Section 10.3**	**Municipal civil infraction penalties**
December 27, 2019		**Insert wording change from Feb. 04, 2019 revision.**
Jan. 27, 2020	**Sections 6.01B and 6.02A**	**Move language re: "More than one family residential structure…" from Section 6.01B to Section 6.02A**
Sept. 17, 2023	**Section 7.05B**	**Revise language re: use of trailer as dwelling during construction**
April 22, 2024	**Section 6.02A**	**Revise language re: use of trailer year round as dwelling**

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THE BOARD OF TRUSTEES OF WATERSMEET TOWNSHIP, GOGEBIC COUNTY, STATE OF MICHIGAN HEARBY ORDAINS:

ARTICLE ONE – PREAMBLE

SECTION 1.01 Name

This Ordinance shall be known and cited as the WATERSMEET TOWNSHIP ZONING ORDINANCE.

SECTION 1.02 Purposes

The fundamental purpose of this Ordinance is to protect the public health, safety, and general welfare of the inhabitants of the Township of Watersmeet and the land and resources of the township as authorized under the above as authorized under the above-mentioned act.

SECTION 1.03 General Procedure

To achieve the purpose of this Ordinance the unincorporated portions of the township have been divided into zoning districts of varied shapes, kinds and areas, and regulations adopted for each such district. **See the Master Plan for additional information.** **REV. 12-21-09**

SECTION 1.04 Limitations of Ordinance

1.04A Existing Use of Land, Buildings and Structures

At discretion of the property owner the lawful use of any dwelling, building, structure or complex, and of any land or premises as existing and lawful and land or lot descriptions recorded in the County Register of Deeds Office on the date of enactment of this Ordinance may be continued even though such use and/or recorded property size may not be in conformity with the provisions of this Ordinance.

"Conformity with provisions of this Ordinance" as used herein includes buildings and structures as authorized by special approval.

1.04B Exemption of Accessory Buildings and Structures **(paragraph deleted) (REV. 2-7-08)**

ARTICLE TWO – ZONING DISTRICTS

SECTION 2.01 Classification of Districts

To achieve the purposes set forth in the Preamble, the unincorporated area of Watersmeet Township, Gogebic County, State of Michigan is hereby divided into the following zoning districts:

1. Residential and Restricted Commercial District, R-1
2. Residential and Restricted Commercial District, R-2
3. Lake Areas, L-1 and L-2
4. Recreation and Forestry, **R&F.**

SECTION 2.02 Zoning Districts Map

The location of the areas included in each said zoning district are depicted upon the Zoning Map of Watersmeet Township, Gogebic County, State of Michigan and are available for public inspection in the Township Clerk's Office.

ARTICLE THREE – RESIDENTIAL DISTRICTS, R-1 AND R-2

The following provisions shall apply to Residential Districts, R-1 & R-2:

SECTION 3.01 Purpose

The purpose of creating Residential Districts, R-1 & R-2, is to provide areas of the Township of Watersmeet dedicated primarily to residential uses in which each dwelling is located on an individual lot or premises adequate in size and shape to provide for safe water supply and sewage disposal facilities, to minimize hazards of spreading fires, and to require setback from the public thoroughfare to facilitate safe exit from the entrance to the premises.

The requirements are intended to protect and stabilize the basic qualities of such district, and to provide suitable and safe conditions for residential living. Such district is established in conformity with existing residential and commercial developments, including areas in which it appears desirable that further developments take place.

Since various other uses of land, buildings and structures for retail stores and shops, commercial enterprises, professional and other services are generally accepted as compatible with residential uses, the inclusion of such uses is provided by Special Approval.

SECTION 3.02 Property Uses

Except as provided by Section 7.03, or as may hereafter be provided by due amendment, no land or premises shall hereafter be used, and no building or structure erected, used or altered for other than the following purposes:

3.02A Primary Uses (without Special Approval)

1. More than one family residential structure per parcel as long as setbacks are met. In R1 a separate water and sewer line is needed, in R2 a separate well and septic system is needed for each structure.
2. Public-owned parks and playgrounds
3. Customary home occupations. These shall be limited to within the residential dwelling, and shall not be pursued in an accessory building or structure on the premises. There shall be no external indication of such use nor any change in the appearance of the building or premises from a dwelling.

REV. 02/04/2019

3.02B Uses by Special Approval, as provided by Section 7.09

1. Nursery Schools, Day Nurseries and Child Care.
2. Schools, Churches, Community Center Buildings
3. Library and Hotels, Boarding Houses and Tourist Homes.
4. Greenhouses.
5. Retail Stores and Shops.
6. Multiple Family structures.

3.02C Accessory Uses

1. Accessory buildings, structures and incidental uses which do not alter the primary character of the District, but not including any additional structure for dwelling purposes either temporarily or otherwise.
2. Keeping of domestic pets in reasonable numbers. No animal or animals shall constitute a nuisance to the neighborhood by reason of noise, odor, sanitary conditions, or trespass.
3. Storage of not more than one unoccupied trailer coach or one boat and trailer parked in a rear yard with due regard to yard requirements. The one boat and trailer restriction does not apply to small fishing craft normally used on small inland lakes.

ARTICLE FOUR – RESTRICTED COMMERCIAL AND DOWNTOWN DISTRICT

The following provisions shall apply to Restricted Commercial Districts:

SECTION 4.00 Purpose

The purpose of creating Restricted Commercial and Downtown District, is to provide zoning requirements as defined in Section 4.01.

SECTION 4.01 Restricted Commercial District

A Restricted Commercial district in Watersmeet is established as follows; ¼ mile on each side of US Highway 45 from 1 mile south of intersection with US Highway 2 north 3 miles to intersection with South Bass Lake Rd., also ¼ mile each side of US Highway 2 from 3 miles east of intersection with US Highway 45 to 4 miles west of intersection with US Highway 45. Also, 1000 feet either side of US Highway 45 from the Wisconsin border north to intersection of South Moon Lake RD.

SECTION 4.01A Downtown District Definition

An overlay district describing "Downtown" is one lot deep either side of US Highway 45 from the intersection of US Highway 2 north to Transfer Station Road (also known as Choate Road).

SECTION 4.02 Property Uses

Except as provided by amendment, no land or premises shall hereafter be used, and no building or structure erected, used or altered for other than the following purposes:

4.02A Primary Uses (Without Special Approval)

1. All uses provided in R-1and R-2.
2. Lodging, boarding and tourist facilities.
3. Mobile Homes and two-family dwellings.
4. Primary and secondary schools.
5. Churches and other buildings of a religious nature, but not including tents or other temporary structures.
6. Retail stores and shops including antique shops, when conducted primarily within buildings having four walls and a roof. **REV. 10-28-04**
7. Personal service shops, such as beauty parlors, barber shops, tailor shops shoe repair, and the like.
8. Professional offices, such as doctors, lawyers, dentists, engineers, and architects.
9. Restaurants, food and drink services, but not including drive-ins.
10. Banks, Show rooms, Undertaking Establishments,
11. Recreational facilities, but not including drive-ins.
12. Public buildings.
13. Civic, social and fraternal buildings.

4.02B Uses by Special Approval, as provided by section 7.09.

1. Gasoline stations, garages, motor vehicle and repair shops.
2. Parking lots. Used –car lots.
3. Drive-in establishments.
4. Trailer coach and mobile home parks.
5. Veterinary services and hospitals, but not including dog kennels.
6. Dry cleaning. Self-service laundries.
7. Dance halls.
8. Transformer stations and substations, including service or storage yards.
9. Warehouses. Storage buildings.
10. Manufacturing and assembly plants, lumber and mill operations including applicable storage yards.

4.02C Accessory Users.
Accessory buildings, structures and uses customarily incidental to any Permitted Use or Approved Use, but not including any building or structure for dwelling purposes.

ARTICLE FIVE – LAKE AREAS

The following provisions shall apply to all Lake Areas.

SECTION 5.00 Purpose

These districts are designed to promote the proper use, enjoyment and conservation of the forest, water, land, topographic, geologic, history, and other resources of the Township peculiarly adapted to residential and recreational uses. To facilitate such uses, certain commercial and other services may be permitted by Special Approval.

SECTION 5.01 General Requirements for All Lake Area Dwellings

No dwelling or structure, which can be used as a dwelling or, shall be constructed or placed on any Lake area property unless, said dwelling or structure meets the following requirements:

1. Regular designed dwellings (square or rectangle) not including caretaker or guest house, shall have a footprint of no less than 750 (seven hundred fifty) square feet with a minimum dimension of 20 (twenty) feet on all sides as measured from corner to corner of the main structure. Irregular designed structures, such as an octagon would not need to meet the 20 (twenty) foot sides but must meet the 750 (seven hundred fifty) square foot footprint.

1a. A caretaker or guest house shall have a minimum footprint of no less that 600 (six hundred) square feet, and;
REV: 12-10-2014

2. Said dwelling shall be permanently connected to septic and water supply system, as required and approved by the Western UP Health District, and shall have an approved permanent electrical connection, and;
3. Said dwelling shall be on a permanent foundation, approved by the State of MI. Building Code, and;
4. Said dwelling shall have no less than a 3/12 pitched roof.
5. For additional information see 7.01A limitations chart.

5.01A L-1 Lake Areas

Except for properties presently containing lesser lot sizes on descriptions recorded in County Register of Deeds Office on the date of adoption of this Ordinance, and except for the lake areas in L-2, all other lake property lots shall consist of a minimum of one hundred and fifty (150) feet of lake frontages (side lines of lots **shall** be **a minimum of** one hundred and fifty (150) feet apart at the narrowest point) with a minimum depth of three hundred (300) feet.
REV. 10-28-04 + 12-21-09

5.01B L-2 Lake Areas

This category, currently restricted to a portion of the Cisco Chain **of Lakes**, provides that unless presently described as lesser lot sizes on property descriptions recorded in the County Register of Deeds Office, all Michigan lake properties on Big Lake, Mamie Lake, East Bay, Poor and West Bay Lakes, shall consist of a minimum of three hundred (300) feet of lake frontage **(side lines of lots shall be a minimum of three hundred (300) feet apart at the narrowest point)** with a minimum depth of three hundred (300) feet for each residential building. **REV. 12-21-09**

5.01C Caretaker or Guest House

Upon special approval per Section 7.09, one caretaker or guest house, not for rent or lease, may be erected on L-1 or L-2 Lake Properties, provided:

1. Property must contain a minimum of 150 feet of lake frontage with a depth of at least 300 feet.
2. Structure to be set back at least 125 feet from lake front and conform to minimum side yard width of L-1 classification.
3. The primary residence has been constructed and an occupancy permit has been issued. **REV. 9-19-07**

5.01D Discontinued Resort Operation **(REV 02-01-11)**

Upon special approval per Section 7.09, properties included in the discontinued operation of a resort, existing prior to the adoption of this ordinance, including cabins and complexes, may be divided into smaller size lots than is allowed for in L1 and L2 zones. Each parcel to be sold and individually recorded must have an existing cabin. However, each lot

must have a minimum of 75 feet of lake shore and have a minimum width of 75 feet for a depth of 150 feet. All other properties involved must comply with existing applicable zoning ordinance(s).

SECTION 5.02 Property Uses

Except as provided by Section 1.02, or as may hereafter be provided by due amendment, no land or structure shall be erected, used or altered for other than the following purposes:

5.02A Primary Uses (Without Special Approval) L-1 and L-2 Districts

1. One family residential structures.
2. Publicly owned and operated parks and playgrounds including customary buildings and structures.
3. Home occupations and professional offices, as provided by paragraph 3 of Subsection 3.02A.
4. Hunting, fishing and trapping.
5. Harvesting of any native or wild crop permitted by law, such as marsh hay, berries and seeds.
6. Long term rental (twenty eight consecutive days or more) of single family dwelling. **REV. 11-19-08**

5.02B Use by Special Approval, as provided by Section 7.09

1. Resorts, including cabins and complexes.
2. Yacht Clubs.
3. Marinas.
4. Youth Camps.
5. Supper Clubs.
6. Multiple Family Structures.
7. Caretaker or guesthouses – not for rent or lease.
8. Short term rental (twenty seven days or less) single family dwelling**.** **REV. 11-19-08**

5.02C Accessory Uses

Accessory buildings, structures and uses customarily incidental to any Primary Use, or Approved Use, but not including any structure for dwelling purposes.

SECTION 5.03 Key-holing/Funneling/Pyramiding

The Township finds that the use and enjoyment of navigable waters and the lands abutting them are important to the public's quality of living and it is desirable to retain and maintain the physical, cultural, and aesthetic characteristics of them. The purpose of this Section is to protect the navigable waters from physical and visual degradation due to overuse and inappropriate use; to preserve the quality of navigable waters; to prevent nuisance conditions that impair navigable waters and destroy property values; to further the public's health, safety, and welfare; and to absolutely prohibit keyholing, funneling or pyramiding.

This Section applies to all riparian lots, i.e. property on any navigable water, which primarily includes the Lake Areas (L-1 and L-2) and Recreation & Forestry transition zones (Section 6.01B) This Section shall not apply to any publicly owned park, playground or campground.

No Keyhole, funnel or pyramid, I any form, directly or indirectly, shall be permitted within the Township., Except as otherwise permitted, no riparian lot shall be used or developed for a subdivision condominium, site condominium, planned unit development (PUD), multiple family dwelling, non-riparian property, or any other property development in such a manner as to provide a right of use or access to navigable water, whether by fee simple ownership, joint ownership, condominium document, easement, lease, license, or other arrangement. An undeveloped (no dwelling) riparian lot shall not be used to provide access to navigable water to any person other than the lot's owner or non-paying guest(s). When a legal entity (corporation, partnership, company, association or similar agency) or two or more families own an undeveloped (no dwelling) riparian lot and intend to make use of said lot for riparian purposes, a use by special approval (as provided by Section 7.09) must be obtained.

As to a developed (at least one dwelling) riparian lot, a right of use or access to navigable water shall be permitted for used incidental to the lot's primary use (such as swimming, fishing, and boating); provided, that said right of use or access shall be limited to noncommercial/nonbusiness (no fees) use; the primary use must be lawful; and the incidental use must be lawful and permissible under this ordinance. **(Rev. 8/20/2014)**

Note: Contiguous properties that run from lake to back lots, such as L-1 and L-2 properties joining Recreational and Forest (R & F) properties, must also abide by Section 6.01B of this ordinance (Buffer Zone).

SECTION 5.04 Boat Shelter and Dock Standards, Restrictions, and Requirements

5.04A Requirements For Both Permanent Boat Shelters and Permanent Docks: (REV. 03-21-07)

1. May only be placed by a riparian (waterfront property) owner for private use.
2. May not interfere with public rights or rights of other riparian.
3. Must allow free movement of water underneath and may not deposit sediment on the bed of the waterway.
4. May not violate local ordinances.
5. Must be physically connected to riparian lot.
6. Boat Shelters

6.1 May not exceed 16 X 32 feet (including roof overhang) on waterfront lots less the 250 feet but greater than 150 feet wide.

6.2 May not exceed 32 X 32 feet (including roof overhang) on waterfront lots of 250 feet or greater in width.

6.3 Not permitted on waterfront lots less than 150 feet wide.

6.4 Which shall have a roof but may not have walls, sides, or drops. Roof must be pitched not less than 3/12 nor more than 4/12 from peak to eaves. Side uprights may be no greater than 8 feet above the dock.

6.5 Area above eave line may be used for storage only.

6.6 Shall not be visually intrusive as viewed against the shoreline.

7. May contain only a single sign to identify the property and lighting required for mooring and safety (advertising prohibited).
8. The number of permanent structures shall be limited to one permanent boat shelter or one permanent dock on lots of less than 250 feet of frontage. On waterfront lots of greater than 250 feet of frontage, one permanent boat shelter and one permanent pier or two permanent piers will be allowed. If two structures are constructed, they must have at least 50 feet of separation.
9. Minimum width of side yard shall be 50 feet.

5.04B Additional Requirements For Permanent Boat Shelters:

1. DEQ permit, Township building permit, and Township zoning compliance certificate is required.
2. Permitted on Cisco Chain of Lakes and lakes that total 500 acres or more. Not allowed on any other lakes or flowages of less than 500 acres.
3. Maximum length from shore not more than 40 feet from ordinary high watermark as determined by the MDEQ or MDNR. **(REV. 02-07-08)**
4. Not allowed if the property also contains a boathouse.

5.04C Restrictions and Requirements for Permanent Docks, Temporary Docks and Boat Lifts: (REV 10-01-09 for heading, C2, C3 and C4)

1. All necessary permits are required for a permanent dock (pilings driven into lakebed)
2. Permanent or Temporary Docks shall be limited to three hundred thirty-six (336) square foot of total water coverage. The Permanent or Temporary Dock may not extend further than forty (40) feet into the lake from the Ordinary High Water Mark, unless a depth of three feet is not reached in which case a temporary dock extension may be added to a length where three feet of depth is reached, maximum, and does not cause a navigational hazard. The maximum width of the walkway is to be six (6) feet, and the maximum width of a Permanent or Temporary Dock shall not exceed twenty-two (22) feet as measured parallel to the shoreline at the point of dock contact.

3. The distance of any Permanent Dock, Temporary Dock or Boat Lift from the side yard lot line with a parallel line extended into the lake shall be a minimum of fifty (50) feet.
4. Temporary Docks and Boat Lifts must be removed by December 1 or each year.

~~(REV. 03-21-07~~ replaced)
(REV.5.04C2 07.17.13)

5.04D Private Boat Launches

Construction of boat launches, landings, ramps, or any other form of altering shorelines for the purpose of launching motorized watercraft will require a special use permit as indicated under section 7.09 of the Watersmeet Township Zoning Code. (REV. 11-26-09)

ARTICLE SIX – RECREATION & FORESTRY

SECTION 6.01 Purpose

These districts are designed to promote the proper use, enjoyment and conservation of the forest, water, land, topographic, geologic, historic, and other resources of the Township, peculiarly adapted to recreational uses and/or forest industries. To facilitate such uses, certain commercial and other services may be permitted by Special Approval.

6.01A R&F Small Lakes, Streams & Forest Areas

This classification applies primarily to seasonal dwellings such as hunting, fishing, etc., cabins located on small lakes, i.e., those having an area of ten (10) acres or less, creeks, rivers, and in forest areas but also includes residential buildings constructed for year-round occasional uses. Setback of 25 feet as required for above buildings, also non-dwellings and Accessory Buildings (See Schedule 7.01S) refers to setback from stream and creek beds and/or applicable flood plain areas. Within such restricted areas there shall be no clear-cutting of timber or brush, however selective cutting is permitted provided such type clearing does not result in excessive silt runoff and damage to water quality, marine life and environmental degradation.
Present recordings in County Register of Deeds Office excepted, minimum lot size, determined per 5.01A above, shall have a two hundred (200) foot frontage with a depth of two hundred (200) feet, 40,000 square feet.

6.01B R&F Properties Within the L-1 Lake Areas and L-2 Lake Areas Transition Zone

For the purpose of this Section 6.01 B, any property parcels located within or partially within a zone that extends 1,000 feet from the Ordinary High Water Mark (hereinafter referred to as "OHWM") of any lake within the L-1 Lake Area district or the L-2 Lake Area District are classified as the L-1/L-2 Lake Area Transition Zone (hereinafter referred to as "Transition Zone"). The provisions of Section 6.02 shall not apply to property parcels located within or partially within the Transition Zone. Instead the following provisions shall apply to property parcels within or partially within the Transition Zone:

1. Primary Uses Without Special Approval
   a. One family residential structures
      a.1. Those one family residential structures of regular design (square or rectangle) located within 1,000 feet from the OHWM of any lake in the L1 or L2 lake areas shall have a minimum footprint of 750 square feet with all sides having a minimum of 20 feet measured from corner to corner of the main structure. Irregular designed residential structures, such as an octagon, would not have to meet the 20 foot sides, but would have to meet the 750 square foot footprint.

      a.2. Those one family residential structures located beyond 1,000 feet of the OHWM of any lake in the L-1 OR L-2 Lake Areas shall have a minimum finished living floor area of 201 square feet.

   b. Home occupations and professional offices as provided in Paragraph 3 of Section 3.01A.
   c. Hunting, fishing and trapping to the extent laws and regulations permit the aforementioned in the Transition Zone.
   d. Harvesting of the fruit, tubers and seeds of any native or wild plant or shrub to the extent permitted by laws or regulations.
   e. Production and/or management of trees on woodlots or forested land.
   f. Long term rental (twenty eight consecutive days or more) of single family dwelling. **~~Rev. 02/04/2019~~** **Rev. 01-27-20**

2. Use by Special Approval as Provided by Section 7.09.
   a. Resorts
   b. Marinas
   c. Youth camps including lodge and sleeping quarters
   d. Restaurants
   e. Multiple family residential structures, for example; condominiums, time-shares and the like.
   f. Caretaker or guest houses which are not for rent or lease

g. Roadside stands providing for the sale of goods provided that the location of the stand and the facilities for parking and the entry and exit from the Highway shall be approved by the County Road Commission as safe and adequate
h. Public facilities to provide for public safety and fire protection
i. Public parks and playgrounds including buildings or structures commonly associated with parks and playgrounds
j. Short term rental (twenty seven days or less) of single family dwelling. **Rev. 02/04/2019**

3. Accessory Uses.
   Accessory building(s) or structure(s) customarily incidental to any primary use or Use by Special Approval but not including any dwelling or structure for dwelling purposes

REV. 10-18-05

SECTION 6.02 Property Uses

Except as provided by Section 1.02, or as may hereafter be provided by due amendment, no land or premises shall hereafter be used, and no **structures** erected used or altered for other than the following purposes:

REV. 10-28-04

6.02A Primary uses (Without Special Approval)

1. More than one family residential structure as long as setback requirements are met along with separate well and septic systems for each structure.
2. Tree farms, wild life sanctuaries, game farms, pasture, woodlots, and forestry.
3. Plant Nurseries.
4. Roadside stands, provided that the location of the stand and the facilities for parking, entry and exits from the public road be approved by the County Road Commission as safe and adequate.
5. Publicly owned and operated parks and playgrounds including customary buildings and structures.
6. Hunting, fishing and trapping, including cabins therefore.
7. Archery and shooting ranges.
8. Forest industries.
9. Production of Forest products.
10. Harvesting any native or wild crop permitted by law, such as marsh hay, berries and seeds.
11. A Seasonal Trailer Coach may be on the property year-round provided that the trailer coach maintains current registration and license plates and provided the trailer coach remains road worthy.

Rev. 01-27-20 & 4-22-24

6.02B Use by Special Approval, as provided by Section 7.09

1. Junkyards (see also Section 7.07)
2. Refuse dumps.
3. Veterinary services and hospitals, including kennels.
4. Hydroelectric plants, dams and flowage areas.
5. Borrow pits and/or gravel pits.

6.02C Accessory Users
Accessory buildings, structures and uses customarily incidental to any Primary Use, or Approved Use, but not including any structure for dwelling purposes.

ARTICLE SEVEN – GENERAL PROVISIONS

SECTION 7.01 Land, Yard, and Floor Requirements

Every building hereafter erected shall be located on a lot or premises in conformity with minimums or maximum limitations as specified per "LIMITATIONS CHART – SCHEDULE 7.01A" (see at end of Article Seven).

SECTION 7.02 Supplementary Land and Yard Provision

7.02A

Every dwelling, including permanent mobile home hereafter placed, erected or altered shall be located on a lot or premises, the description of the boundaries of which are on record at the office of the County Register of Deeds, or in the case of a land contract, on file and satisfactory to the Zoning Administrator as identifying the location of the premises.

7.02B Area and Yard Limitations

No more than one dwelling shall be erected on any lot of record, and in conforming to land and yard requirements, no area shall be counted as accessory to more than one dwelling.

B1. In R1, R2 and R&F classifications, more than one family residential structure may be erected on any lot of record, and in conforming to land and yard requirements providing they meet necessary setbacks. In R2 and R&F, they will need a separate well and septic system, in R1 a separate water and sewer line, and as not to create non-conforming lots if a future land division should occur. **REV. 02/04/2019**

7.02C Substandard Lots

If the area or width of any lot on public record on the date of enactment of this Ordinance is less than the minimum required, the lot may be used for a one-family dwelling and the required width of each side yard reduced not more than fifty (50) percent of the requirement, but not less than three and one-half (3.5) feet in any instance.

REV. 10-28-04

7.02D Use of Yard Space

No yard encompassing a dwelling shall hereafter be used for the open-air storage, wrecking, parking, dismantling, accumulation or abandonment, either temporarily or otherwise, of any disused, discarded or dismantled vehicle, machinery, apparatus, implement, furniture, appliance, junk, or similar property.

7.02F Attached Buildings

All attached accessory buildings and structures, including garages, open porches and breezeways, shall be considered a part of the main building in determining set back requirements. Unattached buildings shall be located not less than that specified on Schedule 7.01A from any side lot line, and not less than the required setback of the main building on the premises.

Garages with living quarters that do not share at least one (1) common wall with residence will be classified as a guest house and must meet Section 5.01C of this ordinance (requirements for L-1 and L-2 properties) and Section 6.01B of this ordinance (requirements for Recreation and Forest (R & F) properties).

SECTION 7.03 Non-Conforming Uses

7.03A Discontinuance

A non-conforming use of land, building or structure which is discontinued through, vacancy, lack of operation and upkeep, or otherwise for a period of twelve (12) months or shall be construed as abandonment, following which any further use thereof shall conform to this Ordinance.

7.03B Change

No non-conforming use shall be changed to other than a conforming use, nor shall any conforming use be reverted to a former non-conforming use after the use has been changed to a conforming use.

SECTION 7.04 Non-Conforming Buildings and Structures

7.04A Discontinuance of Use

Discontinued use of a non-conforming building or structure for a period of twelve (12) months or more shall be construed as abandonment following which no further use shall maintain until the same has been brought into conformity with the provisions of this Ordinance.

7.04B Minor Repairs

Nothing in this Ordinance shall prevent such minor repairs of a non-conforming building existing on the date of enactment of this Ordinance as may be reasonably necessary to secure advantageous use thereof during its natural life, provided, that no such repair shall result in change or enlargement of use, and provided further, that the owner obtain a certificate of Approval therefore, as hereinafter provided.

7.04C Reconstruction of Damaged Non-Conforming Buildings

Notwithstanding the following, nothing in this Section shall be construed to prohibit rebuilding or improving of structures on sub-standard size lots.

All buildings or structures built prior to the original ordinance, dated December 18, 1969 that do not meet the current setbacks and said buildings or structures are destroyed other than by intentional act of principal owner, may be rebuilt on the same footprint, with the same number of square feet as the original building or structure. The land owner shall bear the burden of proof as to the age, size, location or use that a destroyed or damaged structure had immediately before the destruction or damage occurred. Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, vandalism, fire or flood, and only that portion of the structure that has been destroyed may be reconstructed. The private onsite wastewater treatment (septic) system serving the principal structure shall meet current standards for new construction.

REV. 1-13-2016

Commercial buildings including resorts, considered to be in conforming use on lot(s) of record prior to enactment of this ordinance may be improved, repaired or rebuilt and restored to former use on issuance of a building permit.

SECTION 7.05 Trailer Coaches

7.05A General Limitations

The location and occupancy of trailer coaches, tents and similar portable facilities shall be limited to licensed trailer courts and camping grounds, except that such facilities may be utilized for dwelling purposes without such limitations when located in District R-F 6.01.

7.05B Use of Trailer Coach During Construction of Dwelling

A property owner in any District may be permitted to use one trailer coach upon premises which qualifies for construction of a dwelling and occupy the same for dwelling purposes during the actual construction of the dwelling. The trailer coach may be on the property between March 1 and October 31 each year, provided that a valid building permit has been issued and actual construction is occurring as certified yearly by the Building Inspector in conjunction with the Zoning Administrator. The trailer coach can be used for the purpose of a dwelling for a maximum of 5 consecutive building cycles from March 1 to October 31 commencing with the initial issuance of the building permit for a dwelling on the property. Failure to secure a renewal of the building permit for the current year or failure of the Owner to demonstrate good faith progress toward completion of construction prohibits the use of the trailer coach as a temporary dwelling or placement of

it on the property. The Building Inspector will make the determination as to whether the trailer coach may be used as a temporary dwelling on a yearly basis.

Special Permission outside of normal building period from March 1 – October 31.
If actual construction will be taking place on the property between October 31 and March 1 and if a property owner wishes to use a trailer coach as a temporary dwelling during this time period, on or before October 15, the property owner shall send a written request with proposed work for the winter to the Zoning Administrator along with a special fee of $75.00 and the Zoning Administrator given authority to grant permission to do so. All such determinations shall be made on a case-by-case basis by the Zoning Administrator.

Issuance of required certificates shall be contingent upon compliance with the following conditions:

1. Installation of water supply and sewage disposal facilities in conformity with requirements of Section 7.06, and approval of the same by the Western Upper Peninsula Health District shall precede occupancy of the trailer coach.
2. In a space provided on a copy of the Certificate of Compliance retained for filing, the applicant shall affix his signature indicating he has full knowledge of the limitation of the Certificate, including penalties that may be imposed in violation of the terms thereof. **REV. 9-17-23**

SECTION 7.06 Water Supply and Sewage Disposal

7.06A General Standards

Unless connected with the sanitary and/or water supply facilities as provided for DistrictR-1, every building or structure hereafter erected on any premises and used in whole or in part for human occupancy or frequency shall be provided with a safe and sanitary water supply, a septic tank system of sewage disposal, and a system of waste disposal maintained in accordance with the standards of material and installation recommended by the Western Upper Peninsula Health District, except that an outside privy may be erected and maintained in accordance with such Health District standards in Recreation and Forestry District, R.F.

7.06B Inadequate Soil Conditions

Where land or soil conditions are inadequate for the erection and maintenance of a safe sewage disposal system a special means shall be provided to safeguard health conditions, which means shall be approved by the Western Peninsula Health District.

SECTION 7.07 Junkyards

7.07A Minimum Land Area

No junkyard shall contain less than three (3) acres, nor shall it be visible from other property in the vicinity of the junkyard, nor from rights-of-way such as roads, streets, highways, and waterways.

7.07B Fencing

Except for gates and main building, the entire premises shall be completely enclosed by a tight, uniformly finished wood brick, or metal wall not less than eight (8) feet in height, or by an evergreen hedge, not less than fifteen (15) feet wide to the same height, maintained in good condition at all times. All access gates to the premises shall swing inward and shall be closed when the premises are not open for business. **REV. 10-28-04**

7.07C Setback

All buildings, fences and green strips shall be set back not less than one hundred (100) feet from the front property line, or highway right-of-way line, as the case may be, and fifty (50) feet from any other property line.

7.07D Glare

Glare from any process, such as acetylene torch cutting, shall not be visible or constitute a hazard or nuisance beyond property lines of the premises.

7.07E Burning

All burning, including emission of smoke or offensive odor beyond the boundaries of the premises shall at all times be limited to the discretion of the Michigan Department of Natural Resources.

7.07F Application

Application for location of a junkyard shall be accompanied by written statement bearing the approval signatures of all owners of property located within thirteen hundred twenty (1320) feet of the perimeter of the premises.

SECTION 7.08 Outdoor Signs

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

7.08A Location

No sign shall be located in a position constituting a traffic hazard. Cluttering of signs is prohibited. The erection, posting, painting, or otherwise affixing signs to walls, trees, fences, or similar support is prohibited. The limitation in the use of walls shall not apply to commercial or industrial buildings, or to other buildings such as hospitals, schools, churches, libraries, community-center buildings, and similar structures. Such exemptions shall not apply to dwellings, tourist lodgings, boarding homes, summer cottages, and the like, including applicable accessory buildings.

7.08B Use of Light

The use of all flashing, rotating, oscillating and glaring signs is prohibited.

7.08C Setback

No sign shall be located within less than seventy-five (75) percent of the required setback for buildings on the premises.

7.08D Size Limitations

The maximum area of signs shall be limited as follows:

1. Advertising lodging, boarding of tourist homes, home occupations, professional offices, four (4) square feet on the premises.
2. Bulletin boards, announcement signs for religious institutions, signs pertaining to hire of Services, lease or sale of a building or premises; twenty (20) square feet.
3. Commercial signs: fifty (50) square feet, provided, however, that signs exceeding fifty (50) square feet may be approved by the Zoning Administrator.

REV. 10-28-04

7.08E Non-Conforming Signs

No non-conforming signs shall hereafter be substantially altered or replaced without approval of the Zoning Administrator.

SECTION 7.09 Uses by Special Approval

7.09A General Requirements

All applications for use by Special Approval will require the notification of property owners within 300' of the proposed use by the Zoning Administrator to allow for the neighboring property owners to express concerns regarding the proposed use and the opportunity to request a Public Hearing prior to action on the proposed use by the Planning Commission. **REV. 02/04/2019**

7.09B Specific Requirements

1. Written application addressed to the Township Planning Commission shall be made through the office of the Zoning Administrator, and shall include the following:

    a. Name of applicant and owner of premises.
    b. Legally recorded description of premises.
    c. Description of proposed use, including parking facilities, if required, and any exceptional traffic situation that the use may occasion.
    d. Sketch drawn to approximate scale-showing size of building or structure and location on premises.
    e. Sewage and waste disposal and water supply facilities, existent or proposed for installation.
    f. Use of premises on all adjacent properties.
    g. A statement by applicant appraising the effect of proposed use on adjacent properties and general development of the neighborhood.

2. The Zoning Administrator shall file his recommendations with the Township Planning Commission. The Planning Commission, in reaching its determination, shall consider among other things:

    a. Whether the sewage disposal facilities and water supply will be safe and adequate.
    b. Whether the location, use and nature of the operation will be in conflict with the primary permitted uses of District or neighborhood.
    c. Whether the use will be objectionable to adjacent or nearby properties and not compatible with the primary uses of the District.
    d. Whether the use will discourage, hinder or downgrade the development and use of adjacent premises and neighborhood.
    e. Whether the use will create a major traffic problem or hazard.

SECTION 7.10 Unlisted Property Uses and Buildings

The Township Planning Commission shall have the power, on written request of a property owner, to classify a use or building not specifically listed in any District with a comparable permitted or prohibited use specified in the Ordinance giving due consideration to the purposes of this Ordinance as expressed by Section 1.02. When found incomparable, such use may be provided only by due amendment to the Ordinance.

SECTION 7.11 Essential Services

The erection, construction, alteration or maintenance of facilities including necessary structures by public utilities including railroads, municipal departments and commissions necessary for the furnishings of adequate service for the public health, safety or general welfare, shall be permitted as authorized and regulated by law and other ordinance of the Township of Watersmeet, Gogebic County, State of Michigan, in any use district, it being the intention thereof to exempt such erection, construction, alteration, and maintenance from the application of the Ordinances.

REV. 10-28-04

SECTION 7.12 Public Utility Buildings and Public Buildings

The Township Planning Commission shall have the power to permit the erection and use in any Zoning District, except in Residential section of District R-1, of a publicly owned building or public utility reasonably necessary for the public convenience and service.

SECTION 7.13 Multi-Unit Development

7.13A Purpose

To provide provisions for the control of all special consideration arising from the development of multi-unit use properties including but not limited to site condominiums, condominiums, planned unit developments, apartments, motels, hotels, etc.

7.13B Requirement

1. All multi-unit developments shall be subject to the review by the Watersmeet Township Planning Commission consistent with reviews for use by special approval as provided elsewhere in this ordinance and shall adhere to the applicable zoning regulations of the Zoning District.
2. Multi-unit developments whose area encompasses two or more Zoning Districts shall be subject to the review by the Watersmeet Township Planning Commission consistent with review for use by special approval as provided elsewhere in this ordinance and shall adhere to the zoning regulations of the Zoning District containing the more restrictive zoning regulations.

SECTION 7.14 Wind Turbines and Solar Panels

All Wind Turbines and Solar Panel installations require a special use permit with the exception of roof mounted solar panels that conform to the profile of the respective roof.

SECTION 7.14B Requirements for Domestic Wind Turbines. (section added 1/16/2013)

A. Setback of tower must equal or exceed the total height of the tower including the length of one rotor blade from all property lines, ordinary high water mark (if applicable) and overhead utilities.

B. Wind turbines may only be considered for placement on parcels of land adequate to meet all setback requirements.

C. Erection of any wind turbine tower shall require:

1. A survey by U.S. Fish and Wildlife identifying any potential hazards to local or migratory birds and animals. This survey must be submitted to the Watersmeet Township Planning Commission with permit request.

2. Tower must be equipped with an “anti-climbing device” for the first 10 feet measured vertically from the base of the tower.

3. Area surrounding tower base to be covered with a ground cloth (weed barrier) and ¾ inch crushed stone extending for a radius around the tower to discourage burrowing animals from interfering the with tower’s primary grounding system.

4. Applicant must submit a decommissioning plan for the eventual removal of tower.

5. Not more than one (1) wind turbine shall be permitted on any one lot up to 5 acres. No more than Two (2) wind turbines shall be allowed on any single parcel up to 40 acres.
6. Commercial type wind turbines (exceeding 20kw capacity) shall only be permitted in the Recreation and Forest (R&F) zoning district. No commercial type turbines shall be permitted in an R&F Buffer Zone.

SECTION 7.14C Requirements for Commercial Wind turbines (Section added 1/16/2013)

Commercial wind turbines exceeding 20kw capacity shall be regulated by the State of Michigan, however, they will be subject to Planning Commission approval as provided in sections 7.09, 7.121 and 7.12.

SECTION 7.15 Outdoor Wood-Fired Furnace Restrictions

An outdoor wood-fired furnace may be installed and used in Watersmeet Township only in accordance with the following provisions:

1. All outdoor wood-fired furnaces located in R-1/R-2 districts shall require a zoning permit as issued by the Watersmeet Township Zoning Administrator.

2. Outdoor wood-fired furnaces shall not be used to burn refuse and shall be used to burn only clean wood. (This provision does not prevent the use of paper or cardboard in the starting of the fire).

3. Outdoor wood-fired furnaces must be located no closer than twenty (20) feet from the side yard of the individual's property and not closer than forty (40) feet from the nearest residential structure not on the same property as the wood-fired furnace.

4. The outdoor wood-fired furnace shall have a chimney that extends at least (fifteen) 15 feet above the ground or three (3) feet above the building which it serves, whichever is greater.

5. All wood-fired furnaces shall be equipped with a properly functioning spark arrestor.

6. Outdoor wood-fired furnaces may not be located in the area designated as the front of any property.

SECTION 7.16 Medical Marijuana

See addendum

SCHEDULE 7.01A-LIMITATIONS CHART
(Revision 02-07-08)

ZONING DISTRICT/STRUCTURE	MIN. LOT WIDTH UP TO MIN. DEPTH LINE (FT)	MIN. LOT DEPTH (FT)	MIN. SETBACK FROM (wording) (FT)	MIN. SETBACK FROM SIDE YARD PROPERTY LINE (FT)	MIN SETBACK FROM REAR YARD PROPERTY LINE (FT)	MIN SETBACK FROM EDGE OF ANY PUBLICLY OWNED ROAD RIGHT-OF-WAY (FT)	MIN. FINISHED LIVING FLOOR AREA PER FAMILY & Also MIN. (wording) (SQ. FT.)
R-1 Dwelling	100	150	25 (front prop line)	7	25	5	600
R-1 Accessory Building			25 (front prop line)	7	7	5	
R-2 Dwelling	100	200	25 (front prop line)	7	25	5	600
R-2 Accessory Building			25 (front prop line)	7	7	5	
L-1 Dwelling	150	300	50 (lake ohwm)	20	25	25	750
L-1 Caretaker/Guest Dwelling	150	300	125 (lake ohwm)	20	25	25	600 (footprint)
L-1 Accessory Building			25 (lake ohwm)	7	25	25	
L-2 Dwelling	300	300	50 (lake ohwm)	50	25	25	750
L-2 Caretaker/Guest House	300	300	125 (lake ohwm)	20	25	25	600 (footprint)
L-2 Accessory Building			25 (lake ohwm)	7	25	25	
R&F Dwelling	200	200	50 (front prop line)	20	25	15	201
R&F Accessory Building			25 (front prop line)	7	25	15	
Lake Area Buffer Dwelling	200	200	50 (front prop line)	20	25	15	750
Lake Area Accessory Building			25 (front prop line)	7	25	15	

Notes:
1. ohwm = original high water mark
2. prop = property

ARTICLE EIGHT-ADMINISTRATION

SECTION 8.01 Zoning Administrator

The provisions of this Ordinance shall be administered by a Zoning Administrator who shall be appointed by the Township Board of Trustees for such term and subject to such conditions as the Township deems desirable to carry out the provisions of the Ordinance. He shall hold office at the pleasure of the Township Board of Trustees, and receive such compensation as shall be determined by the Board of Trustees.

8.01A Zoning Certificate Requirements (REV. 06-12-07)

All construction in Watersmeet Township is covered by this ordinance and may require a Zoning Certificate. If the construction meets all of the following criteria, then a Zoning Certificate is not required.

1. The structure is less than 200 square feet; and
2. It is not attached to an existing building; and
3. It does not have a permanent foundation; and
4. All set-back requirements are met (Schedule 7.01A); and
5. The structure is not a permanent dock.

All repairs to an existing building do not require a Zoning Certificate unless the footprint of the building is changed or is covered by Section 7.04. While some construction may not require a Zoning Certificate, it may require a building permit. However, all construction that requires a Zoning Certificate shall require a building permit.

SECTION 8.02 Zoning Certificate

8.02A Application for Certificate (REV. 02-01-11)

Before proceeding with the erection, moving, or use of any building, or premises subject to provisions of this Ordinance, the owner of the premises shall first apply for a **Zoning** Certificate from the Zoning Administrator. Application shall be made in duplicate upon forms provided by the Township, and shall be accompanied by an acceptable description of the location of the premises, by evidence of ownership of all property to be covered by the Certificate, and by a blueprint or pen-and-ink sketch to approximate scale showing:

1. The shape, area, dimensions and intended use of the premises.
2. The kind, dimensions, height and location of the building or structure to be erected or moved on the premises, including all yard dimensions and accessory buildings if any.
3. The location and type of sewage disposal system and water supply facilities.
4. A statement by the applicant showing plans for any pollution control and for disposal of any and all waste products.

8.02B Issuance and Limitation of a Zoning Certificate (REV. 02-01-11)

1. The Zoning Administrator shall consider acceptance of a Zoning Certificate application upon:
   a. Receipt of a Zoning Certificate application with supporting documents as required by the existing application process,
   b. Receipt of fees and expenses as established, in the Fees and Expenses Section below, and
   c. Completion of an inspection of the site specified on the application.
   d. If the pollution controls and disposal plans of waste products will tax the operational limits of the Township's waste transfer station or cause any kind of other pollution, the application for a Zoning Certificate shall be referred to the Township Planning Commission.

2. If the Zoning Administrator determines that the application and site are found to be in compliance with the Zoning Ordinance and other applicable law, a Zoning Certificate shall be issued. The Zoning Certificate Shall be prominently displayed at the site specified on the Zoning Certificate application and remain so until all construction work is completed.

3. A copy of the Zoning Certificate application with supporting documentation and a copy of the Zoning Certificate shall be filed at the Township offices.

4. Any Zoning Certificate issued where a building permit is required will expire twelve (12) months from the Date the Zoning Certificate was issued if the building permit has not yet been issued. In the case where where no building permit is required, the Zoning Certificate will expire twelve (12) months from date the Zoning Certificate was issued if the structure has not yet been completed.

5. A Zoning Certificate that has expired will require a request to renew the expired Zoning Certificate, in writing, from the original owner/applicant, or a designated agent. This request for renewal shall reference the original Zoning Certificate number and issue date. A maximum of two (2) renewals will be allowed. A renewal of a Zoning Certificate will be issued upon receipt of a renewal fee as indicated in the Fees and Expenses Section below.

8.02C Fees & Expenses **(REV. 02-08-06)**

1. For each original Zoning Certificate application, or each request for a Zoning Certificate renewal, a fee and inspection expenses shall be paid to the Township Treasurer. See exception in 4 below.

2. The Township Treasurer shall place all paid fees and expenses, applicable to this Zoning Ordinance, in a zoning fund to be used for the costs of administering the Township Zoning Ordinance, as directed by the Township Board.

3. The Township Board shall establish the schedule for all fees and inspection expenses, required by this Zoning Ordinance, from time to time. Any Zoning Certificate application filed after construction at a site has commenced is subject to a penalty equal to five (5) times the Zoning Certificate application fee in effect on the date the late application is filed plus all reasonable inspection expenses incurred.

4. Reinstatement of any Zoning Certificate under this Zoning Ordinance that the Zoning Administrator has revoked, suspended, or cancelled due to a violation of this Zoning Ordinance, shall not be valid until the property owner, or agent thereof, pays a fee to the Township Treasurer equal to five (5) times the original Zoning Certificate fee plus any reasonable re-inspection expenses incurred by the Zoning Administrator. Failure to pay said fee plus expenses shall also bar the property owner, or agent thereof, from receiving any additional Zoning Certificates under this Zoning Ordinance. **REV. 02-08-06**

8.02D Requirements for Inspections **(REV. 02-08-06)**

1. The Zoning Administrator will perform at least one inspection at the site specified on the Zoning Certificate application. This generally occurs as a condition to the acceptance of the Zoning Certificate application. The Zoning Administrator may perform additional inspections at the specified site in order to resolve any issues with respect to a Zoning Certificate application.
2. The Zoning Certificate applicant is required to follow the instructions of the existing Zoning Certificate application process, as provided by the Zoning Administrator.

ARTICLE NINE – ZONING BOARD OF APPEALS

SECTION 9.01 Authority and Membership

9.01 A

There is hereby established a Zoning Board of Appeals from electors of the Township as provided by Article VI of the Michigan Zoning Enabling Act 110 of 2006. **REV. 10-10-06**

9.01 B Membership

The Zoning Board of Appeals shall consist of five (5) regular members and two (2) alternate members appointed by the Township Board.

1. One of the regular members of the Zoning Board of appeals shall be a member of the Township Planning Commission.
2. The remaining regular members, and any alternate members, shall be selected from the electors of the Township and shall be representative of the population distribution and of the various interests present in the Township.
3. One regular member may be a member of the Township Board but shall not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the township may not serve on the Zoning Board of Appeals. **REV. 10-10-06**

9.01 C Alternates

An alternate member may be called as specified to serve as a member of the Zoning Board of Appeals in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which the member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member. **REV. 10-10-06**

9.01 D Terms of Office

The terms of office for members appointed to the Zoning Board of Appeals shall be for 3 years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of those bodies. When members are first appointed, the appointments may be for less than 3 years to provide for staggered terms. A successor shall be appointed not more than 1 month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term. **REV. 10-10-06**

9.01 E Removal

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

SECTION 9.02 Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the chairperson and at other times as the Zoning Board of Appeals in its rules of procedure may specify. The chairperson or, in his or her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.

1. The Zoning Board of Appeals shall not conduct business unless a majority of its regular members are present.
2. The Zoning Board of Appeals shall maintain a record of its proceedings, which shall be filed in the office of the Clerk of the Township. **REV. 10-10-6**

9.02A Review

Hear and decide upon appeals made from determinations of the Zoning Administrator or other agent acting under the terms of the Ordinance.

9.02B Interpret

Hear and decide upon request for interpretation of provisions of the Ordinance.

9.02C Variances

Grant variance on appeal respecting any provision of the Ordinance if the same cause practical difficulties or undue hardship in conforming to the strict letter of the Ordinance, to the end that the spirit of the Ordinance is observed, equity achieved and substantial justice done; provided, however, that this provision shall not be construed as permitting the Board of Appeals to amend the Ordinance or exchange any use of property under guise of a variance.

REV. 10-28-04

SECTION 9.03 Powers

The Zoning board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the following. **REV. 10-10-06**

9.03A Review

Hear and decide appeals made from and review any administrative order, requirement, determinations, or decision made by the Zoning administrator or other administrative official or body acting under or charged with enforcement of the Zoning Ordinance, including special land use and planned unit development decision. **REV. 10-10-06**

9.03B Interpret

Hear and decide upon request for interpretation of the zoning maps or provisions of the Ordinance. **REV. 10-10-06**

9.03C Variances

Grant variance on appeal respecting any provision of the Ordinance if the same cause practical difficulties or undue hardship in conforming to the strict letter of the Ordinance, to the end that the spirit of the Ordinance is observed, equity achieved and substantial justice done; provided, however, that this provision shall not be construed as permitting the Zoning Board of Appeals to amend the Ordinance or exchange any use of property under guise of a variance.

REV. 10-10-06

9.03D Resubmittal

No application for variance or special exceptions which have been denied shall be re-submitted within twelve (12) months from the last date of denial, except on grounds of newly discovered evidence or proof of changed conditions found to be valid.

SECTION 9.04 Proceedings

9.04A Adoption

The Zoning Board of Appeals may adopt rules to govern its procedures. **REV. 10-10-06**

9.04B Written Requests

All requests for variances, appeals, or special exceptions shall be filed with the Township Clerk, (accompanied by all necessary documentation and other supporting materials required to substantiate the request and a fee to be deposited in the Zoning Fund (which fee shall be fixed by the Township board from time to time). **REV. 10-10-06**

9.04C Limitations

1. All appeals shall be made to the Zoning Board of Appeals within 30 days after the date of any decision constituting the basis for appeal. The Zoning Board of Appeals shall hear the appeal within 45 days after a request for appeal has been filed unless all parties concerned agree upon additional time. The Zoning Board of Appeals shall return a decision within 30 days after an appeal has been heard unless all parties concerned agree upon additional time.
REV. 10-10-06

2. An appeal stays all proceedings in furtherance of the action appealed from unless the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, in which case proceedings may be stayed by a restraining order issued by the Zoning Board of Appeals or a circuit court.

3. Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, a notice stating the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the township and shall be sent to the person requesting the interpretation not less than 15 days before the public hearing. In addition, if the request for an interpretation or appeal of an administrative decision involves a specific parcel, written notice stating the nature of the interpretation request and the time, date, and place of the public hearing on the interpretation request shall be sent by first-class mail or personal delivery to all persons to whom real property is assessed 300 feet of the boundary of the property in question and to the occupants of all structures within 300 feet of the boundary of the property in question. If a tenant's name is not known, the term "occupant" will be used. **REV. 10-10-06**

9.04D Decisions

The decision of the zoning board of appeals shall be final. A party aggrieved by the decision may appeal to the circuit court for the county in which the property is located as provided under Act 110 of Section 606. An appeal shall be filed within 30 days after a decision is certified in writing or the minutes of the decision are approved.
REV. 10-10-06

ARTICLE TEN – VIOLATIONS AND ENFORCEMENT

SECTION 10.01 Violations **(REV. 03-22-06)**

1. It shall be the responsibility of each Zoning Certificate owner, or their agent, firm, corporation (including officers, directors, and employees thereof) or other person(s) acting on their behalf, to comply with the provisions of the Township Zoning Ordinance. Noncompliance with respect to any of these provisions will be considered a violation of the Township Zoning Ordinance. **REV. 02-08-06**

2. Further, it shall be considered a violation of the Township Ordinance to: **REV. 02-08-06**
   a. Make false statements or misrepresentations in the Zoning Certificate application or its process, or
   b. Fail to give notice of completion of foundation excavation and/or completion of construction, or
   c. Fail to obtain a zoning Certificate prior to doing construction work.

3. The Zoning Administrator shall have the power to revoke, suspend, or cancel any Zoning Certificate issued under this Township-Zoning Ordinance, whenever the Zoning Administrator has determined that there is a violation of any provision of this Township Zoning Ordinance. **REV. 02-08-06**

4. Upon determination of a violation the Zoning Administrator shall give notice of noncompliance with a requirement to correct to the Township Clerk. The notice shall include reference to the particular sections(s) of the Zoning Ordinance from which noncompliance has been determined. Such notice shall be considered served when sent by certified mail – return receipt requested. In the case where there has been a Zoning Certificate issued the notice will be mailed to the Zoning Certificate owner at the address on the Zoning Certificate application. In the case where no Zoning Certificate exists the notice will be mailed to the property owner at his/her last known address. The "confirmed date of receipt" shall mean the date of delivery as shown on the certified mailing return receipt. A refusal by the named recipient to take delivery of the certified mailed notice shall be deemed a refusal to comply with the provisions of the Zoning Ordinance and subject to the penalties as defined in Section 10.03 of the Zoning Ordinance. **REV. 03-22-06**

5. Upon receiving a notice of noncompliance, the Zoning Certificate owner, or their agent, or other person(s) acting on their behalf shall immediately cease all activity pertaining to the applicable issued Zoning Certificate (unless otherwise instructed in the notice). This includes any entity or person doing work for the holder or owner. The entity or person doing work may also receive notice to immediately cease work at the discretion of the Zoning Administrator. Not to cease activity when notified to do so will considered a violation of this Ordinance. **REV. 02-08-06**

SECTION 10.02 Correction **REV. 02-08-06**

1. Upon receipt of a notice of noncompliance and requirement for correction, the Zoning Certificate owner, or their agent, must contact the Zoning Administrator or the Township Clerk within seven (7) days and must submit a written corrective action plan which includes a timetable for completion of the corrective action within twenty one (21) days for approval by the Zoning Administrator. Failure to submit a written corrective action plan shall immediately result in the revocation, suspension, or cancellation of a Zoning Certificate to the owner thereof. Failure to do the correction, as indicated in an approved corrective action plan, will be considered a violation of this Zoning Ordinance and will be subject to penalties as indicated in the Penalties Section below.
2. Use of any building or structure covered by a revoked, suspended or canceled Zoning Certificate shall be prohibited until corrective action has been completed and the Zoning Certificate is reinstated or reissued. **REV. 02-08-6**

SECTION 10.03 Penalties REV. 02-08-06

1. Any person, firm, or corporation (including officers, directors, and employees thereof), or any entity, contractor, or individual doing work for the foregoing, who violates, neglect, omits, or refuses to comply with any provision of the Township Zoning Ordinance, or any permit or exception granted hereunder, or any corrective action, shall be guilty of a misdemeanor punishable by a fine not less than $100 nor more than $500, and/or by confinement in jail for not more than ninety (90) days, plus the cost of prosecution and the costs for follow-up inspections. Each day a violation exists (including from the confirmed date of receipt by the foregoing of the notice of non-compliance and correction) shall constitute a distinct and separate violation of this Zoning Ordinance and as such, the penalties provided for above shall apply to each and every day of violation.

2. The Zoning Administrator will recommend legal action as a last resort by requesting a citation be issued by the local Police Department. The citation process will lead to court action if the problem is not resolved beforehand. The Zoning Administrator may also request that the Township Board authorize the taking of any other legal action, which may be appropriate.

SECTION 10.3 of the zoning ordinance of Watersmeet Township is hereby amended to read in its entirety as follows: REV. 08-12-19

3. **Municipal Civil Infraction penalties**

3A A violation of this ordinance is a municipal civil infraction, for which the fine shall be not less than $100.00 nor more than $500.00for the first offense and not less than $100.00 nor more than $2,500.00 for subsequent offenses, in the discretion of the court, and such fine shall be in addition to all other costs, attorney fees, damages, expenses, and other remedies as provided by law. For purposes of this section, “subsequent offense” means a violation of the provisions of this ordinance committed by the same person for the same property within twelve (12) months of a previous violation of the same provision of this ordinance for which said person admitted responsibility or was adjudicated to be responsible, provided, however, that offenses committed on subsequent days within a period of one week following the issuance of a citation for a first offense shall be considered separate first offenses.

3B In addition to pursuing a municipal civil infraction proceeding pursuant to subsection A hereof, the Township may also institute an appropriate action in a court of competent jurisdiction seeking injunctive, declaratory, or other equitable relief to enforce or interpret this ordinance or any provision of the ordinance

3C All remedies available to the Township under this ordinance and Michigan law shall be deemed to be cumulative and not exclusive

3D Any use of land that is commenced or conducted, any activity, or any building, item or structure that is erected, moved, used, placed, reconstructed, ,razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this ordinance is also hereby declared to be a nuisance per se.

3E Each and every day during which a violation of this ordinance shall exist shall be deemed to be a separate offense.

3F Any person,. Firm or entity that assists with or enables the violation of this ordinance shall be responsible for aiding and abetting, and shall be considered to have violated the provision of this ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this ordinance shall be deemed a violation of the provision of this ordinance involved as if the violation had been successful or completed.

4. **SEVERABILITY**

The provisions of this ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction it shall not affect the remainder of the ordinance which shall continue in full force and effect.

5. **REPEAL**

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

6. **EFFECTIVE DATE**

This ordinance amendment shall become effective thirty (30) days after its publication (or publication of a summary thereof) in a newspaper in general circulation within Watersmeet Township

SECTION 10.04 Emergency Action

Whenever the Zoning Administrator finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action protect public health, safety, and welfare, the Zoning Administrator may, without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. Notwithstanding any other provision of this ordinance, such order shall become effective immediately. Any person to whom such order is directed shall comply immediately. The Zoning Administrator shall notify the chairperson of the Planning Commission and/or the Zoning Board of Appeals within 24 hours of such situations. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Township Planning Commission or the Zoning Board of Appeals. Any person, firm, or corporation (Including officers, directors, or employee thereof) who violates an order issued hereunder shall be subject to the penalties of Section 10.03

ARTICLE ELEVEN – DEFINITIONS

SECTION 11.01 Accessory Building or Structure

A supplemental building or structure on the same premises as the main building occupied by, or devoted exclusively to an accessory use but not including dwelling, lodge, or sleeping quarters.

SECTION 11.02 Dwelling

Any building or part thereof occupied as the home, residence or sleeping place of one or more persons either permanently or temporarily, but not including trailer coaches, motels, garage homes or boat house, basement homes, tents, or similar unconventional structures.

SECTION 11.03 Erected

Includes built, constructed, re-constructed, moved upon or any physical operation on the premises intended or required for a building or structure. Excavation, fill drainage, land clearing, and general property improvements shall not be considered as an erection.

SECTION 11.04 Highway

A highway is any public thoroughfare, including roads and streets, but not alleys.

SECTION 11.05 Junk

Includes any personal property which is or may be salvaged for re-use, resale, reduction or similar use or disposition, or which is accumulated, dismantled or assorted for any such reasons. Without limiting the definition of junk, the term shall include used or salvaged metals, used or salvaged rope, bags, paper, glass, rubber and similar articles, and motor vehicles which are parked, or possessed for the purpose of dismantling or salvaging any part thereof.

SECTION 11.06 Junkyard

Any place at which a person engages in the handling, purchase, exchange, accumulation, storage, sale or disposition of any article which may reasonably be defined as junk, except this definition shall not apply to retail merchants who repossess their own merchandise sold on a title-retaining contract or chattel mortgage basis.

SECTION 11.07 Lot or Premises

The parcel of land occupied or to be occupied by a building and its accessory building or structures together with such open spaces, minimum area, and width required by this Ordinance for the District in which located.

SECTION 11.08 Sign

Any construction, device, or portion thereof upon which words, numerals, terms, figures, trademarks, or similar representations are employed for the purpose of conveying information to the public. Includes outdoor advertising media, bulletin boards, sale and rental signs, and the like.

SECTION 11.09 Structure

Anything, constructed, the use of which requires permanent location on the ground or attachment to an object having permanent location on the ground. The term shall include fences, advertising devices, tents, trailer coaches, and similar structures.

REV.10-28-04

SECTION 11.10 Mobile Home

For the purpose of this Zoning Ordinance, a mobile home is defined as a single-family dwelling unit suitable for year round occupancy or occasional dwelling which, if occupied outside a mobile home park, shall be placed on a permanent foundation approved by state code and connected to utilities and assessable as Real Property. The dimension of said mobile home shall have minimum square feet of floor space not less than that required for a single family dwelling in the same zoning district or the equivalent manufacturers' rating. See 6.01.

SECTION 11.11 Trailer Coach

Any structure designed and constructed for sleeping, living, business, or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which may be equipped with wheels or other devices for transporting the structure from place to place, whether by its own motive power or other means and licensable by the State to travel upon highways.

SECTION 11.12 Yard

A space open to the sky between a building and the lot or property lines of the parcel of land on which located, unoccupied or unobstructed by any encroachment or structure except as otherwise provided by this Ordinance.

11.12A Yard – Front

A yard across the full width of the lot or parcel of land extending from the front line of the principal building to the front line of the principal building to the front lot line of highway right-of-way, as the case may be.

11.12B Yard – Rear

A yard extending across the full width of the lot or parcel of land extending from the rear line of the principal building to the rear lot line.

11.12C Yard – Side

A yard extending between the side lot line and the nearest sideline of any building.

SECTION 11.13 Boat Shelter **REV. 03-21-07)**

A structure placed in navigable waters that is designed and constructed for the purpose of providing cover for a berth place for watercraft, which shall have a roof but shall not have walls or sides. Such a structure may include a boat hoist, storage area above the eave line, but shall not include living space.

SECTION 11.14 Keyhole, Funnel, or Pyramid

The use or intended use of providing a right of use or access to navigable waters through a riparian lot to non-riparian lot owner(s) or to a group of riparian lot owners. **Rev. 8-20-14**

SECTION 11.15 Rental Term (Added 11-19-08)

Short Term is twenty seven (27) days or less and Long Term is twenty eight (28) consecutive days or more.
REV. 11-19-08

ARTICLE TWELVE – AMENDMENTS

Amendments or supplements to this Ordinance may be adopted from time to time in the same manner as provided by the Township Rural Zoning Act, Public act 184, 1943 as amended.

SECTION 12.01 Initiation

Proposals for amendment or supplements may originate with the Township Board, the Watersmeet Township Zoning Board **of Appeals, the Township Zoning Administrator, the Township Planning Commission** or by written petition signed by no less than six (6) property owners in the Township. Petition by property owners shall show the address of each signer and the location of his property in the Township, including the Zoning District wherein located. **REV. 10-28-04**

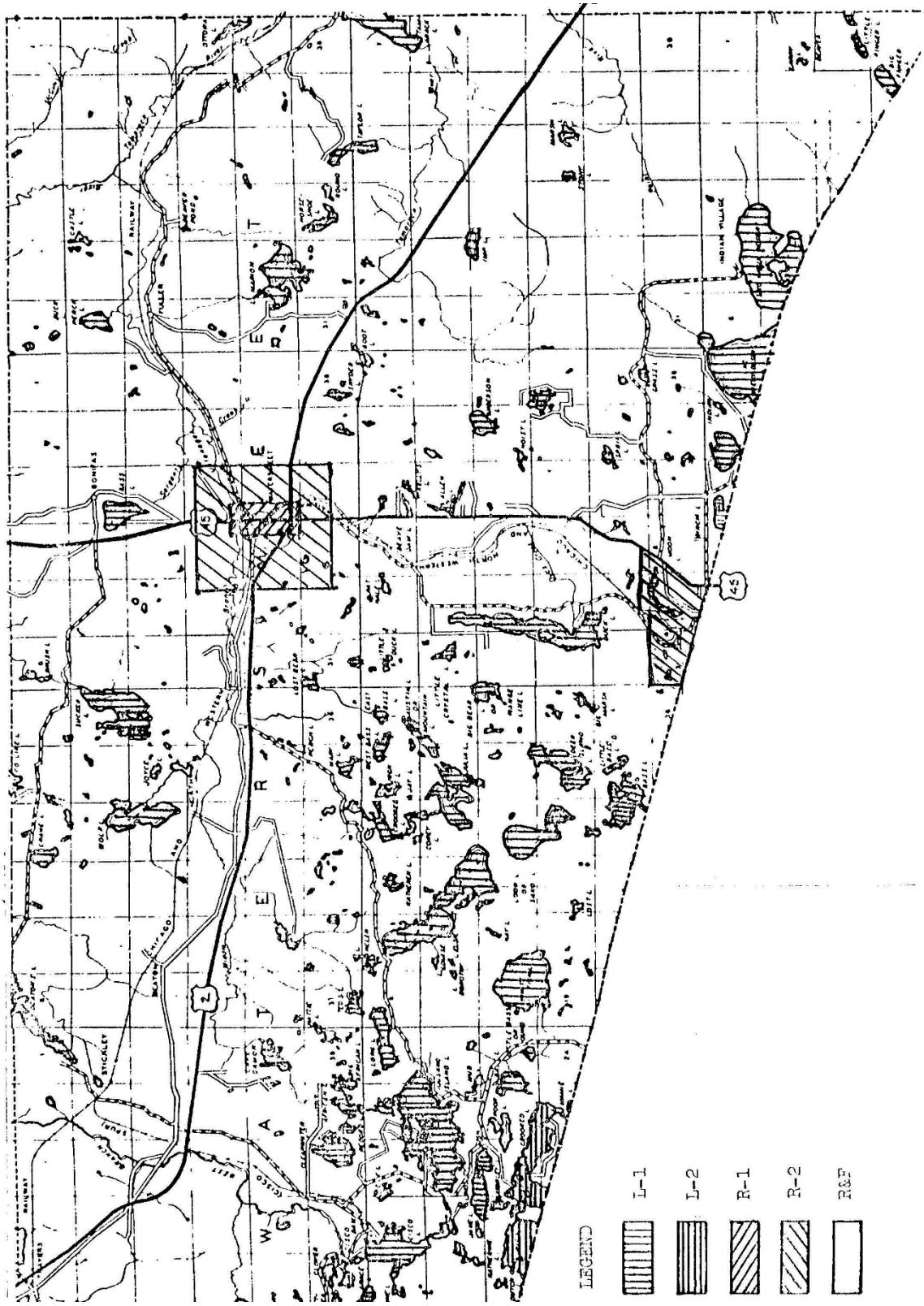
SECTION 12.02 Action of the Township Planning Commission

All amendments or supplements shall be referred to the Township **Planning Commission** for study, recommendation and such action as provided by Sections 11 and 14 of the Township rural Zoning Act, Public Board shall have power to amend or supplement any provisions of the Ordinance.

SECTION 12.03 Publication and Effective Date

This Ordinance shall take effect immediately upon its publication as provided by law.

ZONING MAP



ALL ORDINANCE SECTION CHANGES/ADDITIONS/DELETIONS BY THIS DOCUMENT REVISION HAVE BEEN ADOPTED AND APPROVED BY THE WATERSMEET PLANNING COMMISSION AND THE WATERSMEET TOWNSHIP BOARD OF TRUSTEES AND HAVE BEEN POSTED AS REQUIRED FOR PUBLIC NOTICE.

VERIFIED THIS 22nd DAY OF APRIL, IN THE YEAR OF 2024

X

Township Clerk
Watersmeet Township, Michigan

COUNTERSIGNED

X

Township Supervisor
Watersmeet Township, Michigan