

# Summary of Amendments - Au Train Township Zoning Ordinance

Summary of Amendments to the Au Train Township Zoning Ordinance, adopted August 31, 2022, with an effective date of September 12, 2022.

## ARTICLE II - DEFINITIONS

### Section 202 - Definitions

#### Definitions Added:

- Acre
- Beach
- Boat
- Boat Livery
- Buildable Area
- Building Permit
- Cargo Container
- County Road System, Local
- County Road System, Primary
- County Road System, Seasonal
- Deceleration Lane
- Decibel (dB)
- Density
- Drainage
- Driveway
- Dump
- Dune
- Dwelling, Principal
- Easement
- Egress
- Food Truck/Trailer
- Forest
- Forest, Commercial
- Forest, Noncommercial
- Forestry
- Freight Container
- Gravel Pit
- Junk
- Kennel, Commercial
- Light Industry
- Mine
- Mini-warehouse
- Mining
- Motor Vehicle
- Park Model Trailer
- Permitted Use
- Person
- Planning Commission

- Public Hearing
- Public Notice
- Salvage Yard/Recycling Center
- Sand Pit
- Seasonal Dwelling Unit
- Seasonal Use
- Self-Service Storage Facility
- Shipping Container
- Short-term Rental
- Spot Zoning
- Teepee
- Tiny Home
- Variance, Use
- Variance, Non-Use
- Warehouse
- Wetland
- Wind Turbine
- Yurt
- Zone
- Zoning
- Zoning Map
- Zoning Compliance Permit

**Definitions (somewhat significantly) Modified:**

- Agriculture
- Apartment
- Bed and Breakfast
- Campground
- Commercial Vehicle
- Family
- Hobby Farm
- Kennel (changed to Kennel, Private)
- Recreational Vehicle
- Resort
- Screening
- Vacation Rental

**Definitions Removed:**

- Agricultural Activity, General
- Agricultural Activity, Intensive
- Certificate of Zoning Compliance
- Farm
- Fur Farm
- Planting Screen
- Timber Production

## ARTICLE III - ZONING DISTRICTS AND MAP

### Notes:

- The **Home Occupation I** and **Home Occupation II** uses have been consolidated into a single **Home Occupation** use. Resultant changes were made to **Article III – Zoning Districts and Maps, Section 409 – Home Occupation** (complete rewrite), and **Article V – Regulation of Signs**. The changes are not listed in this document.
- **Wood Burners (outdoors)** was listed as a Permitted Principal Use in all districts. The Planning Commission decided to remove it as a Permitted Principal Use in all districts and list it as a Permitted Accessory Use in all districts except the Commercial and Manufacturing districts. The resultant changes are not listed in this document.
- The Planning Commission has opted to use the term **Short-term Rental** instead of **Vacation Rental**. Any non-significant changes of doing such are not listed in this document.
- By definition, **Timber Production** is a subset of **Resource Production**. In the ordinance, all references to Timber Production have been folded into, or replaced by, Resource Production. The resultant changes are not listed in this document.
- In order to alleviate confusions, the table in **Section 314 - Recreational Land Uses** has been synchronized with the permitted and conditional uses listed in the individual district sections (Sections 306 - 313). Now, any given recreational land use is listed either in the section 314 table or in the permitted and conditional uses of the individual district sections, but not in both. The resultant changes are not listed in this document.
- For the regulation of farming-related uses, the zoning ordinance now relies extensively on the Michigan Right to Farm Act and its related General Accepted Agricultural and Management Practices (GAAMPS). Therefore, all farming-related uses have been consolidated into two uses, **Agriculture** (commercial) and **Hobby Farm** (noncommercial).

The following details the changes to the Permitted Principal Uses and the Conditional Uses of each of the zoning districts. After the changes were made, the respective lists were alphabetized.

## Section 306 - District Residential One/Two

### B. Permitted Principal Uses:

- Removed
  - Two family dwelling (*also existed as a conditional use*)

### D. Conditional Uses:

- Removed
  - Horses for the personal use of the property owner/resident
- Added
  - Agriculture
  - Hobby Farm
  - Kennel, private

## Section 307 - District Rural Residential One/Two

### B. Permitted Principal Uses:

- Removed
  - Agricultural Activity, General
- Added
  - Agriculture
  - Kennel, private

### D. Conditional Uses:

- Removed
  - Cervidae facility
  - Commercial horse riding and boarding establishment (5 acres for one horse with 1 acre per additional horse with a maximum of 25)
  - Horses for personal use of the property owner/resident (more than 25 horses)
- Added
  - Resort
  - Shipping Container
- 

## Section 308 - District Town Development

### B. Permitted Principal Uses:

- Removed
  - Commercial dog boarding facility
  - Dog grooming establishment
  - Eating and drinking place
  - Marina

- Resort
- Added
  - Agriculture
  - Child day care facility, group
  - Hobby Farm
  - Kennel, Private
  - Restaurant

**D. Conditional Uses:**

- Removed
  - Dog Kennel
- Added
  - Boat Livery
  - Campground
  - Kennel, Commercial
  - Marina
  - Resort
  - Resource production
  - Shipping Container
  - Short-term rental

**Section 309 - District Lakeshore and River One**

**B. Permitted Principal Uses:**

- Removed
  - Resort
- Added
  - Kennel, private

**D. Conditional Uses:**

- Removed
  - Timber occupation
- Added
  - Boat Livery
  - Campground
  - Resort
  - Resource production
  - Shipping Container
  - Short-term rental

## Section 310 - District Lakeshore and River Two

### D. Conditional Uses:

- Added
  - Kennel, private

## Section 311 - District Timber Resource Production

### B. Permitted Principal Uses:

- Removed
  - Harvesting of forest products
  - Horses for the personal use of the property owner/resident (5 acres for one horse 1 acre per additional horse with a maximum of 25 horses)
  - Resort
- Added
  - Kennel, private

### D. Conditional Uses:

- Removed
  - Agriculture warehouse
  - Commercial dog boarding facility
  - Dog kennel
  - Horses for the personal use of the property owner/resident (more than 25 horses)
- Added
  - Agriculture
  - Kennel, Commercial
  - Resort
  - Shipping container
  - Short-term rental

## Section 312 - District Commercial

### B. Permitted Principal Uses

- Removed
  - Dog grooming establishment
- Added
  - Kennel, Private

### D. Conditional Uses:

- Removed
  - Commercial dog boarding facility
  - Dog kennel
- Added
  - Kennel, Commercial
  - Resort
  - Shipping container

## **Section 313 - District Manufacturing**

### **B. Permitted Principal Uses:**

- Removed
  - Lumber yard
  - Wood yard

### **D. Conditional Uses:**

- Added
  - Kennel, Commercial
  - Resort
  - Shipping container
  - Short-term rental

## **Section 314 - Recreational Land Uses**

- Changed several uses from Permitted to Conditional.

## **ARTICLE IV - GENERAL REGULATIONS**

### **Section 402 - Schedule of Regulations**

- Made the schedule more correct and concise.

### **Section 404 - Waterfront Development**

- Expanded this section.

### **Section 408 - Accessory Buildings and Uses**

- Modified A.2 to state that an accessory structure cannot be built before the principal structure.
- Added A.5 indicating items which cannot be used as accessory structures.
- Added subsection B covering regulations for shipping containers.

## **Section 415 - Required Screenings (formerly Required Planting Screens)**

- Essentially a complete rewrite of this section.

## **Section 417 - Food Trucks**

- Added this section as a regulation of food trucks.

## **Section 418 - Bed and Breakfasts**

- Added this section as a regulation of bed and breakfasts.

## **Section 419 - Recreational Vehicles**

- Added this section as a regulation of recreational vehicles.

## **Section 420 - Campgrounds**

- Added this section as a regulation of campgrounds.

## **Section 421 - Short-term Rentals**

- Added this section as a regulation of short-term rentals.

## **Section 422 - Recreational Structures**

- Added this section as a regulation of recreational structures.

## **Section 423 - Agriculture / Hobby Farms**

- Added this section as a regulation of Agriculture and Hobby Farm uses.

# **ARTICLE VI - THE ZONING ADMINISTRATOR**

## **Section 602 - Duties of the Zoning Administrator**

- Added a Revoke Permits subsection (now 602.A.2) indicating when the Zoning Administrator is to revoke a permit.



- Combined the File Applications and Maintain Official Copies subsections (formerly 602.A.2 and 602.A.3, respectively) into a new Maintain Official Copies subsection (now 602.A.3).
- Modified the Report to the Planning Commission subsection (602.A.6), renaming it to File Monthly Report and expanding to whom the monthly report is to be sent.

## **ARTICLE VII - ZONING COMPLIANCE PERMITS**

### **Section 701 - Intent**

- In an effort to alleviate misunderstandings, removed from subsection A the phrase “that requires a county or state permit”.
- Modified subsection A, to include signs as requiring zoning compliance permits.

## **ARTICLE VIII CONDITIONAL USE PERMITS**

### **Section 801 - Intent**

- Added subsection D to indicate that a Conditional Use Permit remains with the property upon a transfer of ownership.
- Added subsection E to encourage Conditional Use Permit applicants to attend the Planning Commission meeting during which their application is to be considered.
- Added subsection F to indicate that the applicant of a Conditional Use Permit should be prepared to explain how their request meets all applicable standards.

### **Section 802 - Basis of Determination/General Standards**

- Removed A.9 since it was not actually a standard and was repeating 801.C.
- Modified subsection C to indicate that the standards apply to Commercial Kennels and not Private Kennels.
- Added subsection E listing standards specific to Shipping Containers.
- Added subsection F listing standards specific to Short-term Rentals.

### **Section 803 - Conditions**

- Removed subsection C since it did not actually deal with conditions. (Similar language is included in section 804 - Procedure and Processes.)

### **Section 804 - Procedure and Process**

- Rewrote subsection F to expand the grounds for revoking an approved Conditional Use Permit.
- Added subsection G stating that a Conditional Use Permit must be used within two years of being granted.

## **ARTICLE IX: NONCONFORMING USES AND STRUCTURES**

### **Section 902 - Provisions for Continued Use of a Nonconforming Structure or Use**

- Rewrote subsection A to state that a nonconforming structure cannot be enlarged without the approval of the Zoning Board of Appeals.

### **Section 905 - Provision for Designation of a Nonconforming Structure**

- In an effort to alleviate misunderstandings, removed from subsection B the phrase “without the approval of the Planning Commission”.

## **ARTICLE X - SITE PLAN REVIEW**

### **Section 1002 - Site Plan Required**

- In an effort to alleviate misunderstandings, removed from subsection A the phrase “that requires a county or state permit”.
- Rewrote subsection C dealing with the size and formats of the site plan.
- Added subsection D to include the requirement of a map or sketch of the vicinity.

### **Section 1003 - Site Plan for Single or Two-Family Dwellings, Residential Accessory Uses and Structures, and Recreational Structures**

- Made various modifications to subsection A, indicating what is required on the site plan.

### **Section 1004 - Site Plan for Commercial, Industrial, or Multiple Family Development (all other development)**

- Made various modifications to subsection A, indicating what is required on the site plan.

### **Section 1006 - Site Plan Review Standards**

- Removed subsection A.4 covering visual and auditory requirements for dwelling units located on the parcel.
- Modified subsection A.7 (now subsection A.6) to clarify the requirement of screenings.
- Added subsection A.7 covering Exterior Lighting.

## **ARTICLE XI - ZONING BOARD OF APPEALS**

### **Section 1103 - Duties and Powers**

- Added subsection B to clarify that the Zoning Board of Appeals cannot grant a use variance.

### **Section 1106 - Appeals**

- Modified subsection B to indicate a change in the timeframe during which an appeal can be initiated.
- Modified subsection C to remove the hardcoded fee for filing an appeal.
- Modified subsection E to indicate a change in how the Zoning Board of Appeals is to document its decision regarding an appeal.

## **ARTICLE XII - TEXT AND REZONING AMENDMENTS**

### **Section 1202 - Required Amendment Information**

- Added item B.7.

### **Section 1203 - Procedure**

- Modified this section to replace references to the Alger County Planning Commission with references to the Central Upper Peninsula Planning and Development Regional Commission (CUPPAD).