

**Note: Hatton Township is in the process of updating Zoning and Ordinances. The following is a complete list of the current zoning and ordinances. Updated zoning and ordinances should be complete and voted upon sometime in 2025. A public hearing will be posted in the local newspaper and on our website for residents to get information on the updated zoning and ordinances. Updated zoning and ordinances will be posted on website once completed and voted upon.**

ZONING ORDINANCE

HATTON TOWNSHIP, CLARE COUNTY, MICHIGAN

Ordinance No: FIVE (5)

Effective Date: JULY 1, 1993

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# HATTON TOWNSHIP ZONING ORDINANCE

## T I T L E

An Ordinance enacted under Act 184, Public Acts of 1943, as amended, governing the unincorporated portions of the Township of Hatton, Clare County, Michigan, to provide for the establishment of zoning districts within which the proper use of land and natural resources may be encouraged and regulated: to provide for the location, the size of, and the type of uses that may be made in each district; to provide for open spaces; to provide for sanitary conditions, safety, light, and other protective measures; to promote the conservation of energy resources; to provide for the production of food and fiber; to protect the environmental quality of the township; to provide for the maximum number of families that may be housed in dwellings, buildings and structures, including mobile homes; to provide for the administration and amendment of said Ordinance; to provide standards for appeals and for the organization and procedures to be followed by the Board of Appeals; to establish criteria and standards for all decisions made under authority of this Ordinance; and to provide for penalties for the violations of said Ordinance.

HATTON TOWNSHIP ZONING ORDINANCE

P R E A M B L E

Pursuant to the authority conferred by Act 184 of 1943 of the Public Acts of the State of Michigan and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the township by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land, preventing overcrowding the land and undue congestion of population; providing adequate light, air, and reasonable access; and facilitating adequate and economical provisions of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan, now therefore:

HATTON TOWNSHIP ZONING ORDINANCE

E N A C T I N G   C L A U S E

THE TOWNSHIP OF HATTON ORDAINS:

ARTICLE ONE

SHORT TITLE, PURPOSE

Sec. 101    SHORT TITLE.

This Ordinance shall be known as the "Hatton Township Zoning Ordinance."

Sec. 102    PURPOSE.

This Ordinance has been established for the purpose of:

- 102.1       Promoting and protecting the public health, safety and general welfare;
- 102.2       Protecting the character and the stability of the natural resources, agricultural, residential, and commercial areas within the unincorporated portions of Hatton Township and promoting the orderly and beneficial development of such areas;
- 102.3       Providing adequate light, air, privacy and convenience of access to property;
- 102.4       Regulating the intensity of use of land and lot areas and determining the area of open spaces surrounding buildings and structures necessary to provide adequate light and air and to protect the public health;



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- 102.5 Lessening and avoiding congestion in the public highways and streets;
- 102.6 Providing for the needs of residential land uses and for the needs of agriculture, commerce, and industry in future growth;
- 102.7 Promoting healthful surroundings for family life in residential and rural areas;
- 102.8 Protecting the public and adjacent uses from fire, explosion, noxious fumes or odors, excessive heat, dust, smoke, glare, noise, vibration, radioactivity, and other health and safety hazards or similar nuisances;
- 102.9 Preventing the overcrowding of land and undue concentration of buildings and structure so far as possible and appropriate in each zoning district by regulating the use and bulk of buildings in relation to the land surrounding them;
- 102.10 Enhancing social and economic stability in the Township;
- 102.11 Conserving the taxable value of land, buildings and structures in the Township;
- 102.12 Enhancing the aesthetic quality of the environment throughout the Township;
- 102.13 Conserving the expenditure of funds for public improvements and services; and

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102.14 Promoting the conservation of energy resources, providing for the production of food and fiber, and protecting the general environmental quality of Hatton Township.

ARTICLE TWO  
CONSTRUCTION OF LANGUAGE AND DEFINITION

Sec. 201 CONSTRUCTION OF LANGUAGE.

For the purpose of this Ordinance certain terms are herein defined. When not inconsistent with the context, the present tense includes the future, and words used in the singular number include the plural number. The word "shall" is always mandatory and not discretionary. The word "may" is permissive. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual. The words "used" or "occupied" include the words "intended," "designed," "built," "altered," "converted to," "leased," or "arranged" to be used or occupied.

Sec. 202 DEFINITIONS.

Terms not herein defined shall have the meaning customarily assigned to them in the latest edition of Webster's Unabridged Dictionary.

202.1 Accessory Structure: A structure customarily incidental and subordinate to the principal structure and located on the same zoning lot as the principal building.

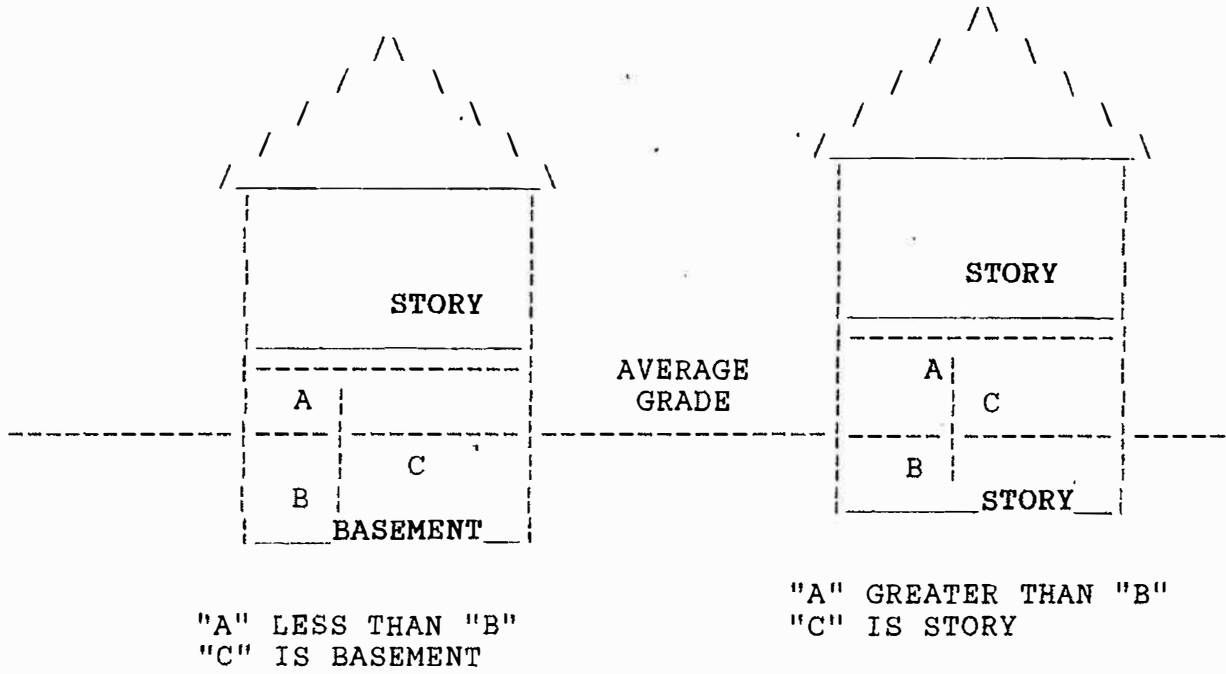
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- 202.2 **Accessory Use:** A use customarily incidental and subordinate to the principal use of the land or building and located on the same zoning lot as the principal use.
- 202.3 **Agriculture:** Any land or building used for the production of food or fiber -- including but not limited to -- forestry and forest products, pasturage, floriculture, dairying, horticulture, livestock and poultry husbandry.
- 202.4 **Alterations:** (a) Any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, or (b) the consummated act which may be referred to herein as "altered" or "reconstructed."
- 202.5 **Ancillary:** As a part of but secondary or subservient to, cannot exist by itself.
- 202.6 **Basement:** A portion of a building more than one half of which is below the average grade level. (See illustration.)
- 202.7 **Building:** Any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels or property of any kind.

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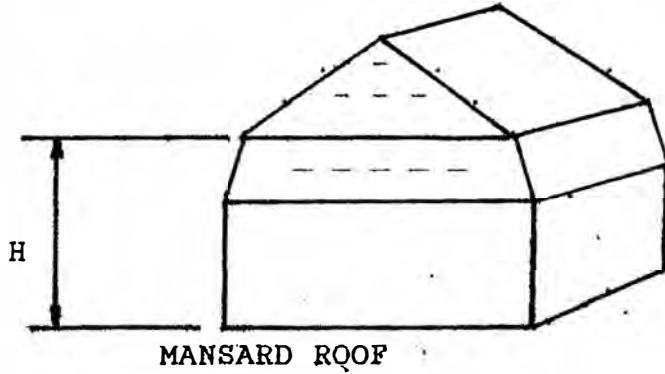
- 202.8 **Building Height:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measure from the average ground level of the grade at the building wall. (See illustration.)
- 202.9 **Building Line:** A line parallel to the front lot line at the minimum required front setback line. (See illustration.)
- 202.10 **Club:** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit, and open only to members and not the general public.

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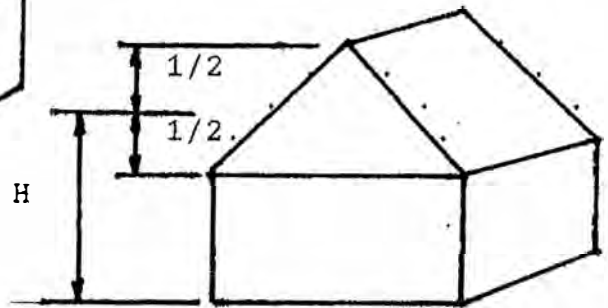
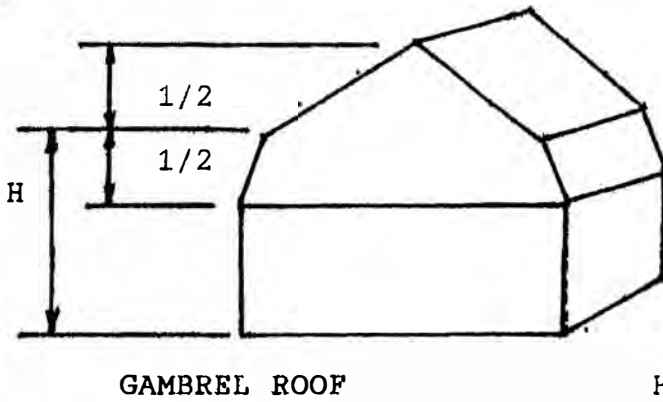
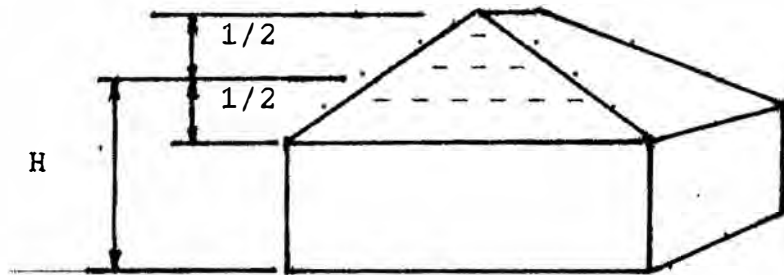


BASEMENT & STORY

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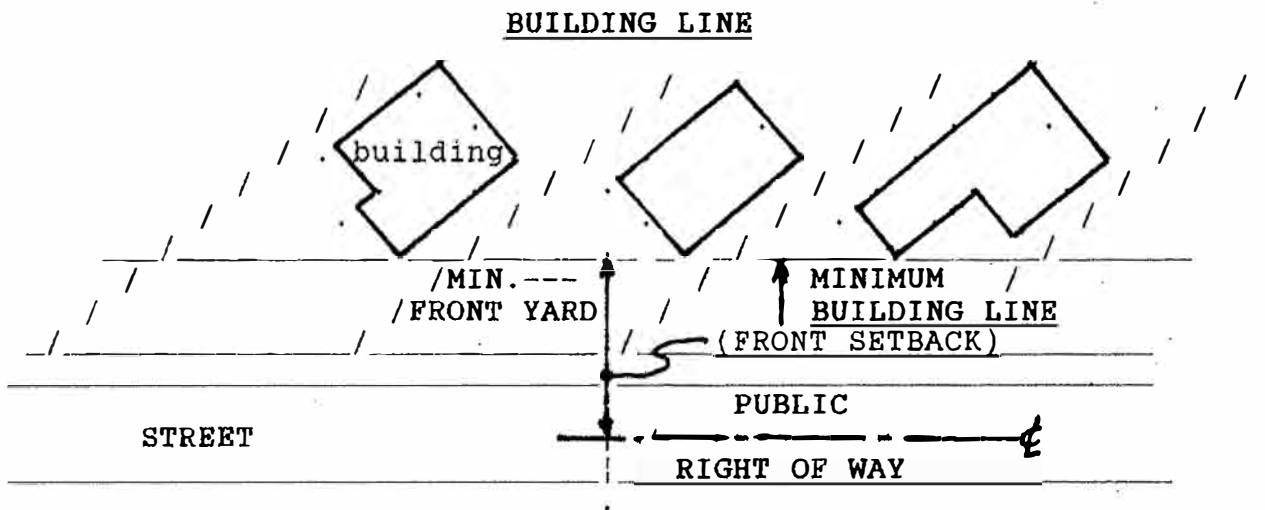
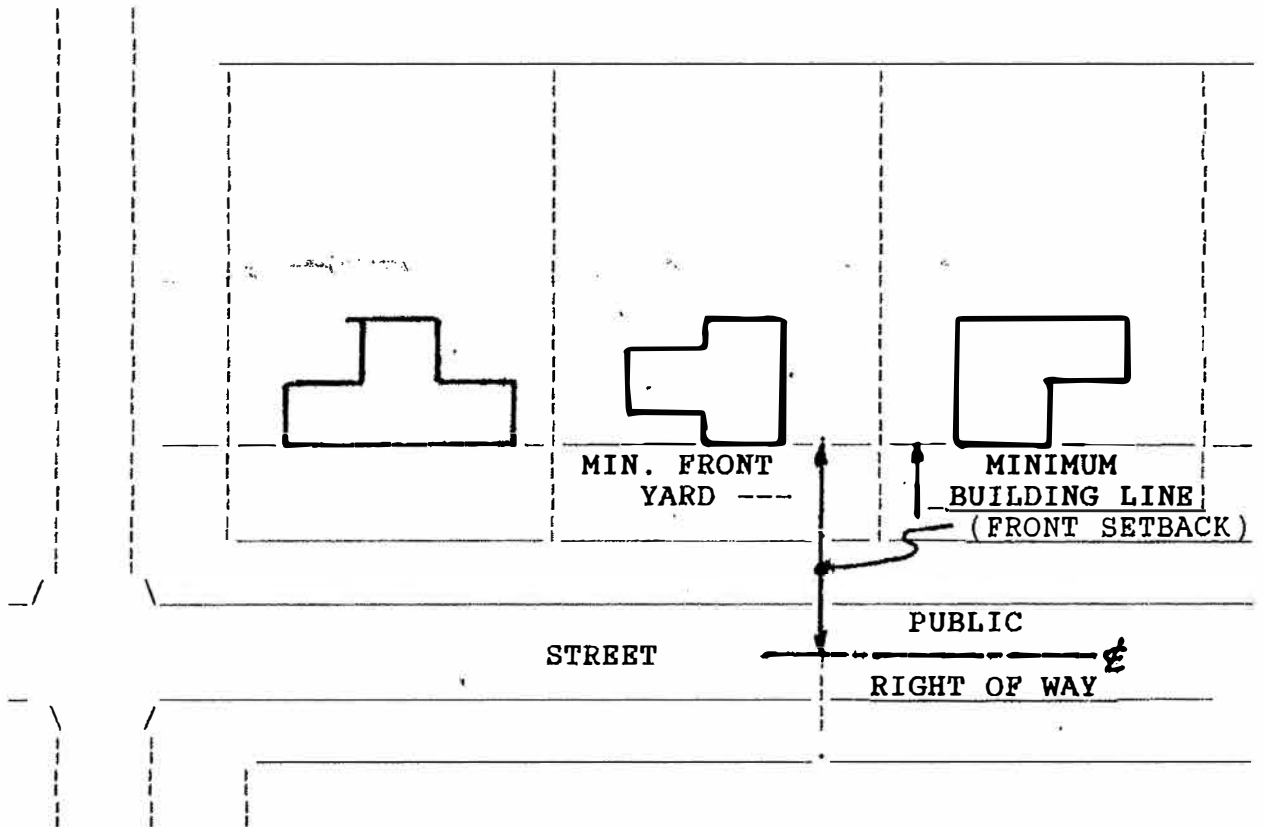


H = HEIGHT OF BUILDING



BUILDING HEIGHT

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- 202.11 **District:** An area of land for which there are uniform regulations governing the use of building and premises, density of development, yard requirements and height regulations.
- 202.12 **Dwelling, Single-Family:** A detached building, designed for or occupied exclusively by one family.
- 202.13 **Dwelling, Two-Family:** A detached building, designed for or occupied exclusively by two families living independently of each other.
- 202.14 **Dwelling, Multiple-Family:** A building used or designed as a residence for three or more families living independently of each other.
- 202.15 **Dwelling Unit:** Any building or portion thereof which is designed or used for one family exclusively for residential purposes and having cooking facilities.
- 202.16 **Erected:** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operation on the premises required for the building. Excavations, fill, drainage, and the like, shall be considered a part of erection.
- 202.17 **Essential Services:** The erection, construction, alteration, or maintenance by public utilities or municipal departments of (underground, surface or overhead) gas, communication, electrical, steam, fuel or water (a) transmission or distribution



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systems, (b) collection, or (c) supply or disposal systems, -- including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith -- which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general public health, safety, convenience, or welfare, (but not including office buildings or maintenance depots.)

202.18 **FAMILY:** An individual or two (2) or more person related by blood, marriage or adoption, or a group not to exceed four (4) persons not related by blood or marriage, occupying a premises and living as a single housekeeping unit with single cooking facilities.

202.19 **Farm:** Any parcel of land containing at least twenty (20) acres which is used for profit or gain in the raising of the products of agriculture (as defined herein.) It includes the necessary farm structures within prescribed boundaries and the storage of farm equipment used. It excludes the raising of fur-bearing animals, commercial dog kennels, and quarries for stone, gravel, or sand.

202.20 **Fence:** An artificially constructed barrier of wood, metal, stone, or any other manufactured materials erected for the enclosure of yard areas.

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- 202.21 **Filling:** The depository or dumping of any matter into or onto the ground except common household gardening and general care.
- 202.22 **Floor Area, Gross:** Is the sum of all gross horizontal areas of the several floors of a building or buildings, measured from the outside dimensions of the structure. Unenclosed porches, courtyards, or patios (whether covered or uncovered) shall not be considered as a part of the gross floor area unless used for commercial purposes such as nursery beds or sales of outdoor equipment.
- 202.23 **Floor Area, Usable:** For purposes of computing parking requirements, it shall be that area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise; hallways, stairways, and elevator shafts, or areas for utilities or sanitary facilities, shall be excluded from this computation of "usable floor area." Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.
- 202.24 **Free-Standing Sign:** A structure erected for the purpose of advertising a business or activity on

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the same parcel. Such structures shall not be attached to a building located on the same parcel. Such a sign may be known as a pylon sign.

202.25 **Gasoline Service Stations:** A structure used for the retail sale or supply of fuels, lubricants, air, water and other operating commodities for motor vehicles or boats, including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for storage, motor repair, or servicing, but not including body work (bumping, painting, or refinishing.)

202.26 **Grade:** A ground elevation established for the purpose of controlling the number of stories and the height of any structure. The grade shall be determined by the level of the ground adjacent to the walls of any structure if the finished grade is level. If the ground is not level, the grade shall be determined by averaging the elevation of the ground for all faces of the structure.

202.27 **Home Occupation:** Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not involve any alteration of the structure or change the character thereof.

Home occupations shall include, but are not limited to: hair-dressing, millinery, dressmaking, bookkeeping and accounting service, real estate,

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insurance sales, professional office for: not more than one physician, surgeon, dentist, attorney, architect, engineer, or similar recognized professional practitioner, provided such home occupation shall satisfy the following conditions:

- a. The nonresidential use shall only be incidental to the primary residential use.
- b. The occupation shall utilize no more than twenty-five percent (25%) of the gross floor area of the entire structure. No home occupation shall be permitted unless the dwelling has a minimum of nine hundred (900) square feet for its gross floor area.
- c. Only normal domestic or household equipment and equipment characteristic of such home occupation shall be used to accommodate that occupation.
- d. The home occupation shall involve no more than two employees at any given time other than members of the immediate family residing on the premises.
- e. All activities shall be carried on indoors, and only in the principal building. No outdoor activities or storage shall be permitted.
- f. There shall be no external evidence of such occupations except a small announcement sign not larger than ten (10) square feet in area.

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- g. The permission for home occupation as provided herein is intended to secure flexibility in the application of the requirements of this Ordinance; but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance, to be changed by the occurrence of nonresidential activities.
- h. Garage sales, rummage sales, yard sales, and similar activities may be conducted for no longer than three days and no more than four (4) times per calendar year on the same property.

202.28 **Junk:** For the purpose of this Ordinance the term "junk" shall mean any motor vehicles, machinery, appliances, products or merchandises with parts missing or scrap metals or other scrap materials that are damaged or deteriorated.

202.29 **Junkyard:** Any land or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials or for abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in normal running conditions, machinery or parts thereof.

202.30 **Kennel, Commercial:** Any lot or premises used for the commercial sale, boarding, or treatment of dogs, cats, or other domestic pets.

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- 202.31 **Land Use Permit:** A permit issued by the Hatton Township Zoning Administrator to a party or parties intending to initiate any work or change any use of property in the Township.
- 202.32 **Loading Space:** Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.
- 202.33 **Lot:** Land occupied or to be occupied by a building, structure, land use or group of buildings together with such open spaces or yards as are required under this Ordinance and having its principal frontage upon a street.
- 202.34 **Lot, Corner:** A lot which has at least two contiguous sides abutting upon a street for their full length.
- 202.35 **Lot, Depth of:** The mean distance from the street line of the lot to its opposite rear line measure in the general direction of the side lines of the lot.
- 202.36 **Lot, Interior:** A lot other than a corner lot.
- 202.37 **Lot Line:** Any of the lines bounding a lot as defined herein.
- 202.38 **Lot of Record:** A lot which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds in Clare

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County, Michigan, or a parcel or lot described by metes and bounds, the deed to which has been recorded in the office of the Register of Deeds in Clare County, Michigan prior to the adoption of this Ordinance.

- 202.39      **Lot, width of:**    The straight line horizontal distance between the side lot lines, measured at the two points where the building line (or setback line) intersects the side lot lines.
- 202.40      **Master Plan or comprehensive Development Plan:**  
The statement of policy by the Hatton Township Planning Commission relative to the agreed upon and officially adopted guidelines for a desirable physical pattern for future community development. The plan consists of a series of maps, charts and written material representing in summary form the soundest concept for community growth to occur in an orderly, attractive, economical and efficient manner thereby creating the very best community living conditions.
- 202.41      **Mobile Home:**    A moveable or portable dwelling constructed to be towed on its own chassis and designed for permanent year-round living as a single family dwelling.    "Mobile home" shall include "manufactured home," being a dwelling, constructed in accordance with applicable federal, state, and township codes or regulations, transportable in one or more sections, which is built on a chassis and designed to be used with or without a permanent foundation, when connected to the required utilities, and includes the plumbing,

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heating, air conditioning, and electrical systems contained therein. Manufactured home does not include a vehicle primarily designed and used as a temporary living quarters for recreational, camping, or travel purposes, including a vehicle having its own motor power or a vehicle mounted on or drawn by another vehicle.

PROVIDED. FURTHER THAT (A) the term "mobile home" shall not include motor homes, campers, recreational vehicles (whether licensed or not as motor vehicles) or other transportable structures designed for temporary use and which are not designed primarily for permanent residence and permanent connection to sanitary sewage, electrical power and potable water utilities; and (B) a mobile home hereunder shall contain a minimum of 720 square feet of usable living space.

202.42 **Nonconforming Use:** A building, structure, or use of land lawfully in existence at the time of enactment of this Ordinance, and which does not conform with the regulations of the district or zone in which it is situated.

202.43 **Nuisance:** Is an offensive, annoying, unpleasant, or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things (including but not limited to): (a) noise, (b) dust, (c) smoke, (d)



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odor, (e) glare, (f) fumes, (g) flashes, (h) vibration, (i) shock waves, (j) heat, (k) electronic or atomic radiation, (l) objectionable effluent, (m) noise of a congregation of people, particularly at night, (n) invasion of street frontage by traffic generated from an adjacent land use which lacks sufficient parking and circulation facilities.

202.44 **Parking Space:** An area of not less than twenty (20) feet in length or ten (10) feet in width, exclusive of drives, aisles, or entrances giving access thereto, and shall be fully accessible for parking of permitted vehicles.

202.45 **Planning Commission:** The Township Planning Commission of the Township of Hatton, Clare County, Michigan.

202.46 **Right-Of-Way:** A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles or for the location of utilities.

202.47 **Shopping Center:** Is a business or group of businesses which provides a variety of merchandise and/or services which requires a location on a major road and a large parking area to accommodate vehicular traffic. Such a center may be a small neighborhood center, a discount store, or a mall, though this does not limit such use to be one or any of these.

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- 202.48 **Sign:** Any device designed to inform or attract the attention of persons not on the premise on which the sign is located.
- 202.49 **Special Use Permit:** A permit issued by the Township Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure which is not specifically mentioned in this Ordinance and possessing a unique characteristic found to be not injurious to the health, safety, convenience and general welfare of the Township's inhabitants.
- 202.59 **Street:** A public dedicated right-of-way or roadway held by right of use which affords traffic circulation and the principal means of access to abutting property.
- 202.51 **Structure:** Anything constructed or erected which requires permanent location on the ground or attachment to something having such location on the ground including but not limited to all buildings and freestanding signs and not including sidewalks, drives, and patios.
- 202.52 **Subdivision:** The division of a lot, tract or parcel of land into five or more lots, tracts or parcels of land for the purpose, whether immediate or future, of sale or of building development. The meaning of the term "subdivision" shall not, however, apply to the partitioning or

HATTON TOWNSHIP ZONING ORDINANCE

dividing of land into tracts or parcels of land of more than ten (10) acres.

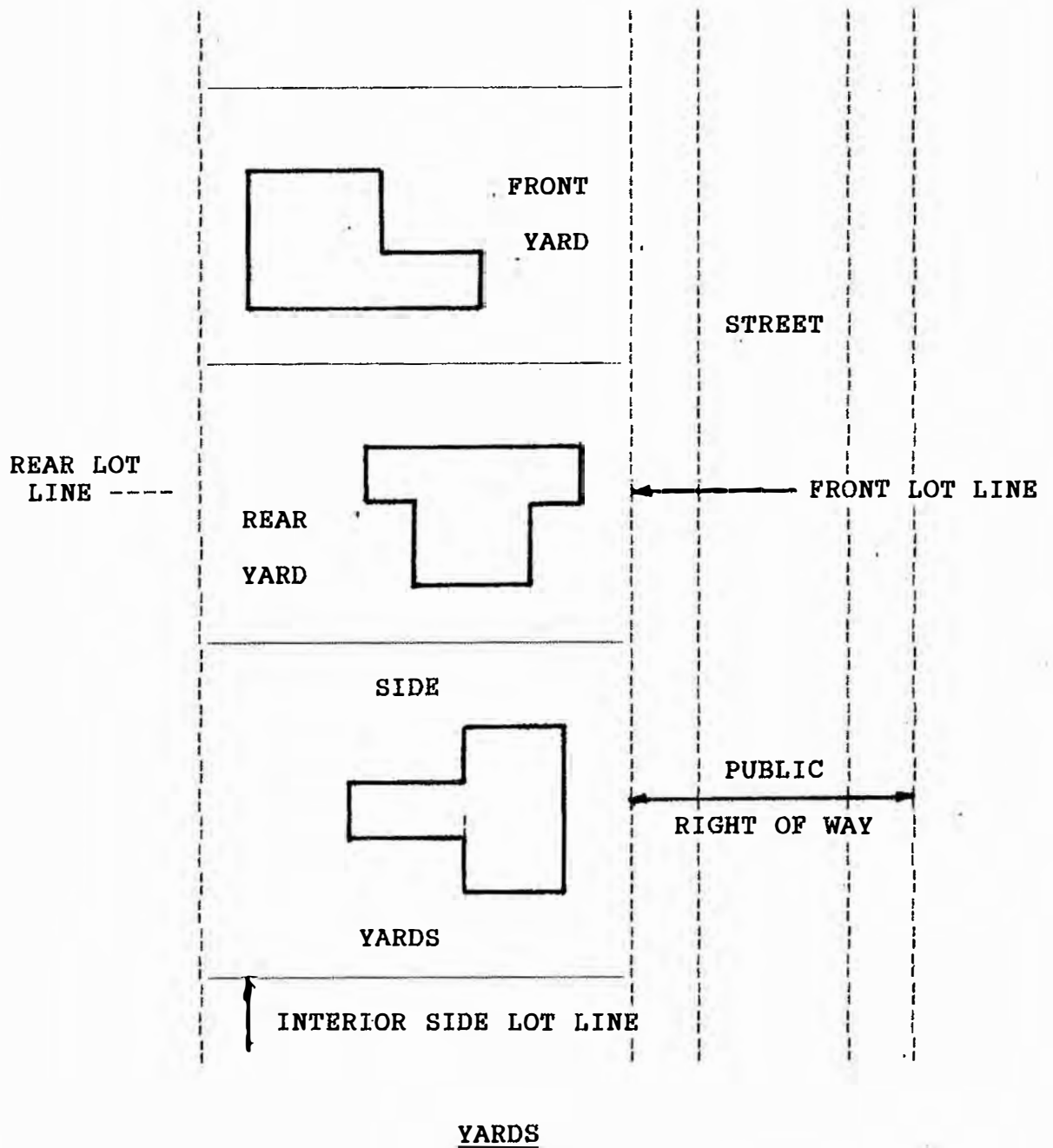
202.53 **Variance:** A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

202.54 **Yards:** (See Illustration.)

- a. Yard, Front - A yard extending the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.
- b. Yard, Rear - An open space intending the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- c. Yard, Side - An open space between the side line of the lot and nearest line of the principal building and extending from the front yard to the rear yard.

202.55 **Zoning Officer:** The official of Hatton Township or his authorized representative charged with the responsibility of administering this Ordinance.

HATTON TOWNSHIP ZONING ORDINANCE



HATTON TOWNSHIP ZONING ORDINANCE

ARTICLE THREE  
ZONING DISTRICTS MAP

Sec. 300 DISTRICTS ESTABLISHED.

For the purposes of this Ordinance, the Township of Hatton is hereby divided into the following districts:

Residential Districts:

- AR Agricultural residential District
- F Forestry District
- RR Rural Residential District
- R-1 High Density Residential District
- R-2 Mobile Home Park District

Nonresidential District:

- C Commercial District
- I Industrial District

Sec. 301 DISTRICT BOUNDARIES.

The boundaries of these districts are hereby established as shown on the Hatton Township Zoning Map of this Ordinance. The Zoning Map with all notations, references and other information shown thereon shall be as much a part of this Ordinance as if fully described herein

The official Zoning Map shall be identified by the signature of the Township Supervisor attested by the Township Clerk, under the following words: This is to certify that this is the official Zoning Map referred to in Section 301 of the

HATTON TOWNSHIP ZONING ORDINANCE

302.4 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline;

302.5 Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 4 above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map;

302.6 Where physical or natural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Board of Appeals shall interpret the district boundaries.

Sec. 303 DISTRICT REQUIREMENTS.

All buildings and uses in any district shall be subject to the provisions of the Article Four "General Provisions and Exceptions."

Sec. 304 USES NOT PERMITTED IN ANY DISTRICT

The following uses are not permitted in any district, subject to conditions imposed herein:

HATTON TOWNSHIP ZONING ORDINANCE

304.1 The wrecking, storage or dismantling of automobiles, or the maintenance and/or operation of junkyards is prohibited, except as provided in Article Five "Special Use Permits."

304.2 No condition shall be allowed to exist which will constitute a hazard to health, safety or welfare, is unsightly, or in any way creates a nuisance or damages adjoining property.

Sec. 305 AR DISTRICTS: AGRICULTURAL RESIDENTIAL DISTRICT.

Sec. 305.1 PURPOSE.

It is the purpose of the Agricultural Residential District to preserve prime soils for agricultural use and to protect viable agricultural enterprises. This district is to be applied to areas which have soils well suited to agricultural activities. The district is designed to preserve these areas by prohibiting the intrusion of nonagricultural and incompatible uses into the prime agricultural areas. The district is intended to create large contiguous blocks of agricultural land, both by original designation and by future annexation of smaller holdings to existing blocks, at the owner's request. It is further the intention of this district not to include land which is not predominantly used for agricultural purposes or which cannot be profitably operated in agricultural endeavors. It is also the intent of this district to help maintain land values at levels which support farm activities and to avoid property value increases through speculation for higher density uses, which force prime farm land into nonagricultural uses.

HATTON TOWNSHIP ZONING ORDINANCE

Sec. 305.2 USES PERMITTED BY RIGHT.

- a. Single-family residential dwelling.
- b. General farming as defined in Section 202.18.
- c. Public or private conservation area.
- d. Accessory uses including:
  - (1) Barns, silos, sheds, equipment storage, and similar structures and uses customarily incidental to the permitted principal uses and structures.
  - (2) Roadside stand for agricultural produce raised on the property.
  - (3) Home occupation.

Sec. 305.3 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses are permitted in this district subject to obtaining a special use permit as provided for in Article Five (5).

- a. The removal of soil, and sand, gravel and other materials.
- b. Public and private parks, camps, golf courses, clubs, garden nurseries, greenhouses, and commercial stables.
- c. Public and private hospitals, schools, cemeteries, churches, and government buildings.



HATTON TOWNSHIP ZONING ORDINANCE

- d. Commercial (public) airports, but not private air strips.
- e. Public utility structures and substations.
- f. Veterinarians, commercial kennels, and animal clinics.
- g. Public or private sanitary landfills or junkyards.
- h. Transient amusements. (carnivals, circuses, and similar.)
- i. The storage of licensed commercial vehicles. Storage of licensed commercial vehicles shall be permitted provided, however, that the term "storage" shall mean the parking of commercial vehicles owned by the occupant of said premises and shall not be construed to permit sales, service or maintenance of said vehicles.

Sec. 305.4 REGULATIONS AND STANDARDS.

The following maximum and minimum standards shall apply to all uses and structures in the "AR" District:

- a. MINIMUM LOT AREA: No building or structure shall be established on any parcel less than one (1) acre in area.
- b. MINIMUM LOT WIDTH: The minimum lot width shall be two hundred (200) feet having principal frontage on a street.
- c. MAXIMUM LOT COVERAGE: The maximum lot coverage shall not exceed twenty-five (25) percent.

HATTON TOWNSHIP ZONING ORDINANCE

d. YARD AND SETBACK REQUIREMENTS:

(1) Front Yard:

(i) On primary and section line roads, one hundred twenty-seven (127) feet from the centerline;

(ii) On quarter line roads, one hundred ten (110) feet from the centerline; and

(iii) on all other roads, one hundred (100) feet from the centerline of a public street or roadway. Provided, however, that a proposed new structure may be placed closer to the center of said roadway (in each case above) if, the resulting front yard setback will not be less than that of an existing structure located on the same side of said roadway and within three hundred (300) feet of the site of the proposed new structure.

(2) Side Yard: Twenty (20) feet except in the case of a corner lot where the side yard on a public street side shall not be less than the setback required for the front yard.

(3) Rear Yard: Thirty-five (35) feet.

(4) In any case, no structure housing livestock, or for storage of feed or manure shall be located any closer than 100 feet to a lot line.

HATTON TOWNSHIP ZONING ORDINANCE

e. MAXIMUM HEIGHT REQUIREMENTS:

- (1) For dwelling and nonfarm structures, height shall not exceed thirty-five (35) feet.
- (2) For general and specialized farm buildings and structures, height shall not exceed ninety-five (95) feet.

f. MINIMUM BUILDING FLOOR AREA: No residential dwelling unit shall have less than seven hundred twenty (720) square feet of floor area, exclusive of garages or basements.

Sec. 306 F DISTRICTS: FORESTRY DISTRICT.

Sec. 306.1 PURPOSE.

The Forestry District is intended for those areas of the Township where the community goals are to prevent destruction or loss of natural land and water features and natural historic sites, to provide habitats for wildlife, to exercise good natural resource conservation practices, and to preserve outdoor recreation uses. Such zoned land is widely scattered in the Township and has the capacity to support agricultural and forestry activities, nature trails, hunting and fishing preserves, and carefully planned low density residential uses, which do not cause adverse impacts on environmentally sensitive lands.

Sec. 306.2 USES PERMITTED BY RIGHT

- a. Single-family residential dwelling.

## HATTON TOWNSHIP ZONING ORDINANCE

- b. All other uses permitted in Section 305.2 of the Ordinance.
- c. Single-family dwellings related to forestry management operations.
- d. Bed and breakfast.
- e. Single mobile homes (as defined in this Ordinance) on private ownership lots. Mobile homes shall be treated the same as any other dwelling unit in this Ordinance, provided that each mobile home site shall be provided with (i) a solid reinforced concrete apron to a depth of six (6) inches with approved base, at least equal in area and dimension of the mobile home occupying the site, (b) two (2) ribbons of concrete, 16" x 32" deep extending the full length of the mobile home, or (c) piers of solid reinforced concrete 16" x 16" x 32" deep, ten (10) feet apart, to support blocks or jacks for the mobile home. Each mobile home shall meet manufacturer's specifications for foundation support.
- f. Practice of forestry and sale of forest products, including sawmills and pallet assembly.
- g. Public and private natural resource, conservation areas.
- h. Churches, with a minimum site of five (5) acres, and with the lot being not less than three hundred (300) feet wide, provided further that all church structures shall be located at least one hundred fifty (150) feet from any dwelling.

HATTON TOWNSHIP ZONING ORDINANCE

- i. Public and private parks, playgrounds, picnic areas and beaches, gun clubs, fish ponds, ski resorts.
- j. Country clubs.
- k. Canoe liveries.
- l. Fish farms.
- m. Golf Courses.
- n. Accessory uses and buildings customarily incidental to the permitted uses.

Sec. 306.3 USES PERMITTED BY SPECIAL PERMIT.

The following uses are permitted in this district subject to obtaining a special use permit as provided for in Article Five (5):

- a. Gravel and sand quarries.
- b. Township government buildings and uses such as the Township hall and fire stations.
- c. Public utility stations, buildings and uses, when operating requirements necessitate locating within the district to serve the immediate vicinity, but not including vehicular service and storage yards, large regional utility storage, manufacturing, processing or transfer facilities for natural gas for distribution outside the Township of Hatton.

HATTON TOWNSHIP ZONING ORDINANCE

- d. Temporary building for use incidental to construction work for a period not to exceed one (1) year.

Sec. 306.4 REGULATION AND STANDARDS.

The following maximum and minimum standards shall apply to all uses and structures in the "F" District:

- a. MINIMUM LOT AREA: No building or structure shall be established on any parcel less than one (1) acre in area.
- b. MINIMUM LOT WIDTH: The minimum lot width shall be two hundred (200) feet having principal frontage of a street.
- c. MAXIMUM LOT COVERAGE: The maximum lot coverage shall not exceed twenty-five (25) percent.
- d. YARD AND SETBACK REQUIREMENTS: All yard and setback requirements applicable to the "AR" District shall apply. Refer to Section 305.4 (d).
- e. MAXIMUM HEIGHT REQUIREMENTS: All height requirements applicable in the "AR" District shall apply. Refer to Section 305.4 (e).
- f. MINIMUM BUILDING FLOOR AREA: Same as in "AR" District. Refer to Section 305.4 (f).

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Sec. 307 RR DISTRICTS: RURAL RESIDENTIAL DISTRICT.

Sec. 307.1 PURPOSE.

It is the purpose of the Rural Residential District to preserve the rural, countryside atmosphere of Hatton Township. The intent of this district is to provide a transitional zone from strictly agricultural to higher density residential. It is the further purpose to provide for higher densities in an agricultural environment without substantially changing the essential character of these areas.

Sec. 307.2 USES PERMITTED BY RIGHT.

- a. Single-family residential dwelling.
- b. All other uses permitted in Section 305.2 of this Ordinance. *Except b + d.*

Sec. 307.3 USES PERMITTED BY SPECIAL PERMIT.

The following uses are permitted in this district subject to obtaining a special use permit as provided for in Article Five (5):

- a. Public and private parks, camps, golf courses, clubs, garden nurseries, and greenhouses.
- b. Public and private hospitals, schools, cemeteries, churches, and governmental buildings.
- c. Public utility structures and substations.

HATTON TOWNSHIP ZONING ORDINANCE

Sec. 307.4 REGULATIONS AND STANDARDS.

The following maximum and minimum standards shall apply to all uses and structures in the "RR" District:

- a. MINIMUM LOT AREA: No building or structure shall be established on any parcel less than one (1) acre in area.
- b. MINIMUM LOT WIDTH: The minimum lot width shall be one hundred (100) feet having principal frontage on a street.
- c. MAXIMUM LOT COVERAGE: The maximum lot coverage shall not exceed thirty (30) percent.
- d. YARD AND SETBACK REQUIREMENTS:
  - (1) All yard requirements applicable in the "AR" District shall apply. Refer to Section 305.4.
  - (d).
- e. MAXIMUM HEIGHT REQUIREMENTS: All height requirements applicable in the "AR" District shall apply. Refer to Section 305.4 (e).
- f. MINIMUM BUILDING FLOOR AREA: All floor requirements applicable in the "AR" District shall apply. Refer to Section 305.4 (f).



## HATTON TOWNSHIP ZONING ORDINANCE

### Sec. 308 R-1 DISTRICTS: HIGH DENSITY RESIDENTIAL DISTRICT.

#### Sec. 308.1 PURPOSE.

It is the purpose of the High Density Residential District to provide for a variety of housing types - single-family duplex, apartments, condominiums, and townhouses. This housing is intended to provide a moderately high density living environment. However, it must be recognized that without sanitary sewage treatment facilities in the Township, allowable densities for such housing must respect the limitations of septic systems. Therefore, while the designation of this district is high density, the interpretation of that term is relative to the capacity of the soil and other natural resources to carry a specific density level.

#### Sec. 308.2 USES PERMITTED BY RIGHT.

- a. Single-family residential dwelling on a parcel having an area of at least twenty thousand (20,000) square feet.
- b. Duplex or two-family residential dwelling on a parcel having at least twenty-four thousand (24,000) square feet.
- c. Accessory uses associated with single-family residential structures, such as garages, shed or yard tools, playhouse, boat houses, etc.
- d. Home occupations.

HATTON TOWNSHIP ZONING ORDINANCE

Sec. 308.3 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses are permitted in this district subject to obtaining a special use permit as provided for in Article Five (5):

- a. Structures containing three (3) or more living units on a parcel having at least thirty thousand (30,000) square feet.
- b. Community buildings associated with a multiple housing development.
- c. Public and private parks, clubs, camps, and golf courses.
- d. Public and private hospitals, schools, churches and governmental buildings.
- e. Public utility structures and substations.

Sec. 308.4 REGULATIONS AND STANDARDS.

The following maximum and minimum standards shall apply to all uses and structures in the "R-1" District:

a. MINIMUM LOT AREA:

- (1) Single-family detached dwellings shall require a minimum parcel area of twenty thousand (20,000) square feet.

HATTON TOWNSHIP ZONING ORDINANCE

- (1) Duplex or two-family dwellings shall require a minimum parcel area of twenty-four thousand (24,000) square feet.
  - (3) Structures containing three (3) or more dwelling units in a single structure shall require ten thousand (10,000) square feet for each unit. (See the restrictions of Sec. 404.2.)
- b. MINIMUM LOT WIDTH: The minimum lot width shall be one hundred fifty (150) feet having principal frontage on a street.
- c. MAXIMUM LOT COVERAGE: The maximum lot coverage shall not exceed twenty-five (25) percent.
- d. YARD AND SETBACK REQUIREMENTS:
- (1) Front Yards: The following are minimum requirements:
    - (a) On section line roads, a front yard setback of one hundred ten (110) feet from the centerline of the street;
    - (b) On quarter section line roads, a front yard setback of ninety-three (93) feet from the centerline of the street; and
    - (c) On all other roads, a front yard setback of eighty-three (83) feet, from the centerline of the street.

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(2) Side Yards: Fifteen (15) feet except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front yard.

(3) Rear Yards: Thirty-five (35) feet, except when parcel has lake frontage in which case there shall be no limitation.

e. MAXIMUM HEIGHT REQUIREMENTS: Twenty-five (25) feet or two stories measured from the average finish grade at the front setback line. The requirements for structures containing more than three (3) dwelling units shall be thirty (30) feet or two and one-half (2 1/2) stories.

f. MINIMUM BUILDING FLOOR AREA:

(1) One and two-family dwellings shall contain a minimum of seven hundred twenty (720) square feet of floor area for each family, exclusive of garages or basements.

(2) Structures containing three (3) or more dwelling units shall contain a minimum of seven hundred twenty (720) square feet per dwelling unit exclusive of halls, stairways, basements, garages, or storage areas.

Sec. 309 R-2 DISTRICTS; MOBILE HOME PARK DISTRICT.

## HATTON TOWNSHIP ZONING ORDINANCE

### Sec. 309.1 PURPOSE.

It is the purpose of the Mobile Home Park District to provide for the location of mobile home dwelling in an attractive and orderly manner in Hatton Township. The Hatton Planning Commission and the Hatton Board of Trustees shall determine, in a separate ordinance (the Hatton Township Mobile Home Park Ordinance), criteria for the establishment of mobile home districts, provided however that said criteria shall be based upon the standards for mobile homes as set forth in this Hatton Township Zoning Ordinance No. Five (5). The Planning Commission shall provide coordination for these two (2) ordinances.

### Sec. 309.2 MOBILE HOME DWELLINGS; REQUIREMENTS.

No person shall use, occupy or permit the use or occupancy of a mobile home as a dwelling within any district within the Township, not designated as a mobile home park, unless:

- a. A permit for the placement thereof has been obtained from the Township Clerk. All applications for said permit shall be accompanied by a nonrefundable fee determine by building fee resolution (\_\_\_\_\_) which shall be used to defray the cost of inspection as provided in this Ordinance; and
- b. Said mobile home, the placement thereof, and the premises upon which it shall be located shall meet all requirements of the Hatton Township Zoning Ordinance relating to uses, size of premises, floor area, setback, side lot and rear lot requirements specified for the particular zoning district in which said premises is situated; and

## HATTON TOWNSHIP ZONING ORDINANCE

- c. Said mobile home shall be connected to potable water and sanitary sewage disposal facilities approved by the health agency having jurisdiction. If public water and sanitary sewage disposal facilities is/are available to said premises, said mobile home shall be connected thereto; and
  
- d. A mobile home shall (a) be installed pursuant to the manufacturer's set-up instructions and (b) shall have a wall of the same perimeter dimensions as the mobile home and (c) shall be constructed of such materials and type as required in the applicable building code for single-family dwelling, and (d) shall be secured to the premises by an anchoring system or device compatible with those required by the Michigan Mobile Home Commission. Except as herein provided, mobile homes shall be treated on the same basis as (having an equal-footing status with) dwellings built on-site for residential purposes -- all in accord with the doctrines stated in Robinson Township vs. Knoll, 410 Michigan 293, 302 N.W. 2d 146 (1981). All construction required herein shall be commenced only after a building permit as been obtained in accordance with the building code applicable within the Township of Hatton; and
  
- e. Construction of, and all plumbing, electrical apparatus, and insulation within and connected to said mobile home shall be of a type and quality conforming to the United States Department of Housing and Urban Development, Mobile Home Construction and Safety Standards (24CFR3280), and as from time to time amended.

## HATTON TOWNSHIP ZONING ORDINANCE

- f. If placed within a flood zone, said mobile home shall meet all requirements for construction of dwellings built on-site within said zone; and
- g. Said mobile home shall meet or exceed all roof snow load and strength requirements imposed by the said United States Department of Housing and Urban Development Mobile Home Construction and Safety Standards.

### Sec. 309.3 MOBILE HOME DWELLINGS; PLACEMENT AND USE.

The foregoing requirements in Section 309.2 notwithstanding, the placement and use of a mobile home in any residential district within the Township of Hatton shall be aesthetically compatible with single-family dwelling in the same district, and as a minimum said mobile home shall:

- a. Be so placed and situated so that the wheels shall be removed and the underside or chassis of said mobile home shall be completely enclosed and connected to the foundation; and
- b. Shall be placed upon the property in such a way that its appearance shall be compatible with single-family dwellings constructed on-site within said district.

### Sec. 309.4 MOBILE HOME DEFINED.

For purposes under this Zoning Ordinance the term "mobile home" has been defined in Article Two (2), section 202.41 and includes "manufactured homes." All such living units shall have a minimum of seven hundred twenty (720) square feet of usable living space.

HATTON TOWNSHIP ZONING ORDINANCE

Sec. 309.5 CERTIFICATE OF ZONING COMPLIANCE.

No person shall occupy any mobile home as a dwelling within the Township until a certificate of zoning compliance shall be issued by the Building Official or Zoning Officer, which certificate shall indicate satisfactory compliance with all requirements of the Hatton Township Zoning Ordinance and Building Code.

Sec. 310 SCHEDULE OF RESIDENTIAL REGULATION.

District	Minimum Lot Size	Minimum Lot Frontage	Maximum Lot Coverage	Maximum Building Height	Minimum Living Area	From C/L Road Setback Requirements
AR Agricultural Residential	1 acre	200 ft	25 %	35-95 ft	720 sq ft	Section line & Primary Roads - 127 ft 1/4 line road - 110 ft other roads - 100 ft
P Forestry	1 acre	200 ft	25 %	35-95 ft	720 ft	Section line & primary roads - 127 ft 1/4 line road - 110 ft other roads - 100 ft
RR Rural Residential	1 acre	100 ft	30 %	35-95 ft	720 ft	Section line & primary roads - 127 ft 1/4 line road - 110 ft other roads - 100 ft
R-1 High Density Residential	sf 20,000 sq ft 2f 24,000 sq ft 3+f 10,000 sq ft per unit	150 ft	25 %	25-30 ft	sf and sf: 720 sq ft/unit 3+f 720 sq ft/unit	Section line & primary roads - 110 ft 1/4 line road - 93 ft other roads - 83 ft
R-2 Mobile Home Park	15 acres/park 10,000 sq ft/site	variable	DNA	15 ft	720 ft	DNA



HATTON TOWNSHIP ZONING ORDINANCE

Sec. 311 C DISTRICTS: COMMERCIAL DISTRICT.

Sec. 311.1 PURPOSE.

It is the purpose of the Commercial District to provide for a variety of commercial land uses. This district is designed to provide locations for business within the township in a manner which serves residential needs while at the same time does not encroach in an undesirable manner on such uses.

Sec. 311.2 USES PERMITTED BY RIGHT.

The following uses are permitted in this district by right:

- a. Any retail business whose principal activity is the sale of merchandise in an enclosed building.
- b. Service establishments which perform services on the premises, such as but not limited to: repair shops, beauty parlors or barber shops, dry cleaning, self-service laundries, and photographic studios.
- c. Offices for personal or business services, such as but not limited to: medical doctors, dentists, insurance, attorneys, banks, and veterinary clinics.
- d. Gasoline service stations.
- e. Public utility structures.
- f. Funeral homes.

HATTON TOWNSHIP ZONING ORDINANCE

- g. Indoor theaters.
- h. Restaurants, taverns, and nightclubs.
- i. Outdoor motor vehicle, boat, mobile home sales, rental, repair, and display or storage.
- j. Car washes, automatic and self-serve.
- k. Single-family residence, ancillary to the commercial use and not to be sold independent of the commercial use, meeting the minimum floor area requirements of Section 308.4.f.(1).

Sec. 311.3 USES PERMITTED BY SPECIAL USE PERMIT.

The following uses are permitted in this district subject to obtaining a special use permit as provided for in Article Five (5):

- a. Shopping centers.
- b. Hotels, motels, motor hotels.
- c. Bowling alleys, pool halls, and mechanical amusements centers.
- d. Outdoor theaters.
- e. Transient amusement enterprises such as carnivals, circuses, and tent shows.
- f. Commercial beaches.

HATTON TOWNSHIP ZONING ORDINANCE

- g. Businesses with public display of sexually explicit materials. (See separate Ordinance No. Two (2).)
- h. Other uses not specifically mentioned elsewhere of a commercial nature.

Sec. 311.4 REGULATIONS AND STANDARDS

The following maximum and minimum standards shall apply to all uses and structures in the "C" District:

- a. MINIMUM LOT AREA: All uses permitted in this district shall provide a minimum lot of twenty thousand (20,000) square feet in area.
- b. MINIMUM LOT WIDTH: The minimum lot width shall be one hundred fifty (150) feet having principal frontage on a street.
- c. MAXIMUM LOT COVERAGE: The maximum lot coverage shall not exceed fifty (50) percent.
- d. YARD AND SETBACK REQUIREMENTS:
  - (1) Front Yard: In accordance with the setback requirements of the "Land Use Plan Of Hatton Township" as amended: September 21, 1992, for the type of street upon which the lot principally fronts.
  - (2) Side Yard: Fifteen (15) feet except in the case of a corner lot where the side yard on the side

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street shall not be less than the setback required for the frond yard.

(3) Rear Yard: Thirty-five (35) feet.

(4) In any case, no structure shall be located any closer than fifty (50) feet to a residential district line.

e. MAXIMUM HEIGHT REQUIREMENTS: Thirty-five (35) feet measured from the average finished grade at the front setback line.

f. LANDSCAPING: All commercial buildings and their parking areas shall be landscaped in a manner which is both attractive and which provides a buffer between adjacent noncommercial uses and roadways. Such landscaped areas shall be adequately maintained. Plans for such landscaping shall be approved by the Planning Commission.

Sec. 312 I DISTRICTS: INDUSTRIAL DISTRICTS.

Sec. 312.1 PURPOSE.

It is the purpose of the Industrial District to provide for a variety of industrial land uses. This district is designed to provide for the location of industry in a manner which is compatible with adjacent land uses and which serves the needs of those persons living and working within the Township.

HATTON TOWNSHIP ZONING ORDINANCE

Sec. 312.2 USES PERMITTED BY RIGHT.

The following uses are permitted in this district by right:

- a. Any production, manufacturing, processing, cleaning, testing, repair, storage and/or distribution of materials, goods, foodstuffs, and/or fabricated or assembled products.
- b. Government buildings and public utility structures.
- c. Contractor's establishment.
- d. Office facilities, as an accessory use relating directly to, and servicing the principal use of the site.
- e. Other uses shown under section 311.2a., b., c., d., e., h., i., j., and k.

Sec. 312.3 USES PERMITTED BY SPECIAL USE PERMIT.

All other uses permitted in Section 311.3 of this Ordinance.

Sec. 312.4 REGULATIONS AND STANDARDS.

The following maximum and minimum standards shall apply to all uses and structures in the "I" District:

- a. MINIMUM LOT AREA: All uses permitted in this district shall provide a minimum lot of twenty thousand (20,000) square feet in area.

HATTON TOWNSHIP ZONING ORDINANCE

- b. MINIMUM LOT WIDTH: The minimum lot width shall be two hundred (200) feet having principal frontage on a street.
- c. MAXIMUM LOT COVERAGE: The maximum lot coverage shall not exceed fifty (50) percent.
- d. YARD AND SETBACK REQUIREMENTS:
  - (1) Front Yard: In accordance with the setback requirements of the "Land Use Plan of Hatton Township", as amended September 21, 1992, for the type of street upon which the lot principally fronts.
  - (2) Side Yard: Twenty-five (25) feet except in the case of a corner lot where the side yard on the side street shall not be less than the setback required for the front yard.
  - (3) Rear Yard: Thirty-five (35) feet.
  - (4) In any case, no structure shall be located any closer than fifty (50) feet to a residential district line.
- e. MAXIMUM HEIGHT REQUIREMENTS: Ninety-five (95) feet measured from the average finished grade at the front setback line.
- f. LANDSCAPING: All industrial buildings and their parking areas shall be landscaped in a manner which is both attractive and which provides a buffer for adjacent nonindustrial uses and roadways. Such

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landscaped areas shall be approved by the Planning Commission.

- g. SMOKE: A person or industry shall not discharge into the atmosphere, from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour which is as dark or darker in shade as that designated as No. 1 on the Ringlemann Chart, as published by the United States Bureau of Mines, or of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described herein. At no time may smoke emissions be darker than Ringlemann No. 2.
- h. DRIFTING AND AIRBORNE MATTER: The drifting or airborne transmission of matter beyond the lot line of dust, particles, or debris from any open stock pile shall be unlawful.
- i. NOISE: Industrial operations shall not exceed the decibel level emitted at the property line by the adjacent uses and shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. In no case shall the decibel level exceed sixty (60) decibels with a center frequency of one hundred twenty-five (125) cycles per second.
- j. GLARE, HEAT AND LIGHT: All operations which produce glare, such as welding and acetylene torch cutting, must be performed in such a manner that the glare

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cannot be seen from any property line. If heat is a result of any industrial operation, it shall be so insulated as to not raise the temperature near any property line at any time. Lights for parking lots and buildings shall be so oriented and shielded that they do not shine directly onto an abutting property. Exterior spot lighting or other illumination shall be so installed as to eliminate any nuisance to adjoining residential districts or other properties or to traffic on public highways.

- k. VIBRATION: Vibrations from industrial operations and vehicular traffic shall not cause an impact vibration or ground displacement exceeding .003 inch amplitude of vibration at the property line at 960 cycles per minute as measured at the property boundary line.
  
- l. RADIO TRANSMISSION: For electronic equipment required in an industrial operation, the equipment shall be so shielded that its operation will not interfere with radio, television or other electronic equipment. Applicable regulations of the Federal Communications Commission regarding electromagnetic radiation are hereby made a part of the Ordinance.
  
- m. COMPLIANCE WITH STATE AND COUNTY REGULATIONS: Any use permitted in an Industrial District shall comply with all applicable State and County health, pollution and environmental control laws and regulations.



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ARTICLE FOUR  
GENERAL PROVISIONS AND EXCEPTION

Sec. 401 SUPPLEMENTARY REGULATIONS.

Sec. 401.1 ACCESSORY BUILDINGS.

No accessory building which is not attached and made structurally a part of the principal building shall be closer than ten (10) feet to any other structure on a lot. Each accessory building shall satisfy all building code requirements and other regulations that have been adopted in the Township, the same as if it were a principal building.

Sec. 401.2 FENCES, WALLS, SCREENS.

The following regulations shall apply to all fences, walls, screens or similar devices composed of structural or plant materials.

- a. No fence, wall, or screen or any material other than plant materials shall be erected higher than eight (8) feet from the average grade elevation of the property.

Sec. 401.3 VARIANCE OF REQUIREMENTS FOR LOTS OF RECORD.

Any residential lot created and recorded prior to the effective date of this Ordinance may be used for residential

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purposes even though the lot area and /or dimensions are less than those required for the district in which the lot is located. Provided that :

- a. No adjacent land is owned by the owner of the lot in question.
- b. Other requirements of the district are met.
- c. Proper application is made and action taken approving the use by the Board of Appeals under the provisions of this Ordinance.

### Sec. 401.4 LOT AREA CAN BE ALLOCATED ONCE.

No portion of a lot can be used more than once in complying with the provisions for lot area and yard dimensions for construction or alteration of buildings. (See, e.g., Section 401.5 of this Ordinance.

### Sec. 401.5 YARD ENCROACHMENTS PERMITTED.

The following elements of structures are not considered in determining yard requirements:

- a. Uncovered paved terraces, patios, and porches.
- b. Unenclosed porches, roofed or unroofed, of not over one story in height.
- c. Special structural elements such as cornices, chimneys, gutters, eaves, and similar structural features.

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- d. Fire escapes or open stairways may project into the yard five (5) feet.

Sec. 401.6 ACCESSORY BUILDINGS.

- a. No accessory building shall project into any front yard.
- b. No accessory building shall be closer than five (5) feet to any lot line.
- c. Accessory buildings are subject to all setback requirements from the street applying to the principal building.

Sec. 401.7 HEIGHT REQUIREMENTS; EXCEPTIONS.

The following are exempted from height limit requirements, provided that no portion of the excepted structure may be used for human occupancy:

- a. Those purely ornamental in purpose such as church spires, belfries, cupolas, domes, ornamental towers, flag poles, monuments.
- b. Those necessary appurtenances to mechanical or structural functions, such as chimneys and smoke stacks, water tanks, elevator and stairwell penthouses, ventilators, bulkheads, radio towers, masts and aerials, television antennas, fire and hose towers, wire, transmission structures, and cooling towers.

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- c. Those structural extensions deemed necessary for appropriate building design such as cornice or parapet walls may extend a maximum of five (5) feet above height limitations but shall have no window openings.

Sec. 401.8 FLOODPLAIN.

No structures shall be erected within a floodplain as established by the Michigan Department of Natural Resources for floods with a projected frequency of less than one hundred (100) years.

Sec. 402 MISCELLANEOUS REGULATIONS.

Sec. 402.1 ACCESS TO A STREET.

Any lot of record created before the effective date of this Ordinance without any frontage on a street shall not be occupied without access to a street provided by an easement or other right-of-way.

Sec. 402.2 ONE BUILDING ON A LOT.

No more than one principal building may be permitted on a lot or parcel, unless specifically provided for elsewhere in this Ordinance.

Sec. 402.3 UNSAFE BUILDINGS.

Nothing in this Ordinance shall prevent compliance with an order by an appropriate authority to correct, improve, or strengthen, or restore to a safe condition any building or any part of a building declared to be unsafe.

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### Sec. 402.4 BUILDING GRADES.

The finished surface of the ground areas outside the walls of any building constructed or altered shall be so designed that surface waters shall flow away from the building walls in such a direction and collection that inconvenience or damage to adjacent properties shall not occur.

### Sec. 402.5 REQUIRED WATER SUPPLY AND SANITARY SEWERAGE FACILITIES.

Any structure erected for human occupancy after the effective date of this Ordinance and used for dwelling, business, industrial, or recreational purposes shall be provided with a safe, sanitary, and potable water supply, and with a safe and effective means of collection, treatment, and disposal of human, commercial, or industrial wastes. All such installations shall comply with the requirements of the State of Michigan and the Clare County Health Department.

### Sec. 402.6 MOVING BUILDINGS.

Buildings may not be relocated within the Township unless the building design and construction are compatible with the general architectural character of other structures located in the immediate area of the proposed site. Approval shall be required for such building moves from the Township Building Inspector.

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### Sec. 403 NONCONFORMING USES.

#### Sec. 403.1 PURPOSE

It is the intent of this Ordinance to permit the continuance of a lawful use of any building or land existing at the effective date of this Ordinance, although such use of land or structure may not conform with the provisions of this Ordinance. Further, it is the intent of this Ordinance that nonconformities shall not be encouraged, enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district. The continuance of all nonconforming uses and structures within Hatton Township shall be subject to the conditions and requirements set forth in this Article, including the general policy to eliminate all nonconforming uses over a period of twenty (20) years, consistent with the "Land Use Plan of Hatton Township" as amended September 21, 1992.

#### Sec. 403.2 STRUCTURAL CHANGES.

Any building that is nonconforming shall not be structurally changed or enlarged unless the resultant changed, altered, or enlarged building conforms to the provision of this Ordinance for the district in which it is located, except as provided below.

#### Sec. 403.3 REPAIRS.

Any lawful nonconforming building may be repaired, reinforced, or reconstructed during its life to correct deterioration, obsolescence, depreciations, damage, and normal wear, provided however, that in the event of damage

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or destruction of a nonconforming building or structure, by wind or fire, to an extent of greater than fifty percent (50%) of the nonconforming building or structure, then in such event the building or structure shall not be restored except to a use which conforms to the provisions of this Ordinance for the district in which it is located.

### Sec. 403.4 ALTERATIONS AND IMPROVEMENTS.

Nothing in this Ordinance shall prohibit the alteration, improvement, or modernizing of a lawful nonconforming building, when the nonconformity is due to set back only, if construction does not decrease this setback.

### Sec. 403.5 PRIOR CONSTRUCTION APPROVAL

Nothing in this Ordinance shall prohibit the completion of construction and use of a nonconforming building for which a building permit has been issued prior to the effective date of the ordinance, PROVIDED that construction is commenced within ninety (90) days after the date of issuance of the permit, that construction is carried on diligently and without interruption for a continuous period in excess of thirty (30) days; and that the entire building shall have been completed according to the plans filed with the permit application within two (2) years after the issuance of the building permit.

### Sec. 403.6 DISCONTINUANCE OR ABANDONMENT.

Whenever a nonconforming use has been discontinued for twelve (12) calendar months during any three (3) year period, such discontinuance shall be considered conclusive evidence of an intention to abandon legally the

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nonconforming use. At the end of this period of abandonment, the nonconforming use shall not be re-established, and any future use shall be in conformity with the provisions of this Ordinance.

Sec. 403.7 REVERSION TO A NONCONFORMING USE.

If a nonconforming use is changed to a use permitted in the district in which it is located, it shall not revert or be changed back to a nonconforming use.

Sec. 403.8 DISPLACEMENT OF A CONFORMING USE.

No nonconforming use shall be extended to displace a conforming use.

Sec. 403.9 NONCONFORMING TO NONCONFORMING USE.

The Hatton Township Board of Appeals may authorize a change from one nonconforming use to another nonconforming use, PROVIDED the proposed use would be more suitable to the

zoning district in which it is located than the nonconforming use which is being replaced.

Sec. 403.10 TERMINATION OF NONCONFORMING LAND USE.

The nonconforming uses of land, where no building is located, existing at the effective date of this Ordinance may be continued, provided that the nonconforming land use shall be terminated and converted to conform with the provision of this Ordinance within one (1) year after the effective date of this Ordinance, and provided further that



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the nonconforming land use shall not in any way be expanded or extended during this one (1) year interval, either on the same property or on adjoining property.

### Sec. 403.11 ILLEGAL NONCONFORMING USES.

Those alleged nonconforming uses which cannot be proved conclusively to have been existing prior to the effective date of this ordinance shall be declared illegal nonconforming uses and shall be discontinued following the effective date of this Ordinance.

### Sec. 403.12 DISTRICT CHANGED.

Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district or another classification, the foregoing provisions shall also apply to any existing uses that become nonconforming as a result of the boundary changes.

### Sec. 403.13 ELIMINATION OF NONCONFORMING USES.

The Township Board may acquire properties on which nonconforming buildings or uses are located, by condemnation or other means, and may remove such uses or structures. The resultant property may be leased or sold for a conforming use or may be used by the Township for a public purpose. The net cost of such acquisition may be assessed against a benefit district, or may be paid from other sources of revenue.

### Sec. 404 PARKING REQUIREMENTS.

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### Sec. 404.1 PURPOSE.

It is the purpose of these requirements that parking space shall be provided and adequately maintained by each property owner in every zoning district for the off-street storage of motor vehicles used by the occupants, employees, or patrons of each building constructed or altered under the provision of this Ordinance.

### Sec. 404.2 LOCATION.

Parking shall be located on the same parcel as the structure which it is intended to serve, except commercial parking may be on adjacent property not further than five hundred (500) feet from the entrance to the business served.

### Sec. 404.3 USE OF PARKING AREAS.

No commercial or noncommercial repair work, servicing or selling of any kind shall be conducted on any parking area except that which is specifically permitted by this Ordinance. No items such as plastic animals, streamers, signs, children's play areas, mechanical entertainment devices, or any other similar device shall be permitted in the parking area or outside a building. Single-family residences, duplexes, and children's play areas outside multiple-family apartments and condominiums are excluded from this section.

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Sec. 404.4 SCHEDULE OF REQUIREMENTS FOR PARKING SPACE.

Parking space shall be provided in accordance with the following schedule:

<u>Use</u>	<u>Number of Spaces</u>
Residential	2/dwelling unit
Housing for Elderly	1/each 2 living units
Mobile Homes	2/dwelling unit
Institution, Churches, Hospitals, Auditoriums, Theaters, Clubs (public and private)	1/every 4 persons permitted by State law to occupy the building
Schools or Colleges	1/each full-time teacher or administrator and 1/each 3 students
Retail Business	1/500 square feet of usable floor area
Restaurant, Taverns	1/every 4 patron seats
Bowling Alleys	5/each alley
Motels, Hotels	1/each occupancy unit
Barber, Beauty Shops	1/each customer service station
Car Washes, Automatic	3 standing spaces/each bay
Car Washes, self-service	3 standing spaces/each bay
Offices, Banks	1/200 square feet of usable floor area
Gasoline Service Stations	2/each service bay plus 1 each employee
Industrial	1.5/each employee in the largest working shift

Upon proper application, the Zoning Board of Appeals of Hatton Township shall determine parking requirements for specific unlisted uses, either similar to a designation listed above or requiring a new factual determination.

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Sec. 404.5 DESIGN AND CONSTRUCTION REQUIREMENTS.

- a. Minimum area per space shall be two hundred (200) square feet.
- b. Each space shall be clearly accessible to a public street.
- c. Access drives shall be at least twenty (20) feet wide, except in residential districts.
- d. Parking areas shall be maintained in a smooth, dust-free condition, and provided with adequate drainage.
- e. Parking areas for more than ten (10) vehicles shall be lighted, if used after dark, to insure safety of users with sufficient footcandle light power, but in a manner which minimizes the glare of lights visible to adjacent properties.
- f. Parking adjoining a residential district shall not be closer than ten (10) feet to the property line and a screen such as a hedge, a row of pine trees, or a cyclone fence etc., shall be provided to buffer adjacent residential properties.
- g. Parking areas shall not be located closer than ten (10) feet to the street right-of-way line.
- h. Parking areas shall be landscaped in an attractive manner and shall be maintained in a litter free condition.

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## ARTICLE FIVE

### SPECIAL USE PERMITS

#### Sec. 501 APPLICATIONS AND DETERMINATIONS.

##### Sec. 501.1 PURPOSE

Until recent years, the regulation of all uses of land and structures through zoning has been accomplished by assigning each use to one or more use districts. However, the functions and characteristics of an increasing number of new kinds of land uses (combined with conclusive experience regarding some of the older, familiar kinds of uses) calls for a more flexible and equitable procedure (a) for imposing regulations and controls on land use and real property and (b) for accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied--depending upon functional characteristics, competitive situations, and the availability of land. Rather than assign all uses to special, individual, and limited zoning districts, it is important to provide control along with reasonable flexibility in requirements for certain kinds of uses. This approach will allow practicable latitude for the investor but will, at the same time, maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance for a more detailed consideration of each specified activity as it may relate to proposed

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conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required, together with many other possible factors. Land and structure uses possessing these particular unique characteristics are designed as SPECIAL USES and may be authorized by the issuance of a SPECIAL USE PERMIT, with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The following sections, together with previous references in other articles, designate what uses require a special use permit. With any exception noted, the procedures for obtaining such a permit apply to all special uses indicated.

### Sec. 501.2 PROCEDURES FOR MAKING APPLICATION.

- A. APPLICATION SUBMITTED TO TOWNSHIP PLANNING COMMISSION:  
Any application shall be submitted through the Township Clerk to the Township Planning Commission on a special form for that purpose. Each application shall be accompanied by the payment of a fee in accordance with the duly adopted "Schedule of Fees" to cover the cost of processing the application. No part of any fee shall be refundable.
- B. DATA REQUIRED IN APPLICATION: Every application shall be accompanied by the following information and data:
  - 1. Special form supplied by the Township Clerk filled out in full by the applicant.

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2. Site plan, plot plan, or development plan, drawn to a readable scale, or the total property involved showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and their use.
  3. Preliminary plans and outline specifications of the proposed development.
  4. A statement with supporting evidence regarding the required findings specified in Section 501.3.
- C. The Planning Commission shall review the proposed development, prior to submitting its recommendations for action to the Township board, in terms of the standards set forth in this Ordinance.
- D. Prior to submitting recommendations, the Planning Commission or the Township Clerk shall publish one notice in a newspaper of general circulation within the Township that a request for special land use approval has been received, Said notice shall be published not more than fifteen (15) or less than five (5) days before the date on which the application will be considered. Notice shall also be delivered personally or by mail to owners of property for which approval is being considered and to all persons who are entitled to notice pursuant to Section 604.1 of this Ordinance, except that such notice shall be given not more that fifteen (15) nor less than five (5) days before the date specified for consideration of the request. The notice required herein shall:

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- (1) Describe the nature of the special land use request.
  2. Indicate the property which is the subject of the special land use request.
  3. State when and where the special land use request will be considered.
  4. Indicate when and where written comments will be received concerning the special land use request.
  5. Indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered for the special use. The foregoing notwithstanding, at the initiation of the Planning Commission or the Township Board, or upon the request of the applicant for special land use, or the occupant of a structure located within three hundred (300) feet of the boundary of said property, a public hearing regarding said special land use request shall be held. In the event such hearing is ordered, or requested, only notification of the date, time and place of the public hearing shall be made.
- E. Upon conclusion of the procedures set forth above, the Planning Commission shall recommend action to the Township Board of Trustees. Following favorable action by the Township Board of Trustees, the Clerk shall issue a special use permit setting forth all conditions relating to such use.



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### Sec. 501.3 GENERAL STANDARDS FOR MAKING DETERMINATIONS.

The Planning Commission, in making recommendations to the Township Board, shall establish the facts and shall find adequate evidence showing that the proposed use:

- a. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Township Master Plan or Land Use of current adoption;
- b. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- c. Will not be hazardous or disturbing to existing or future neighboring uses;
- d. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
- e. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal and/or schools; or, in the alternative, that the persons or agencies responsible for the establishment of the proposed used shall be able to provide adequately any such service;
- f. Will not create excessive additional requirements at public cost for public facilities and services and will

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not be detrimental to the economic welfare of the community;

- g. Will not involve uses, activities, processes, materials and equipment and condition of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- h. Will be consistent with the intent and purposes of the Ordinance.
- i. Will or will not be consistent with any additional conditions attached to the proposed special use permit, by the planning committee. To that end, and for the purposes stated above in Section 501.1, conditions may be imposed on any approval of a special land use request which may be necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment, and to conserve natural resources and energy; to insure compatibility with adjacent uses of land; and to promote use of land in a socially and economically desirable manner. All conditions imposed hereunder shall:
  - (1) Be designed to protect natural resources, the health, safety and welfare and the social and economic well-being of those who will use the land or activity under consideration, residents and landowners immediately adjacent to the proposed

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land use or activity, and the community as a whole.

(2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(3) Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

j. All conditions imposed with respect to the approval of the land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. Any changes made in said conditions shall be recorded and preserved along with the original approval.

Sec. 501.4 TIME PERIODS.

Special use permits may be issued for time periods as determined by the Hatton Township Board. In any case, if work has not proceeded to at least fifty percent (50%) of completion within one year of issuance of the special use permit, said permit will become null and void. Special use permits may be renewed, following the same procedures as described above for the original application.

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Sec. 501.5 FINANCIAL GUARANTEE.

In authorizing a special use permit, the Hatton Township Board may require that a bond, or other financial guarantee acceptable to the Township, of ample sum, be furnished by the developer to insure compliance with such requirements as drives, walks, utilities, parking, landscaping, and the like.

Sec. 501.6 SPECIFIC REQUIREMENTS.

The foregoing general standards are basic to all special uses. The Specific requirements accompanying the following sections relating to particular uses are in addition and shall be required in all applicable situations.

Sec. 502 NONRESIDENTIAL STRUCTURES AND USES IN RESIDENTIAL DISTRICT.

Sec. 502.1 USES REQUIRING SPECIAL USE PERMIT.

The following uses are permitted in one or more residential district:

- a. The removal of soil, sand, gravel and other materials.
- b. Public and private parks, camps, golf courses, clubs, garden nurseries, greenhouses, and commercial stables.
- c. Public and private hospitals, schools, cemeteries, churches, and government buildings.
- d. Commercial airports.

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- e. Public utility structures and substations.
- f. Veterinary clinics, commercial kennels, and animal clinics.

Sec. 502.2 GENERAL STANDARDS.

Inasmuch as the nonresidential uses permitted in residential districts may have an adverse affect on residential properties if not properly located and designated, the following general standards must be met prior to development of such uses:

- a. Hazardous areas must be adequately fenced to avoid accidents, such areas include:
  - (1) Sand or gravel operations.
  - (2) Commercial airports.
  - (3) Public utility substations.
- b. Any permitted nonresidential structure should preferably be located at the edge of a residential district, abutting a commercial/industrial district, or a public open space.
- c. All means shall be utilized to face any permitted nonresidential use on a major street (minor arterial or collector.)
- d. Motor vehicle entrances and exits should be made on a major street to avoid the impact of traffic generated by the nonresidential use into a residential area.

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- e. Site locations should be chosen which offer natural or man-made barriers that would lessen the effect of the intrusion of a nonresidential use into a residential area.
- f. Nonresidential uses should not be located so as to cause costly public improvements.
- g. Building shall be no closer than one hundred (100) feet to adjacent property lines.

Sec. 502.3 REMOVAL OF SOIL, SAND, GRAVEL AND OTHER MATERIALS.

- a. The soil erosion control standards or directives of the Clare County Drain Commissioner shall be followed.
- b. All areas shall be rehabilitated as work progresses to a safe condition and to blend in with the surrounding area. A bond for compliance shall be required in an amount to be determined by the Township Board.
- c. All installation shall be maintained in a neat, orderly condition so as to prevent injury to any property, individual, or the community in general.
- d. The Township shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to prevent hazards and damage to properties and to avoid densely populated residential areas.

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- e. Sand and gravel mining, soil removal, and similar earth grading and/or extraction land uses are covered in more detail in a separate ordinance, the Hatton township Extraction and Mining Ordinance, being Hatton Township Ordinance No. \_\_\_\_\_. The special use permit applicant shall comply with all standards and criteria developed by the Planning Commission in that ordinance, in addition to the specific requirements stated above for such earth movement operations.

### Sec. 502.4 PUBLIC UTILITY STRUCTURES AND SUBSTATIONS.

Adequate planting materials to screen exposed facilities from view shall be required. Evergreens are recommended, however, selected deciduous trees may be used when appropriate.

### Sec. 502.5 COMMERCIAL KENNELS AND STABLES:

- a. Shall be located and constructed so as to minimize the potentially adverse effects of noise on adjacent properties.
- b. Shall be located and constructed so as to minimize the potentially adverse effects of odors on adjacent properties.
- c. No structure shall be located closer than one hundred fifty (150) feet to any property boundary.

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Sec. 502.6 PUBLIC OR PRIVATE SANITARY LANDFILLS OR JUNKYARDS.

- a. Such uses shall be established and maintained in accordance with all applicable State of Michigan Statutes.
- b. Such uses shall be fenced around the entire periphery of the property in use with a solid screen of sound construction, painted, or otherwise finished neatly and inconspicuously.
- c. All activities shall be confined within the fenced areas. No equipment, material, signs, or lighting shall be used or stored outside the fenced area.
- d. Fences shall be set back one hundred (100) feet from any public street right-of-way line.
- f. Junk, automobiles or other debris may not be stacked in any manner such that it is visible outside the site. Junkyards or landfills shall not be located in areas which are impossible to screen from view from adjacent properties or public streets.
- g. The Township shall establish routes for truck movement in and out of the development in order to minimize the wear on public streets, to prevent hazards and damage to properties and to avoid densely populated residential areas.

Sec. 502.7 MAN-MADE PONDS.

- a. The standards of the Clare County Soil Conservation District shall be followed.



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- b. A permit shall be obtained before construction is started. This permit may be obtained from the Hatton Township Board.

Sec. 503 MULTIPLE HOUSING DEVELOPMENTS.

Sec. 503.1 USES REQUIRING A SPECIAL USE PERMIT.

Any structure containing three (3) or more living units.

Sec. 503.2 ADDITIONAL INFORMATION REQUIRED.

- a. The developer shall submit his/her plans to the following agencies for comments in writing to be delivered to the Township:

- (1) Clare County Road Commission.
- (2) Clare County Drain Commission.
- (3) Clare County Health Department.
- (4) The Board of Education of the district in which the project is located.

- b. The developer shall submit a report including:

- (1) Number, size, and dimensions of buildings.
- (2) Number and size of living units.
- (3) Number, size and type of parking areas.

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- (4) Basis of calculations for determining required parking and density.
- (5) Description of utility (sewer, water, storm drainage) systems planned.

Sec. 503.3 STANDARDS.

- a. No building shall be closer than forty (40) feet to another, except when abutting walls contain no windows in which case the distance may be reduced to twenty-five (25) feet.
- b. No building shall be longer than one hundred fifty (150) feet in any direction.
- c. Motor vehicle entrances and exits shall be only from a major street (minor arterial or collector) to avoid the impact of traffic generated on neighboring residential uses.
- d. A pedestrian and nonmotorized vehicular pathway system shall be provided in such a way to minimize conflict points with motorized vehicles.
- e. Recreational facilities for the residents shall be provided in easily accessible areas, including play equipment for children, as well as adult recreation areas.
- f. PLANTINGS: The appeal and character of the site shall be preserved and enhanced by retaining and protecting existing trees and other site features; and, additional new landscaping shall be added for privacy, shade,

## HATTON TOWNSHIP ZONING ORDINANCE

beauty of buildings and grounds to screen objectionable features. The landscaping plan shall be submitted in conjunction with the site plan with the application.

g. LAND USE PATTERN: All of the elements of the site plan shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. Arrangement of buildings shall be in favorable relationship to the natural topography, existing desirable trees, views within and beyond the site, and exposure to the sun and other buildings on the site.

h. Community buildings shall be of sound construction, attractively designed, and located in convenient proximity to the greatest possible number of residential living units.

### Sec. 504 ADDITIONAL STANDARDS FOR ALL USES REQUIRING SPECIAL USE PERMITS.

#### Sec. 504.1 GENERAL STANDARDS.

Inasmuch as certain commercial/industrial uses may have a substantial impact on land use, traffic patterns, aesthetics, the environment, and the general welfare of the Township, the following standards must be met by such uses:

a. Whenever possible, entrance and exit shall be made on a major street (minor arterial or collector.)

## HATTON TOWNSHIP ZONING ORDINANCE

- b. Whenever possible, existing trees on the site shall be preserved. In addition, new landscaping shall be added to enhance the beauty of the development.
- c. Screening shall be provided for uses which exhibit a cluttered appearance due to outdoor operations, which generate unusual noises, or require lighting which may shine onto adjacent properties. Such uses shall include, but not necessarily be limited to, the following:
  - (1) Outdoor motor vehicle, boat, mobile home sales, display, or storage.
  - (2) Car washes.

### Sec. 504.2 OTHER SPECIAL USES.

#### Sec. 504.2(a) PURPOSE AND SCOPE.

Land and structure uses that are not specified in any other section of this Ordinance may be considered for special use permit providing that they will not seriously injure surrounding properties by depreciative quality and value of such property and will not be generally injurious to the community as a whole.

#### Sec. 504.2(b) STANDARDS.

All standards expressed elsewhere in this Ordinance are applicable to uses permitted by this section, as well as any specific, reasonable standard which the Township may apply to the review and consideration of the proposed use.

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ARTICLE SIX  
ADMINISTRATION AND ENFORCEMENT

Sec. 601 ENFORCEMENT.

Sec. 601.1 RESPONSIBILITY.

The administration and enforcement of this Ordinance shall be the responsibility of the Hatton Township Supervisor. The Supervisor shall have the right to delegate said responsibility to appropriate Township officers or employees. The person or persons administering and enforcing this Ordinance shall be known as the Zoning Officer.

Sec. 601.2 ZONING OFFICER.

If the Zoning Officer shall find that any provision of this Ordinance is being violated, he/she shall notify the person responsible for such violations in writing, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of its provisions.

Sec. 601.3 CORRECTION PERIOD.

All violations shall be corrected within a period of thirty (30) days after the order to correct is issued or as such longer period of time, not to exceed six (6) months, as the Zoning Board of Appeals shall permit. A violation not

## HATTON TOWNSHIP ZONING ORDINANCE

corrected within this period shall be reported to the Township Attorney who shall initiate prosecution procedures.

### Sec. 601.4 CERTIFICATES OF ZONING COMPLIANCE.

When applying for a building permit, the applicant must furnish a legal description and a site sketch along with the application to the Township Clerk. The preliminary site inspection shall be made by the Zoning Officer and, if approved, the preliminary permit of zoning compliance shall be issued by the Zoning Officer. The applicant shall present this certificate to the Township Clerk along with the required fee and receive a building permit. All dwellings, and all commercial and industrial buildings and structures, must comply with the building code. Upon completion of the construction, the final certificate of zoning compliance shall be issued by the Zoning Officer if, but only if, all provisions of (a) all Township ordinances (in addition to the applicable building code and the zoning ordinance) and (b) all Michigan statutes have been satisfied.

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a final certificate of zoning compliance shall have been issued therefore by the Zoning Officer. The certificate shall state that the building, structure, and lot, and use thereof, conform to the requirements of this Ordinance.

A permit for erection, alteration, moving or repair of any building shall not be issued until a preliminary certificate

## HATTON TOWNSHIP ZONING ORDINANCE

of zoning compliance has been issued therefore. Issuance of such certificate shall indicate that the plans for which the building permit is requested complies with the Zoning Ordinance.

The Zoning Officer shall maintain a record of all certificates of zoning compliance and said record shall be open for public inspection. Failure to obtain a certificate of zoning compliance shall be a violation of this Ordinance.

It shall also be necessary for a legal nonconformity existing on the effective date of this Ordinance to obtain certificates of zoning "non-compliance" in order to maintain its legal, nonconforming status. This provision shall create the official record, when completed by the Zoning Officer, of all nonconforming uses in the township as of the date of this Ordinance and shall be made a permanent file with the Township Clerk.

The applicant for a final certificate of zoning compliance shall notify the Zoning Officer when final inspection is desired. The final certificate of zoning compliance shall be issued upon final inspection or written notice shall be given to the applicant stating the reasons why said certificate cannot be issued. Such notice shall be sent to the applicant not later than fifteen (15) days after the Zoning Officer is notified that the building, structure or premises is ready for inspection.

### Sec. 601.5 FEES.

The Township Board shall establish a "Schedule of Fees" for administering this article. The schedule of fees shall be posted on public display in the office of the Zoning

## HATTON TOWNSHIP ZONING ORDINANCE

Officer, and may be changed only by the Township Board. No certificate shall be issued unless such fees have been paid in full.

### Sec. 602 BOARD OF APPEALS.

#### Sec. 602.1 ESTABLISHMENT AND MEMBERSHIP.

A Hatton Township Board of Appeals is hereby established in accordance with Act 184 of the Public Acts of 1943, as amended. The Board shall consist of three (3) members: The chairman of the Planning Commission, a member of the Township Board appointed by the Township Board, and a third member appointed by the Township Board from the electors residing in the unincorporated area of the Township. The term of office of the member from the Township Board shall not exceed his/her term of office on the Township Board.

Should either of the first two members of the Board of Appeals change, the third member must be reselected. Members may be reappointed. No elected officer of the Township or any employee of the Township may serve simultaneously as such officer or employee and as the third member of the Board of Appeals.

#### Sec. 602.2 PROCEDURES OF THE BOARD.

The Board of Appeals shall adopt rules and regulations to govern its procedures. The Board of Appeals shall appoint one of its member as chairman. The concurring vote of a majority of the members of the Board of Appeals shall be necessary to revise any order, requirements, decision or interpretation of the Zoning Officer, or to decide in favor



## HATTON TOWNSHIP ZONING ORDINANCE

of an applicant any matter upon which they are required to pass under this Ordinance or to effect any variation of this Ordinance.

Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. Minutes shall be kept of each meeting and the board shall record into the minutes all findings, conditions, facts, and other relevant factors, including the vote of each member upon each question, or if absent or failing to vote indicating such fact, and all of its official action. All meetings and records shall be open to the public. All minutes shall be filed in the office of the Township Clerk.

### Sec. 602.3 HEARINGS.

The Board of Appeals shall fix a reasonable time and date for the hearing. The board shall give due notice of the hearing by certified mail to the parties of interest and to owners of adjacent properties. Where the hearing, in the opinion of the Township Clerk, concerns matters of general applicability in the Township and does not concern only individual lots or parcels, such notice shall be given in a newspaper of general circulation in the Township. However, the Board of Appeals shall notify the parties of interest by certified mail. All notices of a hearing shall be mailed and published not more than fifteen (15) days, nor less than three (3) days prior to the date on which the hearing is to be held.

HATTON TOWNSHIP ZONING ORDINANCE

Sec. 602.4 DUTIES AND POWERS.

The Board of Appeals shall perform its duties and exercise its powers as provided in Act 184 of the Public Acts of 1943 as amended, so that the objectives of this Ordinance shall be attained, the public health, safety, and welfare secured, and substantial justice done. The Board of Appeals shall hear and decide only those matters which it is specifically authorized to hear and decide, as provided in said Act 184, as amended, concerning administrative review, variance, and expansion of nonconforming buildings and structure.

The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, nor make any change in the terms or intent of this Ordinance, but does have power to act on those matters for which this Ordinance provides an administrative review, interpretation, variance or exception.

Sec. 602.4(a) REVIEW.

The Board of Appeals shall hear and decide appeals from and review any order, requirement, decision or determination of the Zoning Officer.

Sec. 602.4(b) INTERPRETATION.

The Board of Appeals shall have the power to:

- a. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of this Ordinance.

## HATTON TOWNSHIP ZONING ORDINANCE

- b. Determine the precise location of the boundary lines between zoning districts when there is dissatisfaction with a decision made by the Zoning Officer.
- c. Classify a use which is not specifically mentioned as a part of the use regulation of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district.
- d. Determine the parking space requirements of any use not specifically mentioned in this Ordinance by an analysis of the specific need.

### Sec. 602.5 VARIANCE.

The Board of Appeals shall have the power and duty to authorize upon appeal in specific cases such variance from the provisions of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship or practical difficulty.

A variance shall not be granted by the Board of Appeals unless and until the following conditions are met:

- a. A written application for a variance is submitted, demonstrating:
  - (1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to

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other lands, structures, or buildings in the same district.

- (2) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance.
  - (3) That the special conditions and circumstances do not result from the actions of the applicant.
  - (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
- b. Any nonconforming use of neighboring lands, structures, or buildings shall not be considered grounds for the issuance of a variance.
  - c. The Board of Appeals shall make findings that the requirements of this section have been met by the applicant.
  - d. The Board of Appeals shall further find that the reasons set forth in the application justify the granting of the variance, and that it is the minimum variance that will make possible the reasonable use of the land, building or structure.
  - e. The Board of Appeals shall further find that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will

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not be injurious to the neighborhood, or otherwise detrimental to the public interest.

- f. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance, and punishable under Section 605.
- g. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
- h. In exercising the above-mentioned powers, the Board of Appeals may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the public official from whom the appeal is taken.

Sec. 602.6 VOIDING OF THE REAPPLICATION FOR VARIANCE.

Sec. 602.6(a) Each variance granted under the provisions of the Ordinance shall become null and void unless:

- (1) The construction authorized by such variance or permit has proceeded to at least twenty percent (20%) of completion within one hundred eighty

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(180) days after the granting of such variance and pursued diligently to completion; or

- (2) The occupancy of the land or buildings authorized by such variance has taken place within one hundred eighty (180) days after the granting of such variance.

Sec. 602.6(b) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of three hundred sixty-five (365) days from the date of such denial, except on grounds of new evidence or proof of changed conditions found by the Board of Appeals to be valid.

Sec. 602.7 APPEALS; HOW TAKEN.

Sec. 602.7(a) Appeals to the Board of Appeals concerning interpretation and administration of this Ordinance may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Officer. Appeals shall be taken within a reasonable time, not to exceed ten (10) days following action by the Zoning Officer or Township Board, by filing with the Zoning Officer and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Officer shall forthwith transmit to the Board of Appeals copies of all papers constituting the record upon which the action appealed from was taken.

Sec. 602.7(b) A fee shall be paid to the Township Treasurer, at the time of filing the notice of appeal and shall be

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deposited in the Township's general fund. An appeal fee schedule shall be established by the Township Board.

Sec. 602.7(c) Any party or parties may appear at the hearing in person or by agent or attorney.

Sec. 602.7(d) The Board of Appeals shall decide upon all matters within a reasonable time. The decision of the Board of Appeals shall be in the form of a resolution containing a full record of its findings and determination in each case.

Sec. 602.7(e) An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Officer from whom the appeal is taken certifies to the Board of Appeals after the notice is filed with him, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the Zoning Officer from whom the appeal is taken and for good cause shown.

Sec. 602.8 DUTIES ON MATTERS OF APPEAL.

All questions concerning application of the provisions of this Ordinance shall first be presented to the Zoning Officer. Such questions shall be presented to the Board of Appeals only on appeal from the decisions of the Zoning Officer. Recourse from decisions of the Board of Appeals shall be to the courts as provided by law.

## HATTON TOWNSHIP ZONING ORDINANCE

### Sec. 603 PLANNING COMMISSION.

It shall be the duty of the Township Planning Commission to advise the Township Board on matters of planning and zoning and to assume the duties of the Zoning Board prescribed by Act 184, of the Public Act of 1943 of Michigan.

### Sec. 604 CHANGES AND AMENDMENTS.

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

#### Sec. 604.1 PROCEDURES.

The procedure for making amendments to this Ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended.

A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Act 184, P.A., 1943, as amended. The Clerk shall also, for any proposed amendment to the Zoning Map, give notice thereof, and of the public hearing, to the owner of the property in question, to all persons to whom any real property with three hundred (300) feet of the



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premises in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing.

Public hearing requirements shall apply to amendments initiated by the Township Board or the Township Planning Commission. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Hatton Zoning Ordinance.

### Sec. 604.2 NOTICE OF HEARING.

The Township Clerk shall give notice of hearing in the following manner:

- a. By two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second no more than eight (8) days before the date of the hearing.
- b. By mailing, at least twenty (20) days in advance of the hearing, a notice of hearing to each electric, gas, pipeline and telephone public utility company and to each railroad operating within the district or zone affected that registers its name and mailing address with the Township Planning Commission for the purpose

## HATTON TOWNSHIP ZONING ORDINANCE

of receiving such notice. An affidavit of mailing shall be maintained and said notices shall include the places and times at which the tentative text and any maps of the Hatton Zoning Ordinance may be examined.

- c. By mailing, certified mail, at least twenty (20) days in advance of the hearing, a notice of hearing to each electric, gas, pipeline and telephone company that chooses to register its name and mailing address with the Planning Commission for the purpose of receiving such notice.
- d. By mailing, certified mail, at least twenty (20) days in advance of the hearing, a notice of hearing to each railroad operating within the Township, in the case of textual changes, or within five hundred (500) feet of the area proposed to be rezoned, if the amendment proposed is in the nature of rezoning.
- e. In the manner prescribed in Section 604.1 regarding notice to adjacent properties.

### Sec. 604.3 INFORMATION REQUIRED.

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the Zoning Map, the petitioner shall submit the following information:

- a. A legal description of the property.

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- b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- c. The name and address of the petitioner.
- d. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
- e. Date of filing with the Township Clerk.
- f. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the require information.
- g. The desired change and reasons for such change.

Sec. 604.4 STEPS IN MAKING A CHANGE.

- a. Petitioner submits application and fee.
- b. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing as prescribed in Sections 604.1 and 604.2.
- c. Planning Commission holds hearing, makes a decision, transmits decision to the Clare County Zoning Coordinating Committee (or its legal equivalent) and to the Township Board.
- d. Township Board either enacts or rejects proposed change as an Ordinance amendment. In the event of adoption, a notice of such adoption shall be published within

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fifteen (15) days after approval of the Ordinance. Said notice shall contain the text of the amendment or, in the alternative, shall summarize the effect of said Ordinance, describe the area involved, and give the effective date thereof. In addition, said notice shall indicate where a complete copy of the Ordinance may be viewed.

- e. In the event the Township Board shall decide to hold additional public hearing or hearings, or in the event a property owner by certified mail shall request such additional hearing, notice of said hearing shall be published in a newspaper of general circulation within the Township not more than fifteen (15) nor less than five (5) days before the date thereof.

Sec. 604.5 FINDINGS OF FACTS REQUIRED.

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for the disposition of the petition, to the Township Board, within sixty (60) days of the filing date of the petition.

The facts to be considered by the planning commission shall include, but not be limited to, the following:

- a. Whether the requested zoning change is justified by a change in conditions since the original Ordinance was adopted or by an error in the original Ordinance.

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- b. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- c. The availability and compatibility of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- d. Effect of approval of the petition on adopted environmental and development policies of Hatton Township and other government units.
- e. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board. An amendment shall not be approved unless these and other identified facts be affirmatively resolved in terms of the general health, safety, welfare, comfort and convenience of the citizens of Hatton Township, or of Clare County.

Sec. 605 PENALTIES.

Violations of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with variances and conditional uses and violations of approved site plans, shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred (\$500) or imprisoned for not more than ninety (90) days, or both, and in addition shall pay

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all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner of record or tenant of any building, structure, premises, or part thereof, and any architect, building contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

The imposition of any fine, or jail sentence, or both shall not exempt the violator from compliance with the provisions of this Ordinance. In addition to the criminal sanctions herein provided, the Township may institute injunctive proceedings or other appropriate civil proceedings to prevent, enjoin, abate or remove any violation of this Ordinance.

Sec. 606 VESTED RIGHT.

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation or any particular use, district, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety, and welfare.

Sec. 607 SEVERANCE CLAUSE.

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph, or provision hereof be

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declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any part hereof, other than the part so declared to be unconstitutional or invalid.

Sec. 608 EFFECTIVE DATE.

Following adoption by the Township Board, this Ordinance shall take effect thirty (30) days after the date of its first publication.

1. Dates of Public Hearings: (a) October 26, 1992  
(b) May 25, 1993  
(c) \_\_\_\_\_
  
2. Date of Adoption: May 25, 1993
  
3. Record of Approval by  
Township Board: Ayes: Hileman, Farrell,  
Whitford, Shull and  
Trietch  
Nays: None
  
4. Date of First Publication June 10, 1993
  
5. Effective Date: July 1, 1993
  
6. Validated: William L. Hileman  
Township Supervisor  
Jant Trietch  
Township Clerk

**Recommended Changes to the Hatton Township Zoning Ordinance**

pg 1 of 4

Pg 20 Section 202.41 – Paragraph 2, Change :  
Reference (from 720 square feet) to “980 square feet”

Pg 22 Section 202.49 – Change wording:  
(from issued by Planning Commission) to “issued by the Township Board”

Pg 29 Section 305.2 – Change Section Reference from  
(202.18) to “202.19

Pg 32 Section 305.4 - Add wording after (AR District)  
“And Forestry District”

Pg 34 Section 305.4 Paragraph f, Change reference:  
(from seven hundred twenty (720) square feet) to  
“nine hundred eighty (980) square feet”

Pg 40 Section 307.2 Paragraph b, add after the word (Ordinance.)  
The following: “Except article b & d1 of Section 305.2”

Pg 45 308.4 – Paragraph f (1), Change wording:  
(one and two-family) to “one family”

Pg 45 308.4 – Paragraph f (1), Change from  
(seven hundred twenty (720) square feet) to  
“nine hundred eighty (980) square feet”

Pg 45 308.4 – Paragraph f (2), Change:  
(three (3) or more) to “two (2) or more.”

Pg 45 308.4 – Paragraph f (2), Change:  
(seven hundred twenty (720) square feet) to:  
“nine hundred eighty (980) square feet”

Pg 48 309.4 Change:  
(seven hundred twenty (720) square feet) to  
“nine hundred eighty (980) square feet”

Pg.49 Section 310 – Schedule of Residential Regulation  
Change Chart – Minimum Lot Frontage – RR, Rural Residential from  
(100 ft) to “150 ft”

Pg 49 Section 310 – Schedule of Residential Regulation  
Change Chart – Minimum Lot Frontage – R1, High Density Residential from  
(150 ft) to “100 ft”

Pg 49 Section 310 – Schedule of Residential Regulation  
Change Chart – Minimum living area  
Ag, Agricultural Residential - from  
(720 sq ft) to “980 sq ft”

Pg 49 Section 310 – Schedule of Residential Regulation  
Change Chart – See Pg 4 of changes (chart)  
F, Forestry – from – minimum living area  
(720 sq ft) to “980 sq ft”

April 11, 2006  
Public Hearing



Pg 49 Section 310 – Schedule of Residential Regulation  
Change Chart – Minimum living area  
RR, Rural Residential - from  
(720 sq ft) to “980 sq ft”

Pg 49 Section 310 – Schedule of Residential Regulation  
Change Chart – Minimum living area  
R1, High Density Residential - from  
(sf and sf: 720 sq ft/unit) to “sf 980 sq ft/unit”

Pg 49 Section 310 – Schedule of Residential Regulation  
Change Chart – Minimum living area  
R1, High Density Residential - from  
(3+f 720 sq ft/unit) to “ 2+f 980 sq ft/unit”

Pg 49 Section 310 – Schedule of Residential Regulation  
Change Chart – Minimum living area  
R-2, Mobile Home Park – from  
(720 ft) to “980 sq ft/unit”

See Revised Chart Attached for Pg 49, Section 310 – Schedule of Residential Regulation  
Unless otherwise stated – All Minimum floor square feet shall be established as “980”.

Pg 58 – Section 401.1 last line: Delete words: (the same as if it were a principal dwelling,)

Pg 59 – Delete (remove) Section 401.3 – c

Pg 60 Section 401.6 a – Change wording from (No Accessory building shall project into any font yard.)  
To “No accessory building shall project into any front yard, unless 401.6c is met.”

Pg 60 Section 401.6 b – Change (closer than five (5) feet) to  
“closer than ten (10) feet”

Pg 62 Section 402.4: Label the first paragraph: “a”

Pg 62 Section 402.4 Add paragraph – As follows:

- b. No building earthwork shall be conducted in a manner not conforming to zoning setback requirements (20 feet) and or which does cause surface water inconvenience or damage to adjacent properties.

Pg 73 Section 502.2 e – remove in two places the words (of Trustees)

Pg 76 Section 501.4 – Delete (remove) entire paragraph and replace paragraph with:  
“Special Use Permits may be issued for time periods determined by the Hatton Township Board, not to exceed five (5) years per Special Use Permit. If a Special Use Permit is granted and if work has not proceeded to at least fifty percent (50%) of completion within one year of issuance of the Special Use Permit, said permit will become null and void. Once a Special Use Permit is granted one or more times (five years for each renewal) by application to the Hatton Township Planning and Zoning Commission. If the Hatton Township Planning and Zoning Commission determines that the renewal is reasonable and appropriate, no additional hearing is required. If the Hatton Township Planning and Zoning Commission declines to grant a renewal, then the application for a renewal of the Special Use Permit may be made to the Hatton Township Board following the same procedures as described for the original application (including public hearing).”

## **Recommended Changes to the Hatton Township Zoning Ordinance**

**pg 3 of 4**

**Pg 80 Section 502.3 e – Strike (delete) the entire paragraph.**

**Pg 80 Section 502.3 e – Change to state the following : “Sand and gravel mining, soil removal, and similar earth grading and/pr extraction land uses are covered by Special Use Permits.”**

**Pg 81 Section 502.7 a – Add wording after the word (District) “and the Department of Natural Resources”**

**Pg 82 Section 502.7 b – Strike (delete) entire paragraph.**

**Pg 82 Section 502.7 b – Entire paragraph to read as: “Copies of permits from the Clare County Soil Conservation/Department of Natural Resources must be filed with the Hatton Township Zoning Officer prior to construction.”**

**Pg 87 Section 601.4 – Strike (delete) the first two paragraphs in their entirety.**

**Pg 87 Section 601.4 – The two paragraphs struck from the ordinance are replaced with the following”**

**When applying for a Zoning permit, the applicant must furnish a legal description, address of the parcel, and a site sketch/plan along with the application and fee to the Township Zoning Officer or Township Clerk. The preliminary site inspection shall be made by the Zoning Officer and, if approved, the preliminary permit of zoning compliance shall be issued by the Zoning Officer.”**

**Pg 88 Section 601.4 – Strike (delete) the last two (2) paragraphs in their entirety.**

**Pg 102 Section 605 (Penalties) change the words ( that) in two places to “than”**

**Pg 102 Section 605 – Change (ninety (90) days) to “ninety three (93) days”**

# Recommended Changes to the Hatton Township Zoning Ordinance

District	Minimum Minimum Lot Size	Minimum Lot Frontage	Maximum Lot Coverage	Maximum Building Height	Minimum Living Area	From C/L Road Setback Requirements
AR Agricultural Residential	1 acre	200ft	25%	35-95ft	980 sq ft	Section line & Primary Roads - 127 ft ¼ line Road - 110 ft Other Roads - 100 ft
F Forestry	1 acre	200 ft	25%	35-95ft	980 sq ft	Section line & Primary Roads - 127 ft ¼ line Road - 110 ft Other Roads - 100 ft
RR Rural Residential	1 acre	150 ft	30%	35-95ft	980 sq ft	Section line & Primary Roads - 127 ft ¼ line Road - 110 ft Other Roads - 100 ft
R-1 High Density Residential	sf 20,000 sq ft 2f 24,000 sq ft 3+f 10,000 sq ft Per Unit	100 ft	25%	25-30ft	sf 980 sq ft/unit 2+f 980 sq ft/unit	Section line & Primary Roads - 110 ft ¼ line Road - 93 ft Other Roads - 83 ft
R-2 Mobile Home Park	15 acres/park 10,000 sq ft/site	variable	DNA	15 ft	980 ft	DNA