

**Zoning Permit Process – Dwelling and Accessory Uses/Structures
Greater Thompsonville Area Zoning Ordinance
Colfax Township and Village of Thompsonville**

1. Fill in all required information on a Dwelling and Related Accessory Uses/Structures application. Please call Zoning Administrator, Angel Kraft at (231) 970-1560 if there are questions or for clarification concerning requirements for the process. If zoning permit application materials are not administratively complete when received, the Zoning Administrator may deny such application or otherwise delay action on the application until it is made complete in a comprehensible manner.
2. Mail three copies each of the application, supporting documents and any related attachments (only one copy of proof of ownership) plus a check or money order payable to **JPC** for the applicable fee(s) to:
Zoning Administrator, P.O. Box 115, Thompsonville, MI 49683.
3. Permit fees: \$40 for a dwelling or addition/alteration; \$40 for an accessory use, structure or building. An additional charge of \$100 applies to projects started prior to permit. Contact the Zoning Administrator to ask if a Zoning Permit is required and the applicable fee (see Section 3.2), particularly for a special land use, ordinance amendment, Zoning Board of Appeals petition, special meetings and applications for commercial and industrial zoning districts. Fences and demolitions require a permit but no fee. Certain uses may require a site plan, public hearing and approval by the Joint Planning Commission.
4. A Zoning Permit for land use will be issued upon approval of a complete application. Display a copy in a conspicuous location on the property. The Benzie County Building Department requires a copy of the Zoning Permit issued by this office and provides them verification that the project complies with the zoning ordinance. Zoning Permits expire one year after issuance if the first building inspection has not occurred. Contact the Zoning Administrator two weeks in advance of expiration, in writing with a brief explanation, if an extension is needed.
5. A Zoning Permit is required for any work related to the following departments except replacement of a dwelling's existing well or septic system. In accordance with the Zoning Ordinance, obtain and display permits as required from:
 - Benzie County Building Safety & Code Enforcement (231) 882-9673; www.benzieco.net
 - Responsible for administration and enforcement of State Code compliance; issues permits and conducts inspections pertaining to new construction, existing buildings, accessory structures, demolition, electrical, mechanical, plumbing and maintenance of existing buildings; reviews plans; and soil erosion permits and management.
 - Benzie-Leelanau Health Department (231) 882-4409; www.bldhd.org (click on Environmental Health, then the menu to the right)
 - Responsible for permits for sewage systems/wells and remodeling when adding an addition to a dwelling; evaluations when selling or for vacant parcels ('perc' test). A Zoning Permit is not required to replace an existing septic system or well with a dwelling.
 - Benzie County Road Commission (231) 325-3051; www.benziecrrc.org (click on Documents & Forms on left side of home page)
 - Responsible for permits for driveways and private roads (except in the Village), mobile home/modular moves and building, special load and oversize/overweight moves; provides residential driveway specifications; reviews/approves road right-of-way uses.
 - Michigan Department of Natural Resources (989)732-3541 ext. 5088; email buryb@michigan.gov
 - Responsible for issuing Natural River zoning permits for land uses on properties on or within the watershed of the Betsie River and Little Betsie River. Certain wetlands may also be subject to review and compliance; verify a proposed, or change to, land use prior to start of a project. Authorized Principal Uses are limited in the Natural River District; see Section 4.7 or contact the Zoning Administrator for details.

**Following are selected sections from the Greater Thompsonville Area Zoning Ordinance relative to the Zoning Permit application process (highlights are for the reader's attention).
Contact the Zoning Administrator or go to www.colfaxtwp.org to view the zoning ordinance and zoning map to find your zoning district.**

CHECKLIST:

- ☐ Three copies: fully completed and signed application (dwelling related only; contact the ZA for all others)
- ☐ Three copies: support documentation per Section 3.4(B)1 including plot plan, floor plans and exterior drawings of proposed structure to show height and design character, driveway plan
- ☐ One copy: proof of ownership (deed or land contract showing it was recorded at Benzie County Register of Deeds)
- ☐ Check or money order payable to **JPC** for applicable permit fee(s)
- ☐ Three copies: Natural Rivers permit from the DNR if the property is within the NR District

Greater Thompsonville Area Zoning Ordinance

Effective May 15, 2015

Note: following are some excerpts applicable to frequent questions. Required setbacks are in Table 4-4 of the zoning ordinance and differ by zoning district. There are additional standards for various residential land uses. Call the ZA to discuss your proposed project prior to starting work.

Article 3

GENERAL ADMINISTRATION, ENFORCEMENT and PENALTIES

Section 3.2 Zoning Permit Required

A. When a Zoning Permit is Required: Except as provided in subsection (C) below, none of the following shall occur until the Zoning Administrator has issued a zoning permit that shall signify the proposed activity conforms to the requirements of this Ordinance and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a building permit:

1. The initiation of any grading or excavation.
2. The erection, enlargement, alteration, movement or demolition of any wall, structure or building.
3. The use of any land or building or change in the use of any land or building, as delineated in the Permitted Uses tables of Article 4, including the conversion of an abandoned building to an active use.

B. Zoning Permit Form / Approval: A zoning permit shall be on a form established for such purpose and the completed form shall identify the specific use authorized, the drawings that graphically portray the proposed alterations and improvements to the property and any conditions made part of such permit. No zoning permit or building permit shall be issued for any structure, building or use of land where the use, construction, addition, or alteration would be in violation of this Ordinance. See Section 3.4 regarding application review procedures.

C. Zoning Permit Exemption: A zoning permit shall not be required for the following, but the following shall be subject to the standards and other requirements of this Ordinance:

1. The erection, enlargement, alteration, movement or demolition of any building or structure that is no greater than one-hundred (100) square feet in area.
2. The alteration of any wall of any building provided no change is made to the location of an exterior wall and such alterations are in compliance with all requirements and standards of this Ordinance. A building permit may be necessary for such an alteration pursuant to the Construction Code.
3. Fences for farm operations.

Section 3.4 Zoning Permit Application, Review Procedures and Permit Withholding, Revocation and Expiration

A. General Application and Review Procedures: An application for a zoning permit and applicable fee schedule shall be available from the Zoning Administrator. Upon payment of fees and approval of the application, a zoning permit shall be issued. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the zoning permit. Zoning permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the JPC directs the Zoning Administrator to do so unless provided otherwise by this Ordinance.

1. **Plot Plan / Site Plan:** An application for a zoning permit shall include the submittal of a plot plan or site plan. An application for a single family or two-family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 13 (Site Plan Review) unless provided otherwise by this Ordinance.
2. **Special Land Uses:** In addition to meeting the site plan requirements of Article 13, a zoning permit application for a use classified as a "special land use" according to the Permitted Uses tables of Article 4 shall be processed according to the provisions of Article 14 (Special Land Uses).
3. **Variances:** Where the approval of a variance by the JZBA is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the designated approving body until action on the variance request has first been taken by the JZBA pursuant to

Article 15.

4. Incomplete Applications: If zoning permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a comprehensible manner.
5. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit pursuant to Sec. 3.6 of this Ordinance.
6. Permit Refusal in Writing: In any case where a zoning permit or other approval requested under this Ordinance is refused, the Zoning Administrator shall provide the reasons for the refusal to the applicant in writing. Such notification may include a copy of the meeting minutes and motion containing such reasons.
7. Permit Display: A zoning permit shall be displayed, face out, in a conspicuous location on the property subject to the permit and within twenty-four (24) hours of the receipt of such permit.

B. Single Family and Two-Family Dwellings/Plot Plan Approval

1. Application Required: Application for a zoning permit for a single family or two-family dwelling, including alterations and accessory structures and buildings thereto, shall be submitted to the Zoning Administrator on a form for that purpose. Three (3) copies of all application materials (one copy of proof of ownership) shall be submitted and shall consist of:
 - a. The completed application form and all permit approvals and supporting documents associated with required state or federal permits, if applicable.
 - b. An accurate, readable, drawing of scale not less than 1" = 100', constituting a plot plan, identifying the following:
 - 1) Name, address and telephone number of the applicant (and owner if different).
 - 2) A scaled property drawing showing lot lines, dimensions, bearings, lot area, legal description and an arrow pointing north. The Zoning Administrator may require a property survey prepared by a Michigan-licensed surveyor where conditions are present that necessitate a greater level of detail and/or accuracy regarding the location of property lines and/or buildings, such as in the case of an existing or proposed building in the immediate proximity of a lot line.
 - 3) The location and footprint of existing structures and the location, height, footprint and scaled floor plans of proposed structures to be erected, altered or moved on the lot.
 - 4) Distances of buildings and structures from lot lines.
 - 5) A description of proposed use(s) of the building(s), land and structures. (*Note: for demolition permit, indicate building(s) to be removed.*)
 - 6) Configuration of the driveway and parking areas.
 - 7) Existing public and private right-of-ways and easements.
 - 8) Existing and/or proposed location of septic drain field and potable water well.
 - 9) In the case of a corner lot, the designated side and rear yard.
 - 10) Any other information deemed necessary by the Zoning Administrator to determine Ordinance compliance and provide for the enforcement of this Ordinance, such as wetland permits, soil and erosion control permits, Natural Rivers Act permits and health department permits including permits for the addition of habitable space to an existing dwelling or other building.
2. Application Review and Action: The Zoning Administrator shall review a zoning permit application and determine its conformity with the provisions of this Ordinance. After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to the requirements and standards of this Ordinance. A plot plan shall be approved if it contains the information required by, and is in compliance with this Ordinance.
 - a. The Zoning Administrator shall notify the applicant in writing of the action on the application including any conditions associated with an approval.
 - b. The decision by the Zoning Administrator shall be made within fifteen (15) days of the receipt of a complete application including copies of all required county, state and federal permits.
3. Approved Plot Plans: At least two (2) copies of an approved application, with any conditions contained within, shall be maintained as part of the Zoning Administrator's records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from the Zoning Ordinance have been obtained from the JZBA, the minutes concerning the variances, duly signed, shall also be filed with the Zoning Administrator's records as a part of the application and delivered to the applicant.
4. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).
5. Single Family Dwelling Standards: See Section 18.6 regarding single family dwelling standards.

C. Permit Withholding, Revocation and Expiration

1. Withholding Permit: A designated approving body may withhold approval of an application pending verification that an applicant has received required county, state or federal permits including under

- the Natural Rivers Act. Similarly, such body may condition its approval on the receipt of such permits.
2. **Revocation:** A body which grants approval of a permit or application under this Ordinance may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision.
 3. **Expiration of Permit:**
 - a. A zoning permit, including the approved plot plan or site plan upon which the permit is based, shall expire after one (1) year from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector.
 - 1) Where a zoning permit does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit shall become null and void after one (1) year from the date of granting such permit unless the clearing, preliminary grading and survey staking of roads and drives shall have been completed within such time. Such permit shall become null and void after two (2) years from the date of granting such permit unless utilities and access ways, including roads, have been completed.
 - b. The body that approved a zoning permit may waive or extend the period of time in which the permit is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is maintaining a good faith intention to proceed with construction and even though the permit and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit.
 - 1) In the case where a zoning permit is to expire more than three (3) years following the initial issuance of the permit, no extension shall be granted unless the body that approved the permit finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is maintaining a good faith intention to proceed with construction.
 - 2) In the case of a multi-phased project, the expiration of a zoning permit for a specific phase shall similarly result in the expiration of all zoning permits previously granted for subsequent phases.
 - c. Should a zoning permit expire, any use, building and/or activity authorized by such permit shall not be initiated or continued except upon reapplication, subject to the provisions of all ordinances in effect at the time of reapplication. Upon expiration of the permit, failure to terminate the use for which the permit was issued is declared to be a nuisance per se and a violation of this Ordinance.
 - d. Where there is a delay of more than sixty (60) days between the date a site plan is approved and the zoning permit is issued for such project, the time lines specified in this subsection (3) shall be computed from the date of the site plan approval.

Section 3.5 Building Permit / Permit of Occupancy Required

A. Building Permit: No grading, excavation, or construction shall be initiated prior to the issuance of a zoning permit and, where required by state law, the Building Inspector certifies proposed structures and buildings comply with the Construction Code through the issuance of a building permit.

B. Occupancy Permit: No structure or use shall be occupied, in whole or in part, without first receiving a permit for occupancy from the Building Inspector pursuant to the Construction Code.

Section 18.6 Single-family Dwelling Standards

A. All single family dwellings and modifications thereto shall comply with the requirements of this Ordinance including the following standards, provided that the foregoing standards shall not apply to temporary dwellings, or mobile homes located in a licensed manufactured housing community, except to the extent required by State and Federal law.

1. The dwelling and all modifications thereto shall comply in all respects with the Michigan Construction Code and building codes of the respective municipality including minimum heights for habitable rooms. Where a dwelling is required by law to comply with federal or state standards or regulations for construction and where such standards or regulations for construction are different than those imposed by such codes, then and in that event such federal or state standard or regulation shall apply.
2. All dwellings shall have a minimum floor area of 720 sq. ft..
3. The dwelling shall have a minimum width of twenty (20) feet across a minimum of fifty percent (50%) of its front, side and rear elevation.
4. The dwelling shall be firmly attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling, except in the case of cantilever architecture, and constructed of such materials and type as required by the building code for such dwelling. In the case of a mobile home as defined herein, such dwelling shall

be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device, and shall be set on a concrete footing with a masonry wall extending from the perimeter wall of the dwelling to ground, or on a concrete footing with fireproof supports and shall have a continuous skirt extending from perimeter to ground, made of commercial quality or equivalent, and comply with the rules and regulations of the Michigan Mobile Home Commission, the Public Health Department and HUD Regulations 24 CFR 3280, being the "Mobile Home Construction and Safety Standards". No dwelling shall have exposed wheels, towing mechanism, undercarriage, or chassis.

5. The dwelling shall have exterior doors on a minimum of two (2) sides of the dwelling, and shall have steps connected to exterior door areas, or to porches connected to exterior door areas, where the difference in elevation exceeds twelve (12) inches.
6. Any additions or modifications to a dwelling shall be constructed of similar or better quality workmanship as the original structure, including permanent attachment to the principal structure and foundation.
7. The dwelling shall contain storage area equal to 10% of the square footage of the dwelling or 100 square feet, whichever shall be less, and shall be located in a basement under the building, in an attic area, in closet areas, or in a separate structure constructed of similar or better quality workmanship as the principal dwelling.
8. The dwelling shall be connected to a public sewer and water supply or to such private facilities approved by the Benzie County Health Department.
9. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. The compatibility of design and appearance shall be determined by the Zoning Administrator upon review of the plans submitted for a particular dwelling. A determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design and appearance of one or more dwellings located within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings or, where said area is not so developed, by the general character, design and appearance of dwellings located in the Greater Thompsonville Area similarly meeting the standards of this Section. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

Section 18.8 Accessory Uses, Buildings and Structures

A. Scope:

1. Applicability: Accessory buildings, structures and uses shall be subject to the regulations of this Section except where expressly regulated otherwise by this Ordinance.
2. Customarily Incidental and Secondary: No provisions of this Section shall be interpreted as authorizing accessory uses, buildings or structures that do not conform to the definitions of Article 19 pertaining to "accessory building or structure" and "accessory use," including that they be customarily incidental and secondary to the principal use of the lot.
3. Accessory Building: For the purposes of this Section, a building shall be considered an accessory building where such building is not structurally attached to the principal building by shared wall construction.

B. Permit Required: No accessory building or structure, including fences, shall be erected prior to the issuance of a zoning permit for such structure or building, provided however that a permit is not required in the case of a building or structure that is no more than one-hundred (100) square feet in area. Such building or structure shall comply with all requirements of this Ordinance including height and setback standards. Applications for accessory buildings and structures shall be administered and reviewed as part of the original or proposed revised plot plan (Section 3.4(B)) or site plan (Article 13).

C. Placement/Setbacks: Accessory buildings and structures shall comply with the minimum yard setback standards applicable to the principal structure on the lot according to Table 4-4 or as provided elsewhere in this Ordinance, but in no case shall an accessory building be erected in the front yard of any of the following:

1. A lot in a Residential District except that accessory buildings and structures are permitted in the front yard of a lot in a NR, RC-1, RC-2 RR-1, or RR-2 District provided such buildings and structures comply with the required front yard setback for the principal building according to Table 4-4.
2. Any lot in a platted or condominium subdivision, irrespective of the District.

D. Height: Accessory buildings and structures shall comply with the maximum height standards applicable to the principal structure on the lot except as provided below:

District	Maximum Height in Feet	Maximum Height in Stories
RR-1 and RR-2	30	1
R-1 and R-2	20	1
R-3	15	1

E. Area/Lot Coverage:

1. Compliance with Table 4-4: In no case shall any accessory building or structure be erected that results in noncompliance with the lot coverage/open space standards of Table 4-4 of Article 4, except during the period when a temporary dwelling may be present according to Section 18.7
2. Yard Limitations: In addition to subsection (1) above, no more than twenty-five percent (25%) of each yard shall be occupied by accessory buildings and structures in the case of lot located in a Residential District or in a platted or condominium subdivision in any District.

F. Habitation of Accessory Buildings or Structures: No accessory building or structure shall be used or occupied as a dwelling except as may be authorized pursuant to Section 18.7, Temporary Dwellings.

G. Prior to a Principal Structure: Buildings and structures that customarily function as accessory to a principal structure or use such as, by example only, garages and storage buildings, are prohibited in Residential Districts prior to the pouring of the principal structure's foundation and erection of framing, except as may be authorized pursuant to Section 18.7, Temporary Dwellings.

Section 18.13 Keeping of Animals as Accessory Residential Use

A. Keeping of Vicious Animals: No vicious animal shall be kept permanently or temporarily in any District. "Vicious animal" shall be defined as any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

B. Keeping of Exotic and Wild Animals: No exotic or wild animal shall be kept permanently or temporarily in any District except as regulated and approved by the Michigan Department of Natural Resources. "Exotic and wild animals" shall be defined as any member of a species of animal, reptile, or bird, warm or cold-blooded, that is native to a foreign country or of foreign origin or character, and/or any animal not customarily confined or cultivated by man for domestic or commercial purposes. This phrase specifically includes animals such as, but not limited to, bear, deer and moose. "Wild and exotic animals" shall not include birds, small rodents and nonpoisonous reptiles under five (5) feet in length, commonly maintained as household pets except as may be otherwise state or federally regulated.

C. Keeping of Household Pets: The keeping of household pets as an accessory use in association with any residentially-used lot is permitted provided such activities do not constitute a kennel as defined in this Ordinance, unless approval for such kennel has been granted pursuant to this Ordinance. "Household pets" shall be defined to include dogs, cats, fish, birds, hamsters and other types of animals commonly maintained in a residence.

D. Keeping of Livestock: The keeping of livestock as an accessory use to the principal residential use of a lot shall be permitted in all Conservation and Residential Districts except the R-3, MF and MHC Districts. In the case of the R-1 and R-2 Districts, the following regulations shall apply:

1. Small Livestock: The keeping of livestock shall be limited to rabbits, chickens but excluding roosters, and other small livestock that can be reasonably expected to grow to a weight of less than thirty (30) pounds upon reaching maturity.
2. Density: The density of small livestock shall not exceed one (1) animal over two (2) months of age per 10,000 square feet comprising the lot, except that where such livestock can be reasonably expected to grow to a weight not exceeding ten (10) pounds upon reaching maturity, the permitted maximum density shall be (1) animal over two (2) months of age per 2,000 square feet comprising the lot.
3. Containment/Setbacks: All livestock shall be completely enclosed by a fence of adequate height, design and construction to contain the livestock, and the containment area shall comply with all setbacks applicable to accessory structures in the District.
4. Waste: The retention or storage of animal waste shall be managed so as not to create a nuisance and in no case shall the storage of animal waste occur within fifty (50) feet of a lot line.

Section 18.15 Fences and Walls

A. Residential: Fences and walls used for residential purposes shall comply with the following standards:

1. No fence or wall exceeding six feet (6') in height shall be erected in any side or rear yard.
2. No fence or wall exceeding four feet (4') in height shall be erected in any front yard except that within twenty (20) feet of a road right-of-way or easement, a fence may be erected only and shall not exceed three (3) feet in height, and shall be of open construction so as not to restrict air flow by more than twenty-five percent (25%).
3. The finished side of a fence or wall shall face the abutting lot.
4. Fences and walls shall not be subject to setback requirements.

5. No fence or wall shall be erected along or near a road in such a manner as to obstruct safe, free and clear vision of oncoming traffic or vehicles attempting to access such road or negotiate movement through an intersection. See also Section 18.19 regarding clear vision zones.

6. Fences and walls shall be constructed of materials designed and intended for such purposes. In no case shall a fence or wall be constructed of tires, vehicle parts, rotting lumber, pallets, glare-producing materials, trash or any materials capable of providing habitat for pests or vermin.

B. Commercial, Industrial, Public and Institutional: The location, height and character of all fences and walls proposed as part of the commercial, industrial, public and/or institutional use of a lot, or any other use of a lot requiring site plan approval pursuant to Article 13, shall be reviewed according to the site plan review provisions of Article 13.