

**SUTTONS BAY TOWNSHIP
LEELANAU COUNTY, MICHIGAN**

Ordinance No. 2 of 2019

**(Zoning Ordinance Amendment No. 19-001)
(Planning Commission Application No. 18-003)**

AN ORDINANCE TO AMEND THE SUTTONS BAY TOWNSHIP
ZONING ORDINANCE BY AMENDING ARTICLE 3
TO CONDITIONALLY REZONE PROPERTY

THE TOWNSHIP OF SUTTONS BAY ORDAINS:

Suttons Bay Township Ordinance Part 1: Amendment of Section 3.2.

The zoning map incorporated into Section 3.2 of the Suttons Bay Township Zoning Ordinance is hereby amended to rezone the following property situated in the Township of Suttons Bay, County of Leelanau, State of Michigan and described as:

Part of the Northwest ¼ of the Northwest ¼ of Section 35, Town 30 North, Range 11 West, Suttons Bay Township, Leelanau County, Michigan, described more fully as follows:
Commencing at the Northwest Corner of said Section 35; thence S00°30'40"W (recorded as S00°34'00"W), along the West line of said Section 35; 1330.10 feet to the North 1/8 line of said Section 35; thence S89°49'33"E (recorded as S89°47'30"E) along said 1/8 line, 820.00 feet; thence N00°29'53"E, parallel to the West line of the recorded plat of Nabawnaga Shores No. 4, 300.00 feet for the Point of Beginning; thence continuing N00°29'53"E, parallel to said west plat line, 150.00 feet; thence S89°49'33"E, parallel to said North 1/8 line, 300.00 feet to said west plat line; thence S00°29'53"W, (recorded as S89°34'15"W), along said west plat line, 150.00 feet; thence N89°49'33"W, parallel to said North 1/8 line, 300.00 feet to the Point of Beginning.
Containing 1.033 acres of land. Property Number 45-011-035-001-30,

AND

Part of the Northwest ¼ of the Northwest ¼ of Section 35, Town 30 North, Range 11 West, Suttons Bay Township, Leelanau County, Michigan, described more fully as follows:
Commencing at the Northwest Corner of said Section 35; thence S00°30'40"W (recorded as S00°34'00"W), along the West line of said Section 35; 1330.10 feet to the North 1/8 line of said Section 35; thence S89°49'33"E (recorded as S89°47'30"E) along said 1/8 line, 820.00 feet; thence N00°29'53"E, parallel to the West line of the recorded plat of Nabawnaga Shores No. 4, 150.00 feet for the Point of Beginning; thence continuing N00°29'53"E, parallel to said west plat line, 150.00 feet; thence S89°49'33"E, parallel to said North 1/8 line, 300.00 feet to said west plat line; thence S00°29'53"W, (recorded as S89°34'15"W), along said west plat line, 150.00 feet; thence N89°49'33"W, parallel to said North 1/8 line, 300.00 feet to the Point of Beginning.
Containing 1.033 acres of land. Property Number 45-011-035-001-20,

from the Agricultural District to the Residential District, subject to the following condition, as authorized by Section 405 of the Michigan Zoning Enabling Act, being MCL 125.3405:

1. Parcel No. 45-011-035-001-20 will maintain a 35 foot Side Yard Setback along the south side property line between this parcel and Parcel No. 45-011-035-001-10.

The above condition shall apply to the rezoned property for a period of twenty four (24) months from the effective date of this ordinance. Except for an extension granted under Section 405(4) of the Michigan Zoning Enabling Act, being MCL 125.3405(4), if the above conditions are not satisfied within the time specified above, the properties shall revert to their former Agricultural zoning classification.

For purposes of this Ordinance, the condition shall be satisfied by issuance of Land Use Permits for dwellings on both parcels within the time period specified above, and completion of the dwellings in accordance with the time specified on the Land Use Permits.

This ordinance would be superseded by any subsequent ordinance adopted by Suttons Bay Township changing the zoning designation of these properties, even during the time period of the conditions.

Suttons Bay Township Ordinance Part 2: Severability

If any section, clause, or provision of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not effect the validity of the remainder of the Ordinance as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

Suttons Bay Township Ordinance Part 3: Effective Date

This Ordinance shall become effective eight (8) days after publication in a newspaper of general circulation within the township.

Ordinance No. 2 of 2019 was hereby adopted on the 13th day of February, 2019 by the Suttons Bay Township Board of Trustees as follows:

Motion by: Nixon
Seconded by: VanHuystee
Yeas: Nixon, VanHuystee, Bahle, Slocombe
Nays: None
Absent: Hartesfelt

MOTION CARRIED

I certify that this is a true copy of Ordinance No. 2 of 2019 that was adopted at a regular meeting of the Suttons Bay Township Board on February 13, 2019 and published in the Leelanau Enterprise on February 21, 2019.

Dated: _____

Sandra Van Huystee,
Suttons Bay Township Clerk

Date of Township Approval: February 13, 2019
Date of Publication: February 21, 2019
Effective Date: March 1, 2019