WAGANAKISING ODAWAK STATUTE 1997007
LAND USE REGULATION - ARTICLE 1

SECTION 1: SHORT TITLE AND PURPOSE

A. **Short Title**: This Statute may be cited as the "Land Use Statute."

B. **Purpose**: The purpose of this Statute is to provide for the regulation of land use; the structures, appurtenances, additions and decorations which may accompany them; and other developmental characteristics which may have an effect upon the public health, safety, and general welfare; and its relationship and conformance with adopted Waganakising Odawak ordinances and plans.

SECTION II: ADOPTION OF LAND USE STATUTE

This document, a copy of which will be kept on file in the office of the Tribal Planning Department of the Little Traverse Bay Bands of Odawa Indians, being marked and designated as the "Little Traverse Bay Bands of Odawa Indians Land Use Statute" be and is hereby adopted as the land use ordinance of the Little Traverse Bay Bands of Odawa Indians.

SECTION III. INCONSISTENT ORDINANCES REPEALED

That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION IV. EXISTING USES OF LAND AND BUILDINGS

The lawful use of any dwelling, building or structure, and of land or premises as existing and lawful at the time of enactment of this Statute may be continued at the discretion of the owner thereof even though such use does not conform with the provisions of this Statute.

SECTION V. CLASSIFICATION OF LAND USE DISTRICTS

To achieve the aims and purposes set forth above, any lands under the jurisdiction of the Little Traverse Bay Bands of Odawa Indians are hereby divided into the following districts:

a. Low Density/Suburban Residential
b. Medium Density Cluster Residential
c. Multi-family/Mixed Residential
d. Forest/Recreational/Conservation
e. Commercial
f. Ceremonial/Outdoor Assembly

SECTION VI. BOUNDARIES OF LAND USE DISTRICTS

The boundaries of specific districts will be determined by the Tribal Council, and will be published on the official map.

SECTION VII. USES ALLOWED BY RIGHT IN ALL DISTRICTS

Traditional ceremonial and outdoor structures utilized in traditional ceremonial and outdoor gatherings and for the purpose of siting traditional communal structures such as sweat lodges are allowed by right in all districts.. These structures are not to be utilized a permanent dwelling units. Their erection may be permanent, as long as occupancy is of a temporary nature for a specific, traditional purpose.

SECTION VIII. DESCRIPTION OF DISTRICTS (reserved for future use)

SECTION IX. ADMINISTRATION AND VIOLATIONS

The provisions of this statute shall be administered by a Zoning Administrator who shall be appointed by the Tribal Council for such terms and under such conditions as the Council deems appropriate to carry out the terms of this statute. Violations of this statute are subject to the same penalties as are violations of the Building Code.

SECTION IX. SAVINGS CLAUSE

In the event that any phrase, part, provision, paragraph, subsection or section of this statute is found be a court of competent jurisdiction to violate the Constitution, laws or ordinances of the Little Traverse Bay Bands of Odawa Indians, such phrase, part, provision, paragraph, subsection or section shall be considered to stand alone and to be deleted from this ordinance, the entirety of the balance of the ordinance to remain in full and binding force and effect.

Certification

As Tribal Chairman and Tribal Secretary, the undersigned certify that this Land Use Regulation Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 22, 1997, at which a quorum was present, by a vote of

7 in favor, 0 opposed, and 0 abstentions as recorded by this roll call.

	In Favor	Opposed	Abstained	Absent
George Anthony	✓			
Patricia Dyer-Deckrow	✓			
Frank Ettawageshik	✓			
Barry Laughlin	✓			
Shirley Oldman	✓			
Janet Shomin	✓			
Alice Yellowbank	✓			

Date: 6-22-97

Frank Ettawageshik, Tribal Chairman

Barry Laughlin, Tribal Secretary