

ARTICLE 1 SHORT TITLE

SECTION 100 TITLE

An Ordinance pursuant to the provisions of Act 184 of the Michigan Public Acts of 1943; Act 110 of Michigan Public Acts of 2006; and Act 33 of Michigan Public Acts of 2008 to provide for the regulation of location and use of structures and land by the establishment of zoning districts in that part of Port Austin Township outside of cities and villages; to provide for a Zoning Inspector to enforce regulations; to provide for a Planning Commission with zoning authority; and to provide for a Zoning Board of Appeals.

SECTION 102 PREAMBLE

The Township desires to provide for its orderly development which is essential to the well-being of the community and which will place no undue burden upon developers, industry, commerce, residents, natural resources, or energy conservation. The Township further desires to assure adequate sites for industry, commerce, farming, recreation, and residences; to provide for the free movement of vehicles upon the streets and highways of the Township; to protect industry, commerce, farming, natural resources, energy consumption and residences against incongruous and incompatible uses of land; to promote the most appropriate use of land and natural resources for the economic well-being of the Township as a whole in accordance with a zoning plan; to assure adequate space for the parking of vehicles of customers and employees using commercial, retail and industrial areas and reasonable access thereto; to assure that all uses of land and structures within the Township are so related as to provide for economy in government and mutual support; and to promote and protect the public health, safety, comfort, convenience and general welfare of all persons and property owners within the Township in accordance with its zoning plan.

SECTION 103 ENACTING CLAUSE

Pursuant to the authority of the Michigan Township Rural Zoning Act and the zoning plan of Port Austin Township, the Township of Port Austin, County of Huron, State of Michigan ordains:

SECTION 104 SHORT TITLE

This Ordinance shall be known and may be cited as the Port Austin Township Zoning Ordinance.

ARTICLE 3 PLANNING COMMISSION

SECTION 300 ORGANIZATION

The Planning Commission shall be comprised of five (5) members who are appointed by the Township Board. The appointees, with one possible exception shall be qualified electors of the township and should represent different parts of the township. One member of the Township Board shall serve on the Planning Commission as an ex officio member, but may not serve as chairman. Members are appointed to staggered two year terms except that the term of the ex officio member shall be the same as his Township Board term. In addition to the regular members of the Planning Commission, the Township Board may appoint one alternate member who can serve as a substitute as needed.

The Planning Commission will hold a minimum of four (4) meetings annually. All meetings shall comply with the Michigan Open Meetings Act. Meetings may be conducted by telephone provided that there is a quorum physically present and that a speaker phone is used to include any absent members.

The Planning Commission will elect officers annually.

The Planning Commission will establish by-laws to govern their activities including, but not limited to, conflict of interest guidelines.

SECTION 301 DUTIES OF THE PLANNING COMMISSION

The planning Commission shall act in an advisory capacity to the Township Board.

It will be responsible for conducting public hearings whenever applications for “special approval use” are made. Its responsibility includes gathering facts along with public opinion and finally making recommendations to the Township Board.

The planning commission will also hold public hearings whenever applications requesting zoning classification changes are made. Again, the Planning Commission will study facts along with public opinion, and make recommendations to the Township Board. If the Planning Commission recommends a change, they will also inform the Huron County Planning Commission of such change prior to asking the Township Board to implement the change.

The Planning Commission may also initiate recommendations to the Township Board for changes in the written zoning ordinance or in the zoning map .

The Planning Commission must also ensure that the township maintains a current "master plan" that addresses land use and infrastructure issues likely to confront the township over the next twenty (20) years.

SECTION 302 SPECIAL USE APPROVAL

To be granted approval for a “Special Use” a landowner must pay a designated fee and file an application with the Township Clerk. The application will include information that identifies the property and explains reasons for the “Special Use” request. The Planning Commission, when notified of such an application, will schedule a public hearing on the request. In accordance with state law, all property

owners within three hundred feet (300') of the affected property will be mailed a notice of the hearing a minimum of fifteen (15) days prior to the hearing. Notice of the hearing shall also be published in a newspaper with local circulation at least fifteen (15) days prior to the hearing. All hearing notices must identify the property in question and the nature of the applicant's request.

If the Planning Commission approves a "Special Use", it recommends that The Township Board grant the applicant's request. If the Planning Commission disapproves a "Special Use" it must furnish the applicant with a written statement of its reasons.

The applicant for "Special Use" will be refunded any part of his application fee that is above the actual costs of holding the public hearing and providing required notices.

SECTION 303 CHANGE OF ZONING CLASSIFICATION DISTRICT

In order to request a change in the Zoning Classification District of land a property owner must first file a written request with the Township Clerk and pay the designated fee. The request should include information that identifies the property, states the zoning classification requested, and explains reasons for requesting the change. The Planning Commission, when notified of such a request, shall schedule a public hearing to consider the change. In accordance with State Law, all property owners within three hundred feet (300') of the subject property will be sent written notice of the public hearing a minimum of fifteen (15) days prior to the hearing. The Township will also publish a notice of the public hearing in a newspaper having local circulation at least fifteen (15) days prior to the hearing. All hearing notices must identify the property in question and explain the nature of the request. If the re-zoning request involves ten (10) or fewer parcels, the hearing notices must identify each individual parcel. Notices of re-zoning requests involving eleven (11) or more parcels need not identify individual parcels.

If the Planning Commission approves the requested change, they notify the Huron County Planning Commission of the proposed change, and recommend to the Township Board that they implement the change. Should the Planning Commission fail to approve the requested change, they will provide the applicant with a written statement of reasons.

Any portion of the application fee not used to cover costs of the public hearing and notices will be refunded to the applicant.

ARTICLE 4 ZONING BOARD OF APPEALS

SECTION 400 CREATION AND ORGANIZATION

There is hereby created and established a Zoning Board of Appeals (ZBA) with all the powers and authority prescribed by law or delegated to it under specific provisions of this Ordinance. Said powers and authority shall be exercised so that the objectives of this Ordinance are observed, public safety and welfare are secured, and substantial justice is done.

The Zoning Board of Appeals shall consist of three (3) members appointed by the Township Board. The Chairman of the Planning Commission shall also act as the Chairman of the ZBA. One (1) member of the Township Board may be appointed to the ZBA but may not serve as Chairman. No employee of the Township Board may serve as a member of the ZBA. In addition to three (3) regular members, the Township Board may appoint two (2) alternates who can act as substitute members when called upon either because of absence or conflict of interest. The term of office for ZBA members is three (3) years with the exception that any Township Board Member will serve the same term as his/her elected term, and initially terms may be less than three (3) years in order to establish staggered terms. All regular members and alternate members shall be qualified electors of the Township and primary residents governed by Port Austin Township zoning.

A majority of the total membership of the ZBA shall constitute a quorum.

The ZBA shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

Meetings of the ZBA shall be held at the call of the Chairman and at other times specified in its rules of procedure. All hearings shall comply with the Michigan Open Meetings Act. The ZBA shall adopt its own rules of procedure and keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a copy of the minutes of its proceedings with the Township Clerk. ZBA minutes will be public record.

SECTION 401 LIMITATIONS AND AUTHORITY

The Zoning Board of Appeals shall *not* have the power to alter or change the zoning district classification of any property, *nor* to make any change in the terms of this Ordinance, but *shall have the power to act on an administrative review, interpretation, or exception and to authorize a variance as defined in this section* and laws of the State of Michigan, as follows:

1. To hear and decide appeals where it is alleged that there is an error in any order, requirement, permit, decision or refusal made by the Zoning Inspector or any other administrative official in carrying out or enforcing any provisions of this Ordinance.
2. To authorize a variance from the use provisions of this Ordinance with such conditions and safeguards it may determine appropriate to ensure that the spirit of this Ordinance is achieved, public safety and welfare secured and substantial justice done. In granting a variance, the ZBA shall state the grounds upon which it justifies the granting of same. No such variance of the use provisions of this Ordinance shall be granted unless it appears that all the following facts and conditions exist:
 - a. An application for the variance has not been made by any person for the same lot within the prior twelve (12) months.

- b. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which have not been caused by the applicant and which do not apply generally to other properties or class of uses in the same district
 - c. Such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same district and vicinity.
 - d. The granting of such variance will not be materially detrimental to the public welfare or materially injurious to the value of property or improvements in the district in which the property is located.
 - e. No more than fifty-one (51%) percent of owners and occupants of property within three hundred (300) feet of the applicant's property lines object to the variance either in writing or in person.
 - f. Denial would cause unnecessary hardship on the applicant.
 - g. The granting of such variance will not adversely affect the purposes or objectives of the Township zoning plan.
3. To hear and decide requests for interpretations of this Ordinance and the Zoning Map.
 4. To grant exceptions to the area, density, bulk, height, yard or general provisions of this Ordinance. Any exception shall be subject to such conditions as the ZBA may require to preserve and promote the character of the district in question and otherwise promote the purpose of this Ordinance, and in that connection the ZBA may, in its discretion:
 - a. Interpret the provisions of this Ordinance in such a way as to carry out its intent as shown upon the Zoning Map fixing the use districts where street layout actually on the ground varies from the street layout as shown on the map.
 - b. Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - c. Permit such modification of other regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be appropriately improved without such modification.

SECTION 402 APPEAL PROCEDURE

Anyone seeking ZBA relief from an administrative decision or authorization for a zoning variance must submit an application together with the appropriate fee to the Township Clerk.

The application must contain the legal description and property ID number of the property together with a clear statement of the action being sought.

The Township Clerk shall notify the ZBA Chairman when an application has been received, and, the ZBA Chairman will schedule a hearing. Written notice the hearing shall be sent to the applicant and owners of all property lying within three hundred feet (300') of the property fifteen (15) days prior to the hearing. Notice of the hearing containing a description of the property and reasons for the hearing shall also be published fifteen (15) days prior to the hearing in a newspaper having local circulation.

A decision by the ZBA shall be in written form and become public record. A ZBA decision is final in the township. Any appeal of a ZBA decision shall be taken to the Huron County Circuit Court.

Any portion of the application fee not used to cover costs of the public hearing and notices will be refunded to the applicant.

ARTICLE 5 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

SECTION 500 CONSTRUCTION

The following rules of construction apply to this Ordinance:

1. The particular shall control the general.
2. In the case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.
3. The word "shall" is always mandatory. The word "may" is permissive and discretionary.
4. When not inconsistent with the context, words used in the present tense shall include the future tense; and words used in the singular number shall include the plural, and the plural the singular.
5. The word "building" or "structure" includes any part thereof.
6. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
7. The word "person" includes an individual, a corporation, a partnership, an incorporated association, an unincorporated association, an occupier of land or any other entity having the capacity to own real estate.
8. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and", "or", "either . . . or" the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either . . . or" indicates that the connected items, conditions, provisions or events shall apply singly, but not in combination.
9. Terms not herein specifically defined shall have the meaning customarily assigned to them.

SECTION 501 DEFINITIONS

ACCESSORY BUILDING/STRUCTURE: A detached building/structure clearly incidental and subordinate to a principal building/structure.

ACCESSORY USE: A use clearly incidental to the primary use of a lot or building/structure including, but not limited to: residential accommodations for servants and/or caretakers; swimming pools for the use of the occupants of a residence or their guests; residential or agricultural storage in a barn or shed or similar building; storage of goods used normally in the operation of business or industrial activity unless such storage is excluded in the applicable district regulations.

ACCESSORY SIGNS: Signs which identify, describe, illustrate or are used to direct attention to a use or activity on the site, which is permitted, as either a "Principal Use" or a "Use Authorized After Special Approval" in a zoned district.

NON- ACCESSORY SIGNS: Signs which identify, describe, illustrate or are used to direct attention to a use or activity which occurs or exists at a location other than the site where the sign is placed

ACREAGE: Any tract or parcel of land which has not been subdivided or platted.

ADDITION: An extension or increase in floor area or height of a building or structure.

ADULT: A person having arrived at the legal age of adulthood as defined by the laws of the State of Michigan.

ADULT ENTERTAINMENT BUSINESS: Businesses including but not limited to: Adult Book Stores, Adult Motion Picture Theaters, Adult Mini-Motion Picture/Video Theaters, Adult Model Studios, Adult Motels, Adult Motion Picture Arcades, or Adult Personal Service Establishments. Adult Entertainment Business within Port Austin Township is regulated and further described by **ADULT ENTERTAINMENT BUSINESS ORDINANCE: ORDINANCE #133**

AGRICULTURAL EQUIPMENT SALES AND SERVICE: An establishment for the repair or sale of equipment or machinery directly associated with the operation of a farm.

AGRICULTURAL STORAGE FACILITIES: A building or structure or part of a building or structure used for the storage of agricultural products to be later sold or distributed for the use by other than the person producing the products. This definition shall include commercial grain elevator facilities but shall not include on-site storage facilities for individual farming operations.

ALLEY: Any dedicated public way other than a street affording a secondary means of access to abutting property and not intended for general traffic circulation.

ALTERATION: Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building/structure, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

ANIMAL FEED LOT: Facilities wherein concentrated numbers of fowl or animals are raised in confinement primarily for slaughter. (*see related term CAFO Article 5 -page 3*)

APARTMENT: A room or suite of rooms arranged and intended as a dwelling unit for a single-family or a group of individuals living together as a single housekeeping unit.

APARTMENT BUILDING: A building having three or more attached single dwelling units, with a yard, compound, service, or utilities in common; used and/or arranged for rental occupancy, or cooperatively owned by its occupants.

ARCADE: Arcade shall mean a place of business or establishment whose principal activity is providing six (6) or more mechanical or electronic amusement devices to the public for a fee. The amusement devices include any machine, which, upon the insertion of any coin, slug, token, plate or disc, or which, for a fee paid to the operator or owner, may be operated by the public generally for use as a game, entertainment or amusement, whether or not registering a score.

ARCHITECTURAL FEATURES: Features of a building including cornices, eaves, gutters, belt courses, sills, lintels, chimneys and decorative ornaments.

AS-BUILT SURVEY: A survey plan of a lot, parcel of land, or combination thereof, prepared by a Michigan Licensed Professional Land Surveyor showing the horizontal and vertical "as-built" measurements and locations of the constructed above ground buildings and structures; and underground utility lines, structures and infrastructure facilities. Such facilities include, but are not limited to: Cable TV, Gas, Electrical and Telephone utility lines; Potable water lines; Sanitary sewer lines; Storm water and drainage lines; Culverts; and ancillary appurtenances such as fire hydrants, gate valves, manholes, catch basins, wireless transmitters, detention/retention basins, etc.

AUTO REPAIR STATION: A structure or use where the following services are performed: general repair; rebuilding or reconditioning of motor vehicles and/or engines; collision service of motor vehicles, such as body, frame, or fender straightening and repair; or overall painting and undercoating of motor vehicles.

BASEMENT: That portion of a building which is partly or wholly below grade and having the vertical distance from the average grade to the floor greater than the vertical distance from the average grade to the ceiling.

BED AND BREAKFAST OPERATION: A use which is subordinate to the principal use of a single family dwelling and a use in which transient guests are provided a sleeping room and breakfast in return for payment.

BLOCK: The property abutting one side of a street and lying between the nearest intersecting street (crossing or terminating) and another street or a railroad right-of-way, un-subdivided acreage, lake, river or live stream, any other barrier to the continuity of development, or Township boundary line or between any of the foregoing.

BOARDING HOUSE: A dwelling where meals or lodging and meals are provided for compensation and where one or more rooms are occupied by persons by pre-arranged definite time periods of not less than one month. A boarding house is to be distinguished from a hotel, motel, bed and breakfast establishment, or a convalescent, nursing, or group home.

BUILDING: Any structure, either temporary or permanent having a roof supported by columns or walls, and used or built for the shelter or enclosure of persons, animals, or property of any kind.

BUILDING HEIGHT: The vertical distance measured from the established finished 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 a terrace, the height shall be measured from the average finished ground level of the terrace at the building wall.¹

BUILDING FRONT LINE: A line that coincides with the face of the building nearest the front line of the lot. This face includes sun parlors and enclosed porches, but does not include steps, or the cantilevered projection of an interior portion of the building, such as a bay window, where such projection is not on the building foundation and where such projection does not exceed thirty (30) inches from the outside face of the building. Said line shall be parallel to the front lot line and measured as a straight line between the intersection points with the side yard. For the purposes of this amended Ordinance, the front building line shall be the front setback line.¹

BUILDING SITE: A lot, or a two dimensional condominium unit of land (i.e., envelope, footprint) with or without limited common elements designed for construction of a principal structure or a series of principal structures plus accessory buildings. All building sites shall have access to public or private roads or streets.

BULK STATIONS: A place where flammable liquids or motor oils are stored for wholesale purposes only, where the aggregate capacity of all storage tanks is more than six thousand (6,000) gallons.

CAFO: Concentrated animal feeding operation. The U.S. EPA has established levels of animal populations and some regulatory guidelines for each.

CAMPGROUND: A parcel or tract of land where 5 (five) or more sites are offered for the establishment of temporary living quarters for recreational units or tents.

CAR WASH: An establishment being housed in a building or portion thereof, together with the necessary mechanical equipment used for washing motor vehicles.

CHILD CARE CENTER: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The term also includes

¹see Appendix of Illustrations

any facility referred to as day care center, day nursery, nursery school, drop-in center, and parent cooperative preschool. A child care center does not include a Sunday school, vacation Bible school, or religious instructional class operated by a religious organization where children are in attendance for not greater than 3 hours per day for an indefinite period or not greater than 8 hours per day for a period not-to-exceed 4 weeks during a 12 month period.

CHURCH:

1. A building used primarily for public worship of any recognized religion. The building may also house church sponsored accessory uses, including but not limited to: retail sales, schools, hospitals, adult foster services; homeless care/ shelters, or food distribution centers; however, any accessory use must conform to all zoning regulations applicable to that accessory use as though it were a primary use.
2. A group of people having most if not all of the following: a distinct legal existence and religious history; a recognized creed and form of worship; established places of worship; a regular congregation and regular religious services together with an organization of ordained ministers.

CLINIC: A building where human patients or animals are admitted for examination and treatment by a group of physicians, dentists, veterinarians, or similar professionals.

CLUB: A nonprofit organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like.

COLLECTOR STREET: A street which provides both land access and traffic movement in the local district; service road.

COMMERCIAL USE: The use of property in connection with the purchase, sale, barter, display or exchange of goods, wares, merchandise or personal services; the maintenance of offices; recreation or amusement enterprises; or, garage and basement sales conducted on residential premises for more than three (3) calendar days during a given one (1) year period.

COMMON LAND: A parcel or parcels of land together with the improvements thereon, the use, maintenance, and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned unit development, condominium, or subdivision.

COMMUNICATION TOWERS/WIRELESS COMMUNICATION FACILITIES: shall mean and include accessory facilities relating to the use of the radio frequency spectrum for the purpose of transmitting or receiving radio signals. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay towers, telephone transmission equipment buildings, and commercial mobile radio service facilities. Not included within this definition are citizen band radio facilities, short wave facilities, amateur radio facilities, satellite dishes, and governmental facilities subject to state or federal law or regulations that may preempt municipal regulator authority.

1. *Attached Wireless Communications Facilities* shall mean wireless communication facilities that are affixed to existing structures, such as existing buildings, towers, water tanks, utility poles, and the like. A wireless communication support structure proposed to be newly established shall not be included within this sub-definition.
2. *Wireless Communication Support Structures* shall mean structures erected or modified to support wireless communication antennas. Support structures within this definition include, but shall not be limited to, monopoles, lattice towers, light poles, wood poles and guyed towers, or other structures which appear to be something other than a mere support structure.
3. Colocation shall mean the location by two (2) or more wireless communication providers of wireless communication facilities on a common structure, tower, or building, with the view toward reducing the overall number of structures required to support wireless communication antennas within the county.

CONDOMINIUM: Individual ownership of a unit in a multi-unit building or development; said development is approved under Public Act 59 of 1978, as amended, and this Zoning Ordinance.

CONDOMINIUM SUBDIVISION: A condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the Subdivision Control Act (Public Act 288 of 1967, as amended).

CONDOMINIUM SUBDIVISION PLAN: A plan illustrating the site (of development), survey, and utility plans; floor plans and sections, as appropriate (if buildings are proposed), showing the existing and proposed structures and improvements including the location thereof on the land. The condominium subdivision plan shall show the size, location, area, and vertical boundaries and volume for each unit comprised of enclosed air space. A number shall be assigned to each condominium unit. The condominium subdivision plan shall include the nature, location and approximate size of common elements.

CONDOMINIUM UNIT: That portion of a condominium project designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, business, industrial, recreational, or any other type of use approved by the Michigan Department of Commerce.

CONVALESCENT OR NURSING HOME: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

COUNTY: The County of Huron, Michigan.

DEVELOPMENT: A man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT: A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DRIVE-IN: A business establishment developed so that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles in order to serve patrons while in a motor vehicle as well as within a building or structure.

DWELLING UNIT: A building or portion thereof, designed exclusively for occupancy for residential purposes.

DWELLING, SINGLE FAMILY: A building or portion thereof, containing not more than one dwelling unit.

DWELLING, TWO FAMILY: A building or portion thereof, containing not more than two separate and independent dwelling units.

DWELLING, MULTIPLE FAMILY: A building or portion thereof, containing three or more separate and independent dwelling units.

EASEMENT: A grant of one or more property rights by the property owner to and or for the use by the public, a corporation, or another person or entity.

ENVIRONMENTAL AREA: An area determined by the Michigan Department of Natural Resources and or the Michigan Department of Environmental Quality to be necessary for the preservation and maintenance of wildlife, water, soil, open space, and or forest resources.

ERECTED: Built, constructed, altered, reconstructed, moved upon, or any physical operation on the premises which are required for construction, excavation, fill, drainage and the like.

ESSENTIAL SERVICES : Public utilities and all the infrastructure necessary to provide water, sewer, electricity, natural gas, communications or other public services for the public health, safety and/or general welfare.

ESTABLISHMENT: Any business or enterprise that utilizes a building, structure, premise, parcel, place, or area.

EXCAVATION: Any breaking of ground, except common household gardening and ground cultivation for agricultural purposes.

FAMILY: One or more persons related by bonds of marriage, blood or legal adoption occupying a dwelling unit as a single non-profit housekeeping unit, plus no more than two (2) additional persons such as "roomers" or "boarders" *or* a collective body of persons living together in one house under one head, as a single housing keeping unit, whose relationship is of a permanent and distinct domestic character based upon birth, marriage, or other domestic bond. This definition shall not include a federation, group, coterie or organization; nor shall it include a group of individuals whose association is temporary in character or nature. A body of persons meeting this definition is also distinguished from a group occupying a hotel, club, boarding house, rooming house, fraternity, sorority house or group foster care facility.

FAMILY DAY CARE CENTER: A private home in which 6 or fewer people are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, excepting children related to an adult member of the family by blood, marriage, or adoption. Day care centers include homes that give care to unrelated people for more than 4 weeks during a calendar year.

FARM: All of the contiguous or associated land operated as a single unit on which bona fide agricultural activity is carried on .

FARMING: The carrying on of any agricultural activity including the cultivation and production of plants and animals useful to humans for food or income.

FENCE: A freestanding structure erected to enclose an area and act as a barrier commonly having posts and made of wood, plastic and/or wire.

FLOOR AREA: The sum of the horizontal areas of all floors of a building measured from the interior faces of the exterior walls. For residential dwelling units, the floor area measurement shall not include areas of basements, unfinished attics, attached garages, breezeways, unenclosed porches, enclosed porches, or utility rooms. For commercial uses, the floor area measurement shall not include areas used or intended to be used principally for storage, processing, hallways, utilities, or sanitary facilities.

GARAGE, PRIVATE: An accessory building or portion of a main building designed or used exclusively for the storage of motor vehicles, boats, and similar vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE SERVICE: A structure or use for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GASOLINE SERVICE STATION: A structure or use for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and service for motor vehicles, and also including auto repair services.

GASOLINE SERVICE CONVENIENCE CENTER: A place for the dispensing, sale, or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and a full fast food restaurant incorporated into the primary structure, but not including any automotive service repair.

GOLF COURSE: An improved recreational area, public or private, including any landscaped area designed for playing golf, but not including miniature golf.

GRADE: The highest point of the ground contacting any portion of the basement or foundation of a building.

GREENHOUSE: A structure or use, or combination thereof, for the storage or propagation of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping, but not including a structure or use for the sale of fruits, vegetables or Christmas trees.

GROUP DAY CARE HOME: A private home in which seven (7) but not more than twelve (12) people are received for care and supervision for periods less than twenty-four (24) hours a day unattended by a parent or legal guardian, excepting children related to an adult member of the family. This definition includes a home that gives care to an unrelated person for more than four (4) weeks in a calendar year. A state registered family day care home shall be considered a residential use of property and a principal permitted use in all residential districts.

HIGH-RISK AREA: An area of the shore land which is determined by the Water Resource Commission on the basis of studies and surveys to be subject to erosion.

HEALTH CARE FACILITY: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis and treatment of disease, pain, injury, deformity or physical condition allowing overnight stay, including, but not limited to, a general hospital, special hospital, mental hospital, public health center, diagnostic center, treatment center, rehabilitation center, extended care facility, tuberculosis hospital, or chronic disease hospital.

HOME OCCUPATION: Any use customarily conducted entirely within a dwelling or an accessory building and carried on by the inhabitants thereof, not involving employees other than members of the immediate family residing on the premises. A use clearly incidental and secondary to the use of the dwelling for dwelling purposes that does not change the character of a residential neighborhood nor endanger the health, safety or welfare of any other persons residing in that area by reason of noise, noxious odors, unsanitary or unsightly conditions, fire hazards and the like, that may result from such occupation, professions or hobby. Provided, further that no article or service may be sold or offered for sale on the premises, except such as is produced by such occupation; that such occupation shall not require internal or external alterations or construction features, equipment, machinery, outdoor storage, or signs not customary in residential areas. No home occupation may generate other than normal residential traffic either in amount or type, nor occupy a floor area greater than twenty-five (25) percent of the ground floor area of the principal dwelling. One (1) non-illuminated nameplate, not more than two (2) square feet in area, is permitted which shall be attached to the building and which contains only the name and occupation of the resident of the premises. Group day care centers, tea rooms, veterinarian's offices, tourist homes, animal hospitals, kennels, medical offices and clinics, auto repair, among others, shall not be deemed home occupations.

HOMELESS SHELTER: A temporary residence of desperation for homeless people which seeks to protect a vulnerable population from the often devastating effects of homelessness while simultaneously reducing the environmental impact on the community. A place where a homeless person may get a roof over his/her head. A facility providing shelter and sleeping facilities for people who have no housing or permanent residence. A residential care facility. Not a half-way house or a facility housing persons released from or assigned to correctional institutions.

HOSPITAL: An institution for the diagnosis, treatment and/or care of sick or injured people. The term "hospital" shall include sanatorium, rest home, but not nursing home or convalescent home.

HOTEL: A building or part of a building, with a common entrance or entrances, in which dwelling or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms as accessory uses.

IMPROVEMENT:

1. A feature or action associated with a project which is considered necessary to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of a project or project area, including, but not limited to, roadways, lighting, utilities, sidewalks, screening, and drainage. Improvement does not include the entire project.
2. an alteration or permanent attachment to real estate such as a structure – septic system – well – paved driveway – field tile etc.

JUNK: Any motor vehicle, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.

JUNK YARD: An area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, or handled including but not limited to: scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any open area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

KENNEL: Any lot or premises on which three (3) or more dogs and/or other domesticated animals six (6) or more months old, are kept either permanently or temporarily boarded.

LIVESTOCK: Domestic animals such as cattle, bison, horses, sheep, hogs, chickens, geese or goats, but does not include ordinary household pets such as cats and dogs.

LOADING SPACE: An off-street space on the same lot with a building or group of buildings used for temporary parking of commercial vehicles while loading and unloading merchandise. Such space must have direct and unobstructed access to a street or alley.

LOT: A parcel of land occupied or intended for occupancy by a structure together with its accessory structures and the open spaces, parking spaces and loading spaces required by this Ordinance. A lot may or may not be specifically designated as such on public records.

LOT AREA: The total horizontal area included within lot lines. Where the front lot line lies in a street, the lot area shall not include that part of the lot in use or to be used as the street.

LOT, CORNER: A lot located at the intersection of two streets or a lot bounded on two sides by a curving street, any two chords of which form an angle of one hundred thirty five (135) degrees or less as measured on the lot side. The point of intersection of the street lot lines is the corner. In the case of a corner lot with a curved street line, the corner is that point on the street lot line nearest to the point of intersection of the tangents described above.¹

LOT COVERAGE: The part or percent of the lot occupied by any structure.

LOT DEPTH: The horizontal straight line distance between the front and rear lot lines, measured along the median between side lot lines.

LOT, DOUBLE FRONTAGE: An interior lot lying between two parallel streets and thereby having frontage on both.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined herein:

1. **Front Lot Line:** That side of the lot abutting a public or private street right-of-way or abutting a lake; in the case of a corner lot or a double frontage lot, either street right-of-way line may be considered the front line of the lot if it contains the minimum required frontage except where there is a row of double frontage lots, one street shall be designated as the front street for all lots on the plat and any building permit.

¹ see *Appendix of Illustrations*

2. **Rear Lot Line:** That lot line which is opposite and most distant from the front lot line. In the case of an irregular shaped lot, a line ten (10) feet in length entirely within the lot and parallel to and at the maximum distance from the front lot line shall be considered the rear lot line for the purpose of determining required rear yard spacing.
3. **Side Lot Line:** Any lot line not qualifying as a front or rear lot line. A side lot line separating a lot from a street right-of-way shall be known as a Side Street Lot Line. A side lot line separating a lot from another lot or lots shall be known as an interior Side Lot Line.

LOT OF RECORD: A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded. Whenever an owner has combined two (2) or more lots as contained on any recorded plat into a single building site, or combined two (2) or more lots contained on any recorded plat in the records of the Assessor or Treasurer, said combination of lots shall be deemed to be a single lot of record for the purposes of this amended Ordinance.

LOT WIDTH: The horizontal straight line distance between the side lot lines, measured along the median between the front and rear lot lines.

MAJOR THOROUGHFARE: An arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond.

MANUFACTURED HOME: A factory built, single-family structure that meets the National Manufactured Home Construction and Safety Standards Act, commonly known as the HUD (United States Department of Housing and Urban Development) Code. This definition shall also apply to BOCA modular homes.

MANUFACTURED HOME PARK: A parcel of land that has been planned and improved for the placement of manufactured homes for residential use.

MANUFACTURED HOME SPACE: A plot or parcel of land within a Manufactured Home Park designed to accommodate one (1) manufactured home.

MANUFACTURED HOME STAND: That part of a Manufactured Home Space which has been reserved for the placement of a Manufactured Home, appurtenant structure, or additions.

MASTER PLAN: A plan projecting the physical development of the Township, adopted by the Township Board on advice of the Planning Commission. Master plan may also refer to any unit or part of such plan or any amendment to such plan

MEZZANINE: An intermediate floor in any story not to exceed one- third (1/3) of the floor area of such story.

MINI STORAGE (SELF STORAGE): A facility consisting of a building or a group of buildings in a controlled access compound, where individual stalls or lockers are rented out to different tenants for the dead storage of customers' goods and wares. The use of the premises shall be limited to storage only, and shall not be used for any auction, or sales, or storage and transfer business; for the servicing, repair, or fabrication of any vehicle, boat, trailer, appliance, or similar item; or for the operation of power tools, compressors, kilns, or similar equipment; except, that limited sales to tenants of products and supplies incidental to the principal use, such as packing materials, identification labels, rope, locks, tape, etc., shall be permitted on the site devoted to this use. The storage of combustible or flammable liquids, combustible fibers or explosive materials, as defined in the fire protection code, or toxic materials is expressly prohibited.

MINING: The commercial activity of soil, sand, or stone excavation/removal; quarrying, gravel processing or mineral extraction from below grade. Not excavation incidental to the construction of buildings/ facilities or ordinary landscaping.

MOBILE HOME: A detached residential dwelling unit with a body width greater than 8 feet, of not less than 35 feet in length, and designed for transportation, after fabrication, on streets or highways, on its own wheels, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks, or other temporary or permanent foundations, connections to utilities, and the like. The construction of which is regulated pursuant to the National Mobile Home Construction and Safety Standards Act of 1984 by the Department of Housing and Urban Development (HUD). A travel trailer, motorized home, or any other type of recreational vehicle shall not be considered a mobile home.

MOBILE HOME MODULE: A prefabricated structure to be occupied as a detached dwelling unit with all of the following characteristics:

1. Designed for long term occupancy.
2. Containing sleeping accommodations, a flush toilet, a tub or shower bath, kitchen facilities with plumbing and electrical connections provided for attachment to an outside system.
3. Designed to be transported on a flat vehicle in not more than two (2) parts.
4. Designed to be incorporated at a building site into a structure on a permanent foundation by exterior construction consisting of not more than attachment to a foundation and utility and installation of roofing and siding.

MOBILE HOME PARK (Trailer Court): A parcel of land that has been planned and improved for the placement of three (3) or more mobile homes for residential use on a continual non-recreational basis. A Mobile Home Park must be licensed by the State of Michigan.

MOBILE HOME SPACE: A plot or parcel of land within a Mobile Home Park designed to accommodate one (1) mobile home.

MODULAR HOME: A house that is divided into multiple modules or sections which are manufactured in a remote facility and then delivered to its intended home site. Typically, the modules are assembled into a single residential building using either a crane or trucks.

MOTEL: Attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space having direct access to an open parking lot, which are rented for overnight lodging primarily to the public traveling by motor vehicle.

MURAL: A two-dimensional work of art applied to the exterior of a building or structure not containing content displayed for commercial or informational purposes.

NON-CONFORMING BUILDING: A building or portion thereof lawfully existing at the effective date of this amended Ordinance, or amendments thereto and that does not conform to the provisions of this amended Ordinance in the district in which it is located as of the date of adoption of this amended Ordinance.

NON-CONFORMING LOT: Any lot, outlot, or parcel of land, which through a change in regulation, no longer conforms to the provisions of this amended Ordinance as of the adoption date of this amended Ordinance.

NON-CONFORMING STRUCTURE: A structure, which through a change in regulation, no longer conforms to the provisions of this amended Ordinance as of the adoption date of this amended Ordinance.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the effective date of this amended Ordinance, or amendments thereto, but does not conform to the use regulations of the district in which it is located as of the adoption date of this amended Ordinance.

NUISANCE: An offensive, annoying, unpleasant or obnoxious thing or practice; a cause or source of annoyance, especially a continuing or repeated excessive or concentrated invasion of any activity or use across a property line which can be perceived by or affects a human being, such as, but not limited to:

noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, effluent, noise from the congregation of people particularly at night, passenger traffic, invasion of non-abutting street frontage by traffic, dirt, fly ash, or barking dogs for extensive periods.

NURSERY: A structure or use, or combination thereof, for the storage or propagation of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping, but not including a structure or use for the sale of fruits, vegetables or Christmas trees.

NURSERY SCHOOL: A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods less than 24 hours a day, and where the parents or guardians are not immediately available to the child. The term includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. The term also includes any facility referred to as day care center, day nursery, drop-in center, and parent cooperative preschool.

NURSING HOME: A nursing care facility, including a county medical care facility, but excluding a hospital or a facility created by Act No. 152 of the Public Acts of 1885, as amended, being Sections 36.1 to 36.12 of the Michigan Compiled Laws, which provides organized nursing care and medical treatment to 7 or more unrelated individuals suffering or recovering from illness, injury, or infirmity.

OFF-STREET PARKING LOT OR FACILITY: A structure or use providing parking spaces for more than three (3) motor vehicles along with adequate drives and aisles for maneuvering.

OFFICE: A room, suite of rooms, or building used by personnel engaged in executive, administrative, professional, political, informative, research and/or clerical duties.

OPEN FRONT STORE: A business that has been extended beyond the walls of its building enabling patrons to be served in that outside area without actually entering the building. The term "Open Front Store" shall not include auto repair stations or gasoline service stations.

OPEN SPACE: Any unoccupied space open to the sky.

PARKING SPACE: An area of definite length and width exclusive of drives, aisles or entrances and fully accessible for the parking of motor vehicles.

PATIO: An uncovered courtyard, deck, or platform extending horizontally out from the main building or structure.

PLANNED UNIT DEVELOPMENT: A planning or construction project involving the use of special zoning requirements and review procedures which are intended to provide design and regulatory flexibility, so as to encourage innovation in land use planning and design and thereby achieve a higher quality of development than might otherwise be possible.

POLE BARN: a building erected using pole construction and not used as a dwelling unit.

PRINCIPAL USE: The main use to which the premises are devoted.

PRIVATE ROAD: An area of road used for ingress and egress to serve more than one (1) parcel of property not part of a subdivision created under State Act 288, PA 1967, as amended, or the Land Division Act of 1997, as amended.

PUBLIC UTILITY: Gas, electricity, sewage disposal, telephone, transportation or water furnished to the public under federal, state and/ or municipal regulations .

RECREATION AREA: A natural or improved, public or private area designated for sport or outdoor activities.

RECREATION FACILITY, PRIVATE: Any recreation facility which is privately owned and operated on a for profit basis. This definition shall include, but not necessarily be limited to, privately owned golf courses, riding stables, race courses, bowling alleys, private clubs and lodges.

RECREATION FACILITY, PUBLIC: Any recreation facility, which is publicly owned and maintained and available to the general public, with or without a fee.

RECREATIONAL VEHICLE: A vehicle designed to be used primarily for recreational purposes, including temporary sleeping quarters and/or cooking facilities, or a unit designed to be attached to a vehicle and used for such purposes, including self - propelled motor homes, pickup campers, travel trailers, and tent trailers; provided, however, that any such vehicle or unit which is forty (40) feet or more in overall length shall be considered a travel trailer and shall be subject to all regulations of this Ordinance applicable to travel trailers. Recreational vehicles shall also include all self-contained, self-propelled vehicles such as ***GOLF CARTS, 4-WHEELERS, OFF-ROAD MOTOR BIKES, INDIVIDUAL WATER CRAFT AND THE LIKE.***

RESIDENTIAL CARE FACILITIES, STATE LICENSED: A facility for the care of adults, over 18 years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, or children, as licensed and regulated by the State under Michigan Public Act 116 of 1973, and rules promulgated by the State Department of Consumer and Industry Services. Such organizations shall be defined as follows:

1. **ADULT FOSTER CARE CONGREGATE FACILITY:** A Foster care facility with the approved capacity to receive more than 20 adults to be provided with foster care.
2. **ADULT FOSTER CARE FACILITY:** A governmental or nongovernmental establishment subject to state licensing procedures as may be required having as its main function the receiving of adults for foster care. It includes facilities and foster care family homes for adults who are aged, emotionally disturbed, developmentally disabled, or physically handicapped who require supervision on an on-going basis but who do not require continuous nursing care. An adult foster care facility does not include a nursing home, a home for the aged, an alcohol or substance abuse rehabilitation center, a hospital for the mentally ill, or similar facilities.
3. **ADULT FOSTER CARE FAMILY HOME:** A private residence with the approved capacity to receive not more than 6 adults who shall be provided foster care for 5 or more days a week and for 2 or more consecutive weeks. The adult foster care family home licensee shall be a member of the household and an occupant of the residence.
4. **ADULT FOSTER CARE LARGE GROUP HOME:** A facility with the approved capacity to receive at least 13, but not more than 20 adults who shall be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.
5. **ADULT FOSTER CARE SMALL GROUP HOME:** A facility with the approved capacity of not more than 12 adults who shall be provided supervision, personal care, and protection in addition to room and board, for 24 hours a day, 5 or more days a week, and for 2 or more consecutive weeks, for compensation.

RESIDENTIAL CARE FACILITIES, UNLICENSED: Unlicensed facilities providing a temporary residence, shelter, and sleeping accommodations to seven or more unrelated people. An unlicensed homeless shelter. Not a half-way house or facilities providing housing to persons released from or assigned to correctional institutions.

RESTAURANT: An establishment whose principal business is the preparation and sale of food in a “ready to eat “ state.

RIGHT-OF-WAY: A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles.

ROADSIDE STAND: A structure erected on property adjacent to a public road for the sale of products produced on the property, provided such use shall not constitute a commercial district, nor be deemed a commercial activity.

SETBACK: The minimum horizontal distance a structure, or any portion thereof, is required to be located from the boundaries of the lot or parcel of land upon which the same is situated.

SIGN: Any outdoor sign, name identification, description, display, device, figure, painting, drawing, message, placard, poster, billboard or illustration which is affixed to or represented directly or indirectly upon a structure or land and which is intended to direct attention to an object, product, place, activity, person, institution, organization or business. A "sign" shall not include any display of official court or public office notices nor shall it include the flag of a political unit or school.

SIGN, ACCESSORY: Signs which identify, describe, illustrate or are used to direct attention to a use or activity on the site, which is permitted, as either a "Principal Use" or a "Use Authorized After Special Approval" in a zoned district.

SIGNS, NON-ACCESSORY: Signs which identify, describe, illustrate or are used to direct attention to a use or activity which occurs or exists at a location other than the site where the sign is placed

SITE PERMIT: A Township Zoning Compliance Permit that is issued by the Township Zoning Inspector and is required prior to obtaining a Building Permit issued by the Huron County Building and Zoning Department.

SPECIAL USE OR SPECIAL APPROVAL USE: Any use of land listed as a Use Permitted Subject to Special Approval which, due to its potential effect on adjacent lands, in particular, and the overall community in general, requires approval according to the standards as provided in this amended Ordinance.

STORY: The part of a building except a mezzanine, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling joists next above.

STORY, HALF: An uppermost story lying under a sloping roof having a floor area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6 ").

STREET: A public right-of-way, other than an alley, which affords the principal means of access to abutting property.

STREET LINE: The legal line of demarcation between a street right-of-way line for service, benefit or enjoyment.

STRUCTURE: Anything constructed or erected, including a building, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURE, ACCESSORY: A structure or portion thereof subordinate to and on the same lot as a main structure and devoted exclusively to an accessory use.

STRUCTURE, MAIN: A structure or portion thereof in which is conducted the principal use of the lot in which it is located.

SUBDIVIDE or SUBDIVISION: The partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one (1) year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent. "Subdivide" or "subdivision" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one (1) parcel is added to an adjacent parcel; and any resulting parcel shall not be

considered a building site unless the parcel conforms to the requirements of an applicable local ordinance.¹

TELEVISION SATELLITE DISH: The term Television Satellite Dish shall mean every device capable of receiving television signals from satellites.

TEMPORARY BUILDING AND USES: A structure or use permitted to exist during construction of the main use, for a period not exceeding six (6) months following issuance of an occupancy permit for the main building, never permitted to be used as a dwelling unit.

TERRACE APARTMENTS: A row of four (4) or more attached, one (1) family dwellings, not more than two (2) rooms deep, and having the total dwelling space on one floor.

TRAVEL TRAILER: A vehicular portable structure designed as a temporary dwelling for travel, recreational, and vacation uses or designed for a temporary office or business use.

TOWNSHIP: Port Austin Township, Huron County, Michigan.

TOWNSHIP BOARD: The Board of Trustees of Port Austin Township, Huron County, Michigan.

USE: The purpose for which land, premises, or structure is arranged, designed or intended, or for which land, premises or structure is or may be occupied.

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

WALL, OBSCURING: A structure of definite and continuous height, length, and location to serve as an obscuring screen in carrying out the requirements of this Ordinance.

WIRELESS COMMUNICATION ANTENNA (WCA): Any antenna used for the transmission or reception of wireless communication signals excluding those used for public emergency systems, television, ham radio, satellite antennas and video programming services

WIRELESS COMMUNICATION SUPPORT FACILITY (WCSF): A monopole, guyed or lattice type tower designed for the attachment of or as support for wireless communication antennas or other antennas.

YARD: The open space on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance.

YARD, FRONT: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

YARD, REAR: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard may be opposite either street frontage.

YARD, SIDE: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance from the nearest point on the side lot line to the nearest point of the main building.

ZONING DISTRICT: A zoning district is a portion of the Township within which, on a uniform basis, certain uses of land and buildings are permitted and within which are contained yards, open spaces, lot area, and other requirements as established by this amended Ordinance.

¹*Michigan Subdivision Control Act of 1967, being PA 288 of 1967*

ARTICLE 6 ZONING DISTRICTS AND MAP

SECTION 600 DISTRICTS ESTABLISHED

The Township is hereby divided into the following zoning districts:

- R-1 One family residential district
- R-2 Multiple family residential district
- AG Agricultural District
- BUS General business district
- IND Industrial district

SECTION 601 ZONING MAP

1. The location and boundaries of the zoning districts established in the Township shall be shown on the Zoning Map. Said map or any portion thereof together with all notations, dimensions and other data shown thereon are hereby made a part of this Ordinance to the same extent as if the information were fully described and incorporated herein.
2. The Zoning Map may be amended from time to time to reflect changes in districts and the rezoning of a lot or lots shown thereon in the same manner as amendments may be made to the text of this Ordinance. Such changes shall be recorded to scale on duplicate copies of the Zoning Map and shall be accomplished by written legal descriptions in appropriate zoning ordinance amendments.

SECTION 602 DISTRICT BOUNDARIES INTERPRETED

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following railroad lines shall be construed to be the midline between the main tracks.
4. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
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 Zoning Map shall be determined by the scale of the map.
6. Where physical or natural features existing on the ground are at variance with those shown on the Zoning Map, or in other circumstances not covered by subsections 1 through 5 above, the Zoning Board of Appeals shall interpret the district boundaries.
7. In so far as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

SECTION 603 ZONING OF VACATED AREAS

If all or any portion of any public street, alley, right-of-way, easement or land shall ever revert to or come into private ownership or shall ever be used for any purpose other than a public purpose, said land shall be subject to all of the regulations which apply within the district where located, or within the most restrictive of the immediately adjacent districts, if there be more than one.

SECTION 604 DISTRICT USES

Each district provides for uses permitted by right and uses permitted by special compliance with the terms and conditions of this Ordinance. Uses permitted by special approval shall not be allowed until the specific applicable conditions and limitations have been complied with, and, in addition, until approval has been obtained from the Planning Commission in accordance with ARTICLE 3 SECTION 302 SPECIAL USE APPROVAL.

SECTION 605 DISTRICT REQUIREMENT

In addition to any other requirement, all structures and/or uses shall also be subject to the provisions of ARTICLE 18 AREA, DENSITY, BULK, HEIGHT AND YARD REQUIREMENTS and ARTICLE 19 GENERAL PROVISIONS. More restrictive requirements applicable to a specific land, structure, and/or use, however, shall supersede these general requirements.

ARTICLE 7 R-1 ONE FAMILY RESIDENTIAL DISTRICT

SECTION 700 STATEMENT OF PURPOSE

This district classification is designed to be the most restrictive of the residential districts intended to encourage an environment of predominantly low-density single-family dwelling units together with a minimum of other residentially related facilities and activities primarily of service to the residents in the area.

SECTION 701 USES PERMITTED BY RIGHT

The following structures and/or uses shall be permitted by right:

1. One-family detached dwelling units provided that:
 - a. Within any platted subdivision the minimum lot size is fifteen thousand (15,000) square feet with at least one hundred (100) feet of frontage.¹
 - b. Outside a platted subdivision the minimum lot size is one (1) acre (43,560 square feet) with at least one hundred (100) feet of frontage.
 - c. Minimum building setbacks are : front – thirty five (35) feet; side – ten (10) feet; rear – thirty five (35) feet.²
 - d. Maximum height is two and one half (2 ½) stories or forty-two (42) feet.
 - e. Living space must be at least eleven hundred and twenty (1120) square feet with a minimum width of sixteen (16) feet.
 - f. The building must conform to all other applicable regulations specified in Article 18 and Article 19 of this ordinance.
2. Mobile homes, modular, and manufactured homes not located in a mobile home park, must comply with all regulations of one-family detached dwelling units and in addition must:
 - a. Not have exposed wheels, towing mechanisms, undercarriage or chassis in excess of ninety (90) days from the time it is located on the lot.
 - b. Comply with the Huron County residential building code if any additions are constructed. Materials and construction of any additions should equal the original dwelling, must be permanently attached to the dwelling and have an appropriate foundation.
 - c. Be firmly attached to a solid foundation that meets the Huron County Building Code.
3. A building accessory to an existing dwelling and not used for the conduct of business provided that:
 - a. It is placed to the rear of the dwelling.
 - b. It does not occupy more than forty (40) per cent of a required rear yard.
 - c. It is no more than eighteen (18) feet in height.
 - d. It conforms aesthetically with neighboring buildings.
4. An accessory building where there is **no existing dwelling** provided that:
 - a. It is no larger than two hundred (200) square feet.
 - b. It is placed on the rear part of the lot behind a line established by any neighboring dwellings.
 - c. It conforms aesthetically with neighboring buildings.

¹ *on pre-existing lots in platted subdivisions where the Health Department has approved a building site the Zoning Inspector may authorize building on lots as small as 5,000 sq. ft.*

² *on pre-existing lots in platted subdivisions when minimum setback requirements are unobtainable the Zoning Inspector may authorize a rear setback as little as 4 feet.*

5. Storage buildings not used for the conduct of business or for dwelling units provided that:
 - a. The lot size is at least three (3) acres.
 - b. The building is no more than forty feet by sixty feet (40 X 60) or twenty-four hundred (2400) square feet and eighteen (18) feet in height.
 - c. The building meets minimum setbacks of: Front - one hundred fifty (150) feet; Back & Side - twenty-five (25) feet .
6. Home Occupations wherein the occupant of a single family residence offers instruction in a craft or fine art.
7. State licensed residential facilities providing services for six (6) or fewer people except for adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
8. Churches, Mosques, Synagogues or Temples together with accessory housing for religious personnel subject to the following:
 - a. The lot shall be at least two (2) acres in size.
 - b. The lot shall be so located as to have at least one (1) property line on a major thoroughfare or collector street. All motor vehicle ingress and egress to the lot shall be directly onto said thoroughfare or service drive.
 - c. No building shall be closer than forty (40) feet to any property or street line.
 - d. No more than thirty-five (35%) per cent of the lot area shall be covered by buildings.
 - e. the number of parking spaces offered conforms to the number required in Article 19.
9. Nursery schools, day nurseries, or child care centers (not including a dormitory), meeting all requirements necessary for licensing by the State of Michigan.
10. Publicly owned and operated libraries, parks, playgrounds, or parkways subject to the following:
 - a. The lot shall be at least two (2) acres in size.
 - b. The lot shall be so located as to have at least one (1) property line on a major thoroughfare or collector street. All motor vehicle ingress and egress to the lot shall be directly onto said thoroughfare or service drive.
 - c. No building shall be closer than forty (40) feet to any property or street line.
 - d. No more than thirty-five (35%) per cent of the lot area shall be covered by buildings.
 - e. the number of parking spaces offered conforms to the number required in Article 19.
11. Public, parochial, or private elementary schools offering courses in general education, and not operated for profit subject to the following:
 - a. The lot shall be at least two (2) acres in size.
 - b. The lot shall be so located as to have at least one (1) property line on a major thoroughfare or collector street. All motor vehicle ingress and egress to the lot shall be directly onto said thoroughfare or service drive.
 - c. No building shall be closer than forty (40) feet to any property or street line.
 - d. No more than thirty-five (35%) per cent of the lot area shall be covered by buildings.
 - e. the number of parking spaces offered conforms to the number required in Article 19.
12. Subdivisions platted for single family dwellings conforming to all provisions of Michigan Public Act 288 of 1967.
13. One model dwelling unit for each approved project or subdivision subject to:
 - a. The model must be converted to a salable unit within three months of the sale of the final unit.

- b. The model unit must not be a dwelling unit until it is converted to a salable unit.
14. Outdoor storage of motor homes or travel trailers on lots where there is an existing residence provided that:
- a. They are owned by the lot owner/ resident.
 - b. They are located a minimum of one hundred fifty (150) feet from the front lot line and ten (10) feet from the side lot line.
15. The keeping of animals and/or fowl provided that:
- a. There is a single family dwelling on a tract of five (5) or more unplatted acres.
 - b. Animals and/or fowl kept are “for personal pleasure” or raised for 4H or FFA projects and *not kept as a business*.
 - c. No roosters or peacocks are permitted.
 - d. Any building constructed or used for the housing of these animals or fowl shall be located at least one hundred fifty (150) feet from the front property line and at least one hundred fifty (150) feet from the property line of any adjoining property.
 - e. Any fences for animal or fowl confinement shall be at least ten (10) feet from any adjoining property line unless the adjoining property owner provides a written waiver of this requirement. A copy of such a waiver must be attached to the Township Site Permit Application.
 - f. Fences erected for animal or fowl confinement may be of a type permitted in an agricultural zoned district. That includes electric fences and/or the use of barbed wire.
 - g. All animal and/or fowl facilities shall be constructed and maintained so that odor, dust, noise, or drainage shall not constitute a nuisance or hazard to adjoining property.

SECTION 702 USES PERMITTED BY SPECIAL APPROVAL

The following structures and/or uses shall be permitted, but only by special approval granted by the Planning Commission:

- 1. Multiple dwelling units, including apartment buildings, and town houses but excluding hotels and motels.
- 2. Bed and Breakfast operations provided:
 - a. They are not in a platted residential subdivision or in a residential condominium.
 - b. Guest rooms must be part of the owner’s principal residence and not have been constructed specifically for rental.
 - c. They have six or fewer guest sleeping rooms.
- 3. Boarding and lodging houses containing not more than six (6) separate units.
- 4. Cemeteries, public or private, subject to the following:
 - a. The lot shall be at least ten (10) acres and shall be so designed as to provide motor vehicle ingress and egress directly onto or from a major thoroughfare.
 - b. No building shall be closer than fifty (50) feet to any property or street line.
 - c. A maximum of one (1) sign is permitted at the point of entrance which shall bear only the name of the cemetery and shall have a maximum area of thirty-two (32) square feet.
- 5. Residential condominiums as provided in Article 15 of the Port Austin Township Zoning Ordinance.

6. Colleges, universities, or other institutions of higher learning, public or private, offering courses in general, technical, or religious education and not operated for profit, subject to the following:
 - a. The lot shall be at least ten (10) acres in area.
 - b. The lot or any portion thereof shall not be part of a recorded subdivision plat.
 - c. No building shall be closer than forty (40) feet to any property or street line.
7. Essential services, subject to the following:
 - a. No building shall be closer than forty (40) feet to any property or street line.
 - b. No more than twenty-five (25%) per cent of the lot area may be covered by buildings.
 - c. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to any other buildings on the same site development.
 - d. Where mechanical equipment is located in the open air, it shall be screened from the surrounding area by an obscuring wall, fence, or planting area and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding area.
8. Golf courses, not including miniature golf courses or par-3 courses, which may or may not be operated for profit, subject to the following:
 - a. The site shall be at least fifty (50) acres in area.
 - b. Motor vehicle ingress and egress shall be onto a major thoroughfare.
 - c. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety. No structure shall be closer than fifty (50) feet to any property or street line
 - d. Development features including structures shall be so located and related as to minimize the possibility of any adverse effects upon adjacent lots. This shall mean that all principal or accessory buildings shall be not less than one hundred (100) feet from any property line abutting a residential lot. Where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement. The lighting of a golf course so as to permit use after daylight is expressly prohibited.
9. Home Occupations other than those specified in uses permitted by right.
10. Hospitals, public or private, providing general health care, subject to the following:
 - a. The lot shall be at least five (5) acres in area.
 - b. The lot shall have at least one (1) property line abutting a major thoroughfare or collector street. All motor vehicle ingress and egress to the off-street parking area for guests, employees, and staff shall be directly from the thoroughfare or street.
 - c. All two (2) story structures shall be at least sixty (60) feet from any property or street line. Buildings less than two (2) stories shall be no closer than forty (40) feet to any property or street line. For buildings above two (2) stories, the buildings shall be set back from the initial sixty (60) feet set back an additional one (1) foot for each foot of additional height above two (2) stories.
 - d. No more than twenty-five (25%) percent of the lot may be covered by buildings.
 - e. Ambulance and delivery areas shall be obscured from all residential view by an obscuring wall, fence or planting area. Motor vehicle access to and from the delivery and ambulance area shall be directly from a major thoroughfare or collector street.
11. Nursing homes, convalescent homes, adult foster care homes, or housing for the elderly, orphans or wards of the probate court meeting all requirements for licensing by the State of Michigan not allowed "by right".

12. Planned Unit Developments as provided in Article 14 of this Ordinance.
13. Private offices for a doctor or dentist, or similar professional person, provided such offices are part of a dwelling unit occupied by that person and not more than one person practices in the office.
14. Private Solar Energy Systems which are **not attached** to a principal structure provided that:
 - a. They conform to setback requirements for accessory buildings.
 - b. They do not cover more than twenty-five (25) per cent the lot.
 - c. They are fenced to protect the public from any hazard they might pose.
15. Private Wind Energy Systems that:
 - a. Have a lot size of at least one (1) acre.
 - b. Are no more than one hundred fifty (150) feet tall.
 - c. Are located at least two (2) times the hub height from any property line **or** the minimum setback required for a primary building whichever is greater.
16. Public or private noncommercial recreational areas and/or facilities, institutional or community recreation centers, or nonprofit swimming pool clubs subject to the following:
 - a. The lots for any of such uses which may attract or serve people beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare.
 - b. Front, side and rear yards shall be at least eighty (80) feet.
17. Retail sales of any products (produce or flowers) grown on the premises shall be subject to the following:
 - a. Sales shall be made only from the premises where the product (produce or flowers) were grown.
 - b. No permanent structure shall be erected in connection with such sale and all temporary structures shall be removed when such products (produce or flowers) have been disposed of.
18. Kennels.
19. With the exception of animals considered to be common household pets, the keeping of any animals inconsistent with the provisions whereby animals are allowed "by right". (Section 701 #15).
20. Storage buildings not used for the conduct of business or as dwelling units which do not meet the required conditions of a use permitted by right.
21. Any structure or use which, in the opinion of the Planning Commission, is similar to or compatible with a structure or use permitted in this zoning district.

ARTICLE 8 R-2 MULTIPLE FAMILY RESIDENTIAL DISTRICT

SECTION 800 STATEMENT OF PURPOSE

This district classification is designed to permit the greatest density of residential uses allowed within the Township, which will generally serve as a zone of transition between nonresidential districts and any R-I District. It also permits other residentially related facilities designed to service the inhabitants of the area.

SECTION 801 USES PERMITTED BY RIGHT

The following structures and/or uses shall be permitted by right:

1. Multiple dwelling units having a minimum size of 750 square feet per unit, including apartment buildings and town houses and condominiums, but excluding hotels and motels.
2. Bed and Breakfast operations provided:
 - a. They are not in a platted residential subdivision or in a residential condominium.
 - b. Guest rooms, must be part of the owner's principal residence and not have been constructed specifically for rental.
 - c. They have six or fewer guest sleeping rooms.
3. One-family detached dwelling units provided that:
 - a. The minimum lot size is one (1) acre (43,560 square feet) with at least one hundred (100) feet of frontage.
 - b. Minimum building setbacks are : front – thirty five (35) feet; side – ten (10) feet; rear – thirty five (35) feet.
 - c. Maximum height is two and one half (2 ½) stories or forty-two (42) feet.
 - d. Living space must be at least eleven hundred and twenty (1120) square feet with a minimum width of sixteen (16) feet.
 - e. The building must conform to all other applicable regulations specified in Article 18 and Article 19 of this ordinance.
4. Mobile homes, modular, and manufactured homes not located in a mobile home park, must comply with all regulations of one-family detached dwelling units and in addition must:
 - a. Not have exposed wheels, towing mechanisms, undercarriage or chassis in excess of ninety (90) days from the time it is located on the lot.
 - b. Be in compliance with the Huron County residential building code if any additions are constructed. Materials and construction of any additions should equal the original dwelling, must be permanently attached to the dwelling and have an appropriate foundation.
 - c. Be firmly attached to a solid foundation that meets the Huron County Building Code.
5. Boarding or lodging houses containing no more than six (6) separate units.
6. Cemeteries, public or private, subject to the following:
 - a. The lot shall be at least ten (10) acres and shall be so designed as to provide motor vehicle ingress and egress directly onto or from a major thoroughfare.
 - b. No building shall be closer than fifty (50) feet to any property or street line.
 - c. A maximum of one (1) sign is permitted at the point of entrance which shall bear only the name of the cemetery and shall have a maximum area of thirty-two (32) square feet.
7. Churches, Mosques, Synagogues or Temples together with accessory housing for religious

personnel, subject to the following:

- a. The lot shall be at least one (1) acre in size.
 - b. The lot shall be so located as to have at least one (1) property line on a major thoroughfare, street, or collector street. All motor vehicle ingress and egress to the lot shall be directly onto said thoroughfare, street, or a marginal access service drive thereof.
 - c. No building shall be closer than forty (40) feet to any property or street line.
 - d. No more than thirty-five (35%) percent of the lot area shall be covered by buildings.
 - e. The number of parking places provided conforms to Article 19 requirements.
8. Colleges, universities, or other institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, subject to the following:
- a. The lot shall be at least ten (10) acres in area.
 - b. The lot or any portion thereof shall not be part of a recorded subdivision plat.
 - c. No building shall be closer than forty (40) feet to any property or street line.
9. Hospitals, public or private, providing general health care, subject to the following:
- a. The lot shall be at least five (5) acres in area.
 - b. The lot shall have at least one (1) property line abutting a major thoroughfare or collector street. All motor vehicle ingress and egress to the off-street parking area for guests and staff shall be directly from the thoroughfare or street.
 - c. All two (2) story structures shall be at least sixty (60) feet from any property or street line. Buildings less than two (2) stories shall be no closer than forty (40) feet to any property or street line. For buildings above two (2) stories, the building shall be setback from the initial sixty (60) feet set back an additional one (1) foot for each foot of additional height above two (2) stories.
 - d. No more than twenty-five (25%) percent of the lot may be covered by buildings.
 - e. Ambulance and delivery areas shall be obscured from all residential view by an obscuring wall, fence or planting area. Motor vehicle access to and from the delivery and ambulance area shall be directly from a major thoroughfare or collector street.
10. Housing for the elderly when provided as a planned development having:
- a. Cottage type and/or apartment type dwelling units.
 - b. Common services containing, but not limited to: central dining rooms, recreational rooms and central lounge.
11. Publicly owned and operated libraries, parks, playgrounds or parkways.
12. One model dwelling unit for each project or subdivision subject to:
- a. The model must be converted to a salable unit within three months of the sale of the final unit.
 - b. The model unit must not be a dwelling unit until it is converted to a salable unit.
13. Nursery schools, day nurseries, or child care centers (not including dormitories) that are in compliance with all State of Michigan regulations.
14. Nursing homes, convalescent homes, adult foster care homes, or housing for the elderly, orphans or wards of the probate court where the number of persons served thereby is six (6) or fewer.
15. Private offices for doctors or dentists, or professional people, provided such offices are part of a dwelling unit occupied by such doctor or dentist, or professional person, and not more than one such doctor or dentist, or professional person practices in any such office.

16. Public or private noncommercial recreational areas and/or facilities, institutional or community recreation centers, nonprofit swimming pool clubs, all subject to the following:
 - a. The lot for any of such uses which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one (1) property line abutting a major thoroughfare.
 - b. Front, side and rear yards shall be at least eighty (80) feet wide.
17. State licensed residential facilities providing services for six (6) or fewer people except any adult foster care facilities licensed by a state agency for the care and treatment of persons released from or assigned to adult correctional institutions.
18. Public, parochial, or private elementary schools offering courses in general education, and not operated for profit.
19. Public, parochial, or private intermediate and/or secondary schools offering courses in general education, not operated for profit.
20. A building accessory to an existing dwelling and not used for the conduct of business provided that:
 - a. It is placed to the rear of the dwelling and occupies no more than forty (40) percent of a required rear yard.
 - b. It does not exceed eighteen (18) feet in height.
 - c. It conforms aesthetically with neighboring buildings.
21. An accessory building where there is **no existing dwelling** provided that:
 - a. It is no larger than two hundred (200) square feet.
 - b. It is placed on the rear part of the lot behind a line established by any neighboring dwellings.
 - c. It does not exceed eighteen (18) feet in height.
 - d. It conforms aesthetically with neighboring buildings.
22. Storage buildings not used for the conduct of business or as dwelling units provided that:
 - a. The lot size is at least three (3) acres.
 - b. The building is no more than forty feet by sixty feet (40 X 60) or twenty-four hundred (2400) square feet and eighteen (21) feet in height.
 - c. The building meets minimum setbacks of: Front - one hundred fifty (150) feet; Back & Side twenty-five (25) feet.
23. Outdoor storage of motor homes or travel trailers on lots where there is an existing residence provided that:
 - a. They are owned by the lot owner/ resident.
 - b. They are located a minimum of one hundred fifty (150) feet from the front lot line and ten (10) feet from the side lot line.
24. Home Occupations wherein the occupant of a single family residence offers instruction in a craft or fine art.

SECTION 802 USES PERMITTED BY SPECIAL APPROVAL

The following structures and/or uses shall be permitted, but only by special approval granted by the Planning Commission and Township Board:

1. Private clubs, fraternities, or lodges except one in which the chief activity is a service customarily carried on as a business.
2. Essential services, subject to the following:
 - a. No building shall be closer than forty (40) feet to any property or street line.
 - b. No more than twenty-five (25%) percent of the lot area may be covered by buildings.
 - c. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to any other buildings on the same site development.
 - d. Where mechanical equipment is located in the open air, it shall be screened from the surrounding area by an obscuring wall, fence, or planting area and it shall be fenced for safety. All buildings housing mechanical equipment shall be landscaped and maintained to harmonize with the surrounding.
3. Golf courses, not including a miniature golf courses or par-3 courses, which may or may not be operated for profit, subject to the following:
 - a. The site shall be at least fifty (50) acres in area.
 - b. Motor vehicle ingress and egress shall be onto a major thoroughfare.
 - c. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety. No structure shall be closer than (50) feet to any street line.
 - d. Development features including structures shall be so located and related as to minimize the possibility of any adverse effects upon adjacent lots. This shall mean that all principal or accessory buildings shall be not less than one hundred (100) feet from any property line abutting a residential lot; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
 - e. The lighting of a golf course so as to permit use after daylight hours is expressly prohibited.
4. Home occupations other than those specified as permitted by right.
5. Mobile home parks, together with accessory buildings and uses consistent with all Michigan Mobile Home Commission and Michigan Department of Health regulations.
6. Retail sales of any products, produce or flowers grown on the premises subject to the following:
 - a. Sale shall be made only from the premises where the product, produce or flowers were grown.
 - b. No permanent structure shall be erected in connection with such sale. All temporary structures shall be removed when such products, produce or flowers have been disposed of.
7. State Licensed Residential Care Facilities provided that:
 - a. All facilities are located within a residential building having an appearance that is non-intrusive and consistent in color, materials, roof-line, and architecture with the residential district in which it is located.
 - b. All foster family homes, foster family group homes, family day care homes and group day care homes shall provide sufficient indoor classroom, crib, or play area to meet state requirements.
 - c. All care uses involving children shall provide sufficient outdoor play area to meet state regulations. All required outdoor play areas shall be fenced with a four (4) foot tall fence, provided that no fence shall be located in a front yard.
 - d. All care uses shall provide an on-site drive for drop-offs/loading. This drive shall be

- arranged to allow maneuvers without creating a hazard to traffic flow on the public street.
 - e. Off street parking shall be provided for the number of employees on site at any one time.
 - f. A lot containing an adult foster care small group home, foster family group home, or group day care home shall be at least fifteen hundred (1,500) feet from any other of the above listed group care homes.
8. Unlicensed Residential Care Facilities or Homeless Shelters housing seven (7) or more people provided that:
- a. All facilities are located within a building having an appearance that is non-intrusive and consistent in color, materials, roof-line, and architecture with the zoning district in which it is located.
 - b. The facilities are equal to the State Licensed Facility standards for fire safety; conform to the commercial building code; and, meet all Health Department regulations pertaining to water, sewer, and food safety. By agreement with the Township, the facilities will be subject to random inspections to insure continued compliance with these conditions.
 - c. The facilities maintain, and keep current, records of all residents. Those records shall include minimally: Name, Age, Sex, Marital Status, Veteran Status, Social Security Number, Date of admission to the facilities and Date of discharge from the facilities. These records shall be made available to the Township Clerk and local law enforcement agencies upon request.
 - d. The application for an Unlicensed Residential Care Facility must be made on a form provided by the Township whereon information concerning the applicant's "good moral character" and any criminal history must be provided.
9. Convalescent And Nursing Homes provided that:
- a. The site shall be so developed as to create a land to building ratio on the lot or parcel whereby for each one (1) bed in the convalescent home there shall be provided not less than fifteen hundred (1,500) square feet of open space. The fifteen hundred (1,500) square feet of land area per bed shall provide for landscape setting, off-street parking, service drives, loading space, yard requirements, and space required for accessory uses. The fifteen hundred (1,500) square foot requirement is over and above the building coverage area.
 - b. No building, loading area, or parking area shall be closer than forty (40) feet from any property line.
 - c. Ambulance and delivery areas shall be obscured from all residential view with landscaping, a wall or barrier of suitable material at least five (5) feet in height, as determined by the Planning Commission.
 - d. The proposed site shall have at least one (1) property line abutting an arterial or collector street from which all ingress and egress to the off-street parking area as well as any other uses of the facility shall be directly accessed from.
9. Private Solar Energy Systems which are **not attached** to a principal structure provided that:
- a. They conform to setback requirements for accessory buildings.
 - b. They do not cover more than twenty-five (25) percent of the lot.
 - c. They are fenced to protect the public from any hazard they might pose.
10. Private Wind Energy Systems that:
- a. Have a lot size of at least one (1) acre.
 - b. Are no more than one hundred fifty (150) feet tall.

- c. Are located at least two (2) times the hub height from any property line *or* the minimum setback required for a primary building whichever is greater.
11. Any structure or use which, in the opinion of the Planning Commission, is similar to or compatible with a structure or use permitted in this zoning district.

ARTICLE 10 AG AGRICULTURAL DISTRICT

SECTION 1000 STATEMENT OF PURPOSE

This district classification is designed to preserve and encourage farming, animal husbandry, dairying, horticulture, forestry and other rural-type activities. Vacant areas, fallow land and wooded areas may also be included. This district classification also provides for non-farm single family dwellings on larger parcels.

SECTION 1001 USES PERMITTED BY RIGHT

The following structures and/or uses shall be permitted by right:

1. **General and specialized farming operations including nurseries, greenhouses, beekeeping, or animal husbandry (when animal numbers are defined as small CAFOs*) and similar agricultural enterprises together with buildings and other installations necessary to such uses.**
2. Livestock facilities designated as “Medium” CAFOs* provided that they are located a minimum of ½ mile from any residential or business district.
3. Livestock facilities designated as “Large” CAFOs * provided that they are located a minimum of ¾ of a mile from any residential or business district.
4. Livestock slaughtering facilities serving only the farm residents and/or employees.

***EPA Definitions of Large CAFOs, Medium CAFO, and Small CAFOs (Concentrated Animal Feeding Operations):**

Animal Sector	Size Thresholds (number of animals)		
	Large CAFOs	Medium CAFOs	Small CAFOs
cattle or cow/calf pairs	1,000 or more	300 - 999	less than 300
mature dairy cattle	700 or more	200 - 699	less than 200
veal calves	1,000 or more	300 - 999	less than 300
swine (weighing over 55 pounds)	2,500 or more	750 - 2,499	less than 750
swine (weighing less than 55 pounds)	10,000 or more	3,000 - 9,999	less than 3,000
horses	500 or more	150 - 499	less than 150
sheep or lambs	10,000 or more	3,000 - 9,999	less than 3,000
turkeys	55,000 or more	16,500 - 54,999	less than 16,500
laying hens or broilers (liquid manure handling systems)	30,000 or more	9,000 - 29,999	less than 9,000
chickens other than laying hens (other than a liquid manure handling system)	125,000 or more	37,500 - 124,999	less than 37,500
laying hens (other than a liquid manure handling system)	82,000 or more	25,000 - 81,999	less than 25,000
ducks (other than a liquid manure handling system)	30,000 or more	10,000 - 29,999	less than 10,000
ducks (liquid manure handling systems)	5,000 or more	1,500 - 4,999	less than 1,500

5. One family detached dwelling units together with accessory buildings consistent with R-1 "Uses Permitted By Right" provided that the lot size is at least one acre.
6. A second single family dwelling on one agricultural parcel intended to provide housing for a family member or employee provided that it would meet all setback and lot size regulations should it ever be split from the parent parcel.
7. Any home occupation wherein the occupant of a single family residence offers instruction in a craft or fine art.
8. Growing and harvesting forest products.
9. Kennels breeding, boarding and/or selling dogs.
10. Private clubs, fraternities or lodges unless the principal activity is customarily carried on as a business.
11. Private wind energy systems serving only the owner and considered an accessory building provided that the following are true:
 - a. Turbine tip height is less than one hundred and fifty (150) feet. Anemometer towers are less than two hundred (200) feet in height.
 - b. Parcel size is at least one acre.
 - c. The turbine meets a minimum setback equal to two times its hub height from any residence or property line.
12. Retail sales of any product produced on the premises; however a permanent structure whose primary use is the retail sale of a product is not allowed.
13. Public and private stables and/or riding academies.
14. Utility installations such as electric substations, gas regulator stations, water or sewage pumping stations (including storage yards) when required in order to serve the area.
15. Accessory buildings or uses provided that all accessory farm buildings for uses other than customary dwelling purposes shall be located not less than seventy-five (75) feet from any dwelling, not less than twenty-five (25) feet from any lot line, and not less than one hundred fifty (150) feet from the front lot line.

SECTION 1002 USES PERMITTED BY SPECIAL APPROVAL

The following structures and/or uses shall be permitted, but only by special approval granted by the Planning Commission:

1. Any livestock facilities located closer to residential or business districts than allowed "By Right" or any farming operations not indicated as "by right".
2. Private airports not offering any regular commercial services.
3. Bed & Breakfast Operations in a private residence.
4. Commercial biomass digesters provided that:
 - a. All traffic ingress and egress is from a county primary road or state highway.

- b. The facilities are at least one half (½) mile from any platted residential subdivision and at least twelve hundred (1200) feet from any residence.
 - c. The parcel is at least ten (10) acres and no more than forty (40) acres with no more-than 75% ever covered by buildings or permanent facilities.
 - d. The facility will not allow any hazardous or toxic wastes as defined by the Michigan Department of Natural Resources.
 - e. Routes for truck movement to and from the site are approved by the Huron County Road Commission.
 - f. Outdoor storage must be screened from adjacent property and roads.
5. Cemeteries, public, or private, subject to the following:
- a. The lot shall be at least ten (10) acres and shall be so designed as to provide motor vehicle ingress and egress directly onto or from a major thoroughfare.
 - b. No building shall be closer than fifty (50) feet to any property or street line.
 - c. A maximum of one (1) sign is permitted at the point of entrance which shall bear only the name of the cemetery and shall have a maximum area of thirty- two (32) square feet.
6. Churches, Mosques, Synagogues, or Temples together with accessory housing for religious personnel, subject to the following:
- a. The lot shall be at least two (2) acres in size.
 - b. The lot shall be so located as to have at least one (1) property line on a major thoroughfare, or collector street. All motor vehicle ingress and egress to the lot shall be directly onto said thoroughfare or service drive.
 - c. No building shall be closer than forty (40) feet to any property or street line.
 - d. No more than thirty-five (35%) percent of the lot area shall be covered by buildings.
 - e. The number of parking spaces conforms to the number required in Article 19.
7. Commercial composting and recycling facilities provided that:
- a. All traffic ingress and egress is from a county primary road or state highway.
 - b. The facilities are at least one half (½) mile from any platted residential subdivision and at least twelve hundred (1200) feet from any residence.
 - c. The parcel is at least ten (10) acres and no more than forty (40) acres with no more than 75% ever used for active composting at one time.
 - d. The facility will not allow any hazardous or toxic wastes as defined by the Department of Natural Resources.
 - e. Routes for truck movement to and from the site are approved by the Huron County Road Commission.
 - f. Outdoor storage of refuse must be screened from adjacent property.
 - g. All composting/recycling operations must conform to the Department of Natural Resources guidelines.
8. Commercial slaughtering facilities in a completely enclosed building compliant with all State of Michigan regulations.
9. Commercial Solar Energy Facilities provided that:
- a. The facilities are at least one half (½) mile from any platted residential subdivision and at least twelve hundred (1200) feet from any residence.
 - b. The parcel is at least one (1) acre and no more than ten (10) acres.
 - c. That the facilities are fenced in order to protect the public from any hazard. Commercial Solar Energy Facilities must also comply with any applicable federal and state regulations.
10. Commercial wind energy facilities in compliance with **Article 17 Wind Energy** regulations.

11. Communications towers provided that:
 - a. The minimum setback is one and one half (1½) the tower height in all directions.
 - b. Any guy wires are shielded and clearly visible for a minimum of ten (10) feet from the ground anchors.
12. Grain or seed elevators providing storage or sales of agricultural products provided that:
 - a. All traffic ingress and egress is from a county primary road or state highway.
 - b. The facilities are at least one half (½) mile from any platted residential subdivision and at least twelve hundred (1200) feet from any residence.
13. Home occupations other than those permitted “by right”.
14. Housing for the elderly when provided as a planned development having:
 - a. Cottage type and /or apartment type dwelling units.
 - b. Common services containing, but not limited to, central dining rooms, recreational rooms and central lounges.
15. Hunting preserves.
16. Incinerators or sanitary landfills subject to the following:
 - a. All uses shall be established and maintained in accordance with applicable statutes of the State of Michigan. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
 - b. The site shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the property. Fences shall be adequate to prevent trespass and contain debris.
 - c. All areas shall be rehabilitated progressively as they are worked out or abandoned so that they shall be in a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form.
 - d. The Huron County Road Commission shall establish routes for truck movement in and out of the site in order to minimize the wear on public streets, to minimize traffic hazards, and to prevent encroachment of traffic, or the by-products of traffic (such as dust and noise) upon adjacent properties.
 - e. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, an individual, or to the community in general.
17. Junk yards subject to the following:
 - a. All uses shall be established and maintained in accordance with applicable statutes of the State of Michigan. If any of the requirements of this subsection are less than those in applicable state statutes, the state requirements shall prevail.
 - b. The site shall be a minimum of five (5) acres in area and a maximum of ten (10) acres.
 - c. A solid fence or wall at least eight (8) feet in height shall be provided around the entire periphery of the site to screen said site from surrounding property. Such fence or wall shall be of sound construction, painted, and otherwise finished neatly and inconspicuously.
 - d. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced-in area.
 - e. The fenced-in area shall be set back at least fifty (50) feet from any front street or property line. Such front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation.
 - f. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.
18. Kennels for raising fur bearing animals.

19. Livestock auctions or stockyards
 - a. All traffic ingress and egress is from a county primary road or state highway.
 - b. The facilities are at least one half (½) mile from any platted residential subdivision and at least twelve hundred (1200) feet from any residence.
20. Multiple dwelling units excluding hotels and motels.
21. Permanent saw mills provided that they are located at least twelve hundred (1200) feet from residential lots or structures and one hundred and fifty (150) feet from any public road.
22. Private parks or gun clubs when located on five (5) or more acres.
23. Sewage treatment facilities provided that:
 - a. Facilities are established and maintained in accordance with all applicable State of Michigan statutes.
 - b. The facilities are enclosed by a wire link fence not less than six (6) feet high.
24. Veterinary clinics within an enclosed building located at least two hundred (200) feet from any residential lot.
25. Facilities or businesses featuring the sale and outdoor display of farm machinery, fertilizers and other farm supplies including repair shops provided that:
 - a. All traffic ingress and egress is from a county primary road or state highway.
 - b. The facilities are at least one half (½) mile from any platted residential subdivision and at least twelve hundred (1200) feet from any residence.
26. Golf courses, not including miniature golf courses or par-3 courses, which may or may not be operated for profit, subject to the following:
 - a. The site shall be at least fifty (50) acres in area.
 - b. Motor vehicle ingress and egress shall be onto a major thoroughfare.
 - c. The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety. No structure shall be closer than fifty (50) feet to any property or street line.
 - d. Development features including structures shall be so located and related as to minimize the possibility of any adverse effects upon adjacent lots. This shall mean that all principal or accessory buildings shall be not less than one hundred (100) feet from any property line abutting a residential lot. Where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement. The lighting of a golf course so as to permit use after daylight is expressly prohibited.
27. Mining operations involving earth removal, quarrying, gravel processing, or related mineral extraction.
28. Any other structure or use that the Planning Commission agrees is similar or compatible with the stated purpose of the Agricultural District.

ARTICLE 11 BUS GENERAL BUSINESS DISTRICT

SECTION 1100 INTENT AND PURPOSE

The BUS, General Business District, is designed to meet the day-to-day convenience shopping and service needs of persons residing in nearby residential areas as well as to provide sites for more diversified business types. Further, it is designed to accommodate uses such as residential, offices, banks and personal services which can serve as transitional areas between single-family residential and commercial uses, and to provide a transition between major thoroughfares and residential districts in areas plotted in small lots. Certain automobile-related uses, waterfront uses, uses requiring larger parcels and/or featuring regional commercial uses are permitted after review by the Planning Commission. Uses in the General Business District shall be limited to uses allowed under Local, State, and Federal Law.

SECTION 1101 USES PERMITTED BY RIGHT

In the General Business District no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance and subject to the limitations contained below:

1. Generally recognized retail businesses which supply commodities on the premises, such as, but not limited, to: groceries, meats, dairy products, baked goods or other foods, pharmacy products, dry goods, clothing, notions and hardware, office supplies, convenience foods, and other similar uses, excluding outdoor storage yards.
2. Eating and drinking establishments having a seating capacity of 150 or fewer patrons.
3. Personal service establishments which perform services on the premises, such as, but not limited to: repair shops (watches, radio, television, shoe, etc.), tailor shops, self-service laundries and dry-cleaners; beauty parlors, barber shops, tanning salons, physical fitness centers, photographic studios.
4. Office buildings including medical and dental clinics but not veterinary clinics having outdoor kennels, financial establishments, funeral homes, municipal buildings and uses, but not including outdoor storage yards.
5. Business service establishments performing services on the premises such as office machine repair, printing, blue-printing.
6. Dry cleaning establishments, or pick-up stations, dealing directly with the consumer.
7. Off-street parking lots, subject to provisions of Section 1911 of this Ordinance.
8. All principal permitted uses and uses authorized after special approval in the R-2 Multiple Family Residential District, subject to conditions of the R-2 District.
9. Other uses which are similar to the above and subject to the following provisions:
 - a. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail from the premises where produced.
 - b. Except for off-street parking or loading/unloading space, all business, servicing or processing shall be conducted within completely enclosed buildings.

- c. Storage of commodities shall be within buildings and shall not be visible to the public from a street or thoroughfare.
 - d. Off-street parking and loading/unloading space shall be provided as required in Section 1911 of this Ordinance.
10. Signs as provided in Section 1913 of this Ordinance.
 11. Accessory buildings and uses customarily incidental to the above principal permitted uses, subject to Section 1903 of this Ordinance.
 12. Private wind energy systems, subject to the provisions of Article 17 II of this Ordinance.

SECTION 1102 USES PERMITTED BY SPECIAL APPROVAL

In a General Business District, the following uses shall be permitted subject to the conditions hereinafter imposed for each use and subject further to review and approval of the Planning Commission and the Township Board pursuant to the provisions of Article 3 of this Ordinance.

1. Gasoline service stations for the sale of gasoline, oil and minor accessories and including automotive repair activity where repair activity is conducted within a completely enclosed building; storage of disabled motor vehicles and parts therefrom is prohibited.
 - a. The curb cuts for access to a service station shall not be permitted at such locations that will tend to create traffic hazards in the immediately adjacent streets/roads. Entrances shall be no less than twenty-five (25) feet from a street intersection, measured from the road right-of-way, or from adjacent residential districts.
 - b. The minimum lot area shall be fifteen thousand (15,000) square feet, and so arranged that ample space is available for motor vehicles which are required to wait. Gasoline service stations which are intended solely for the sale of gasoline, oil and minor accessories and having no facilities for repair or servicing of automobiles, including lubricating facilities, may be permitted on lots of ten thousand (10,000) square feet or larger, subject to all other provisions herein required.
 - c. A six (6) ft. high screening fence shall be constructed along those property lines which abut a residential zoning district.
2. Restaurants or other establishments serving food or beverage with a seating capacity greater than one hundred fifty (150) persons, except those businesses having the characteristics of a drive-in (where food is served to persons in a vehicle).
3. Private clubs, fraternal organizations and lodge halls.
4. Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings.
5. Business schools and colleges or private schools operated for profit.
6. Outdoor display lots and showrooms for exclusive sale of new or used automobiles, recreational units, farm implements, or for rental trailers and or automobiles, subject to the following provisions:
 - a. The lot or area shall be provided with a durable and dustless surface, and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Access to the sales lot shall be at least sixty (60) ft. from the intersection of any two (2) roads/streets.

- c. No major repair or major refinishing shall be done on the lot and no disabled motor vehicles or parts therefrom shall be stored on the property unless stored in a completely enclosed building or screened from public view.
 - d. All lighting shall be shielded from adjacent residential areas.
7. Motels or other transient guest lodging facilities, other than bed and breakfast establishments, provided that access to the site does not conflict with adjacent business or adversely affect traffic flow on a major thoroughfare, and that each unit shall contain not less than two hundred (200) sq. ft. of floor area.
8. Businesses that have a drive-in or open front character, provided that the following can be met:
 - a. The setback for buildings or canopies shall be a minimum of forty (40) feet from the right-of-way line of any State trunk line or County Primary Road.
 - b. Access drives to the property shall be located at least sixty (60) feet from the intersection of any two (2) roads/streets.
 - c. All lighting shall be shielded from adjacent residential areas.
 - d. A four (4) foot high screening fence shall be provided when abutting or adjacent to residential districts.
9. Veterinary hospitals or clinics, and/or commercial kennels with outdoor animal runs, provided the outdoor areas are fenced and not located within the setback areas.
10. Nurseries which have outdoor storage or display of plants, plant materials, garden supplies, lawn furniture, or playground equipment subject to the following:
 - a. The storage and/or display of any materials and/or products shall meet all setback requirements of the principal building.
 - b. All loading and parking areas shall be provided on the site.
 - c. The storage of any soil, fertilizer, or other loose, unpacked materials shall be contained so as to prevent any effects on adjacent properties.
11. Bowling alleys, billiard halls, indoor archery ranges, indoor tennis courts, indoor skating rinks, or similar forms of indoor commercial recreation shall be located at least fifty (50) feet from any front, rear or side property line adjacent to a residential zoned property.
12. Outdoor commercial recreational facilities such as tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf facilities, golf driving ranges, baseball batting cages, basketball courts, children's amusement parks, water-slides or similar commercial leisure-time activities, providing all areas or equipment sites are not located in the front yard setback area nor closer than 50 feet from any property line that abuts a residential zoning district; and further, that such activity areas are provided with a security fence around their perimeters. Such perimeters that abut a residential zoning district shall be provided with a six (6) ft. high obscuring wall/fence along the common property line.
13. Publicly owned buildings, public utility buildings, telephone exchange buildings, electric transformer substations, gas regulator stations with service yards but without storage yards, water and sewage pumping stations.
14. Waterfront uses customarily incidental to recreational boating including sales, service and storage facilities.
15. Adult entertainment businesses, as defined in **Port Austin Township Adult Entertainment**

Business Ordinance No. 133 are subject to all the provisions therein including:

- a. A sexually oriented business may not be operated within two thousand (2000) feet of:
 - (1) A church, synagogue or regular place of religious worship.
 - (2) A public or private elementary or secondary school.
 - (3) The boundary of any residential zoned district or any residential structure within or without a zoned area.
 - (4) A public park.
 - (5) A licensed daycare center.
 - (6) Another sexually oriented business.
 - (7) Any residential care facilities, licensed or unlicensed.
 - b. A sexually oriented business may not be operated in the same building, structure, or portion thereof, containing another sexually oriented business.
 - c. For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, residential district, or residential lot, or licensed daycare center.
 - d. For purposes of these requirements the distance between any two sexually oriented businesses shall be from the closest exterior wall of the structure in which each business is located.
16. Arcades and amusement centers having six (6) or more mechanical or electronic devices that allow patrons to enjoy games of skill, chance, amusement or pleasure for a fee provided that they are located five hundred (500) feet or more from properties zoned for residential use and five hundred (500) feet from any existing arcade or amusement center.
17. Wholesale stores, storage facilities, warehouse buildings, distribution plants.
18. Waterfront uses customarily incidental to recreational boating facilities, including sales, service and mooring/storage uses and facilities.
19. A dwelling unit located within a building used for an approved business use provided:
- a. The residential dwelling unit is not located in a basement and may be completely separated from that part of the building used for a business.
 - b. Parking for integrated residential units is provided at a rate of 1 space per unit, on the same site or in a permanently reserved area within 500 feet of the site.
20. Any structure or use which, in the opinion of the planning commission is similar to or compatible with a structure or use permitted in this zoning district.

SECTION 1103 ADDITIONAL REGULATIONS

The storage of all materials, objects, equipment and machinery other than for heating/cooling, and inoperable/unlicensed motor vehicles shall be wholly within a completely enclosed building(s) or screened from public view.

SECTION 1104 SITE PERMIT

A site permit is required for all new construction and new uses in a General Business District. In addition to compliance with any stated permitted use, a site permit shall require compliance with any applicable regulations found in ARTICLE 18 or ARTICLE 19 of this ordinance.

ARTICLE 13 IND GENERAL INDUSTRIAL DISTRICT

SECTION 1300 PURPOSE AND INTENT

This District Classification is designed to accommodate wholesale activities, warehousing and light industrial facilities as uses by right and more intense, heavy industrial facilities as uses authorized by special approval. The general goals of this use district include, among others, the following specific purposes:

1. To provide sufficient space in appropriate locations to meet the needs for all types of manufacturing in the Township.
2. To protect residential districts by separating them from manufacturing activities.
3. To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matter, radiation, and other hazards, and from offensive noise, vibration, smoke, odor and other objectionable influences.
4. To promote the most desirable use of land compatible with existing uses and development.

SECTION 1301 USES AND STRUCTURES PERMITTED BY RIGHT

In the General Industrial District, no building or land shall be used and no buildings shall be erected except for one or more of the following specified uses unless otherwise provided in this Ordinance.

1. Any use charged with the principal function of basic research, design and pilot or experimental product development when conducted within a completely enclosed building.
2. Any of the following uses when the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building. That portion of the land used for open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be totally obscured by a wall on those sides abutting any residential or commercial district, and on any front yard abutting a public thoroughfare except as otherwise provided in **Section 1918** of this Ordinance. In the industrial district, the extent of such wall may be determined by the Planning Commission on the basis of usage. Such a wall shall not be less than four (4) feet in height and may, depending upon land use, be required to be eight (8) feet in height, and shall be subject further to the requirements of **Section 1918**. A chain link fence, with intense evergreen shrub plantings, shall be considered an obscuring wall.
 - a. The manufacture, compounding, processing, packaging, or treatment of such products as, but not limited to: bakery goods, cosmetics, pharmaceuticals, toiletries, food products, hardware and cutlery, tool and die, gauge and machine shops.
 - b. The manufacture, compounding, assembling, or treatment of articles or merchandise from previously prepared materials: bone, canvas, cellophane, cloth, cork elastomers, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, rubber, precious or semiprecious metals or stones, sheet metal, textiles, tobacco, wax, wire, wood and yarns.
 - c. The manufacture of pottery and figurines or other similar ceramic products using only previously pulverized clay and kilns fired only by electricity or gas.
 - d. Manufacture of musical instruments, toys, novelties, and metal or rubber stamps, or other molded rubber products.
 - e. Manufacture or assembly of electrical appliances, electronic instruments and devices, radios and phonographs.
 - g. Manufacturing and repair of electric or neon signs, light sheet metal products, including heating and ventilating equipment, cornices, eaves and the like.
3. Public utility buildings including telephone exchange buildings, electrical transformer stations and substations, gas regulator stations as well as electric and gas service buildings and yards.

4. Storage facilities for building materials, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. See **Section 1918**.
5. Municipal uses such as water treatment plants, and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage
6. Motor vehicle engine and body repair shops, bump shops, undercoating shops and similar vehicle repair facilities with the repair activity conducted within a completely enclosed building; no storage of disabled motor vehicles or part thereof is permitted unless within a completely enclosed building or screened from public view per **Section 1918**.
7. Agricultural related enterprises where no structures or livestock exist.
8. Warehousing , wholesale establishments and trucking facilities.
9. Central dry cleaning plants or laundries provided that such plants shall not deal directly with the consumer at retail.
10. Laboratories – experimental, film, or testing.
11. Machinery or equipment sales or storage.
12. Trade or Industrial Schools.
13. Accessory buildings and uses customarily incidental to any of the above permitted uses.
14. Private Wind Energy Systems subject to all provisions of Article 17 of this Ordinance.
15. Other uses of similar character.

SECTION 1302 USES AUTHORIZED BY SPECIAL APPROVAL

The following uses shall be permitted, subject to conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission, pursuant to the provisions of Article 3 of this Ordinance and the Michigan Zoning Enabling Act, as amended.

1. Lumber and planing mills when located at least one thousand (1000) feet from any side or rear property line which borders a residential or commercial use.
2. Metal plating, buffing and polishing, subject to appropriate measures to control the type of process to prevent noxious results and/or nuisances.
3. Heating and/or electrical power generating plants, and all accessory uses.
4. Any of the following uses provided that they are located not less than one thousand (1000) feet from a residential or commercial parcel, or use and not less than three hundred (300) feet from a business or agricultural parcel or use:
 - a. Open storage yards of sand, stone, coal, gravel or lumber, asphalt plants and concrete-transit mix plants.
 - b. Junk yards, provided such are entirely enclosed within a building or within an eight (8) ft. high obscuring wall.
 - c. Incineration of garbage or refuse when conducted within an approved and enclosed incinerator plant.

- d. Facilities with blast furnaces, steel furnaces, blooming or rolling mills.
 - e. Facilities where corrosive acid or alkali, cement, lime, gypsum or plaster of paris is manufactured.
 - f. Petroleum storage or refining facilities.
 - g. Facilities where smelting of copper, iron or zinc ore, or similar products occurs.
7. Agricultural activities that require the erection of structures or the keeping of livestock.
 8. Mining operations involving earth removal, quarrying, gravel processing, or related mineral extraction.
 9. Commercial communication towers or public utility microwaves and their attendant facilities provided that they are located such that the base of any tower is no closer than one and ½ its height from any property line.
 10. Accessory buildings and uses customarily incidental to any of the above uses.
 11. Any structure or use which, in the opinion of the Planning Commission, is similar to or compatible with a structure or use permitted in this zoning district.

SECTION 1303 SITE PERMIT

A site permit is required for all new construction and new uses in the General Industrial District. In addition to compliance with a stated permitted use, a site permit shall require compliance with any applicable regulations found in **ARTICLE 18 or ARTICLE 19** of this Ordinance.

SECTION 1304 COMPLIANCE WITH OTHER GOVERNMENTAL REGULATIONS

Any use permitted in the General Industrial District must also comply with all applicable federal, state, county and township health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter and glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting airborne matter.

SECTION 1305 ADDITIONAL REGULATIONS

The storage of all materials, objects, equipment, machinery and inoperable motor vehicles shall be wholly within a completely enclosed building or screened from public view. No storage shall be located in the front yard or a side yard abutting a street/road.

SECTION 1306 GENERAL PERFORMANCE STANDARDS

The following shall be considered to be the minimum performance standards subject to county, state or federal standards and requirements which may be more restrictive:

1. Odors- The emission of obnoxious odors, noise, dust fumes or vibrations of any kind shall not be permitted which are contrary to the public health, safety and general welfare.
2. Gases- No gas shall be emitted which is detrimental to the public health, safety and general welfare.
3. Glare and Heat- Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be performed so as not to have an adverse effect outside of the property.
4. Fire and Safety Hazards- The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with state rules and regulations as established by Public Act 207 of 1941, as amended.

ARTICLE 14 PLANNED UNIT DEVELOPMENTS

SECTION 1400 PURPOSE AND APPLICABILITY

1. The purpose of these regulations is to permit greater flexibility and consequently, more creative and imaginative design in the development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, the integration of necessary commercial and community facilities, the preservation of open space for parks and recreational use, and the retention of natural features.
2. A Planned Unit Development is a distinctive use of property. It shall therefore be governed only by the provisions of this Article and not by any other provision of this amended Ordinance, anything in this amended Ordinance to the contrary notwithstanding.
3. In addition to the general requirements, section 1401 of this amended Ordinance, a Planned Unit Development shall conform to and be in accordance with the Michigan Zoning Enabling Act #110 of 2006, Article V, 125.3503, Section 503.

SECTION 1401 GENERAL REQUIREMENTS

Port Austin Township requires that the following conditions describe any parcel considered Planned Unit Development:

1. The tract of land for a project must be either in one ownership or the subject of a request filed jointly by the owners of all properties included. The holder of a written option to purchase land or the holder of an executory land contract shall for the purposes of such request be deemed to be an owner of such land.
2. A Planned Unit Development shall be allowed only within residential districts where the applicant can demonstrate that the proposed character of development will meet the purpose of a Planned Unit Development.
3. Land use need not be uniform in all respects.
4. Public water, sanitary sewer and storm water drainage facilities shall be provided as part of the site development. All interior electric, cable and phone transmission wires shall be placed underground.
5. Approval by the Planning Commission of a sketch plan and detailed site plan is required.

SECTION 1402 PERMITTED USES

No structure of part thereof shall be erected, altered or used nor shall any land be used except for one or more of the following, regardless of the zoning district in which the same is located:

1. All residential uses.
2. Commercial uses designed and intended to serve the needs of the people residing in the Planned Unit Development including but not limited to the following:

- a. Bakeries (retail only).
 - b. Banks and financial institutions.
 - c. Barber or beauty shops.
 - d. Book and stationary stores.
 - e. Drug stores.
 - f. Dry cleaning (pickup or coin operated only).
 - g. Florist and garden shops.
 - h. Food stores.
 - i. Hardware stores.
 - j. Medical Facilities such as clinics, offices and hospitals.
 - k. Post Office.
 - l. Professional Offices.
 - m. Private clubs, excepting those of which the primary activity is a service customarily carried on as a business.
 - n. Shoe sales and repair stores.
 - o. Variety stores.
 - p. Wearing apparel shops.
 - q. Full course menu, table top, indoor restaurants conforming in appearance to a residence which provide no "drive-in", "short-order" or "car service" food or drink facility. Alcoholic beverages may be served incidental to the sale of the food.
3. Accessory and associated uses designed and intended to serve the needs of the people residing in the Planned Unit Development including, but not limited to:
- a. Churches.
 - b. Elementary and secondary schools.
 - c. Private garages.
 - d. Recreational play areas.
 - e. Storage sheds.

SECTION 1403 DESIGN REQUIREMENTS

Within a Planned Unit Development approved under this Article, the following requirements shall apply in lieu of any conflicting regulations applicable to the district in which the development is located:

- 1. The maximum number of dwelling units permitted within the project shall be determined by dividing the net Planned Unit Development area by the minimum residential lot area per dwelling unit required by the district in which the project is located. In the event the project lies in more than one zoning district, the number of dwelling units shall be computed for each district separately.
- 2. The minimum setback and yard or open space requirements for buildings and structures may be reduced or increased at the discretion of the Planning Commission to avoid unnecessary disruption of the environment where reasonable equivalent open space is provided elsewhere upon the site.
- 3. A screening area may be required by the Planning Commission along the perimeter of the development if deemed necessary to protect the values of adjoining property under separate ownership.
- 4. Within every Planned Unit Development there shall be planned and set aside permanently, as part of the total development, an amount of open space at least equal to the aggregate accumulation of lot size reduction below the minimum lot area for the development as a whole. Before accepting the open space as meeting the requirements of this provision, the Planning Commission must find the land thus designated sufficient in size, suitably located, with adequate access. Evidence shall be provided that satisfactory arrangements will be made for the maintenance of such designated land so as to relieve the Township of any future maintenance.

5. All required open space within a Planned Unit Development shall be arranged so as to provide access and benefit to the maximum number of lots and or dwelling units. Separate tracts of open space shall have adequate access from at least one point along a public street.

SECTION 1404 PROCEDURE

Whenever any Planned Unit Development is proposed, before any Township Permit is granted, the developer shall apply for and secure approval from the Planning Commission and the Township Board. Approval of a Planned Unit Development shall not constitute a change in the underlying zoning classification of a subject site; however once approved, a Planned Unit Development permit shall be considered permanently attached to the subject site.

1. In order to allow the Planning Commission and the developer to reach an understanding of basic design requirements prior to detail site design investment, the developer shall submit a sketch plan of the proposal to the Planning Commission with the applicable fee. The sketch plan shall be drawn to scale and clearly show the following information:
 - a. Boundaries of the property.
 - b. Location and height of all buildings and structures.
 - c. Interior roadway system, parking facilities and all existing right-of-ways and easements, whether public or private.
 - d. Delineation of the various residential and or commercial areas indicating for each such area its size, number of buildings, structures and composition in terms of total number of dwelling units. Approximate percentage allocation by dwelling unit type plus a calculation of the net residential density and commercial density.
 - e. The interior open space system.
 - f. The overall storm water drainage system.
 - g. If grades exceed 30 percent on portions of the site, have a moderate to high susceptibility to erosion or a moderate to high susceptibility to flooding and or ponding, an overlay outlining the above susceptible soil areas shall be provided.
 - h. Principal ties to the neighborhood and community with respect to transportation, water supply and sewage disposal.
 - i. General description of the provision of other community facilities, such as schools, recreational facilities, fire protection services, and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 - j. A location map showing uses and ownership of abutting lands.
2. In addition, the following documentation shall accompany the sketch plan:
 - a. A statement that the proposal is compatible with the goals and objectives of the Township Master Plan.
 - b. A statement explaining how common open space is to be owned and maintained.
 - c. If the development is to be constructed in phases, an indication of the sequence of phases shall be shown.
3. The Planning Commission shall hold a public hearing on an application for a Planned Unit Development in accordance with the procedure outlined in Article 3 Section 302 Special Use Approval with notice of the hearing as therein provided.
4. Following the public hearing, the Planning Commission shall, within 60 days, approve or disapprove the sketch plan or require modifications and notify the applicant of its decision.
5. Approval of a sketch plan shall not constitute approval of the detailed Site Plan, but shall be deemed an expression of approval of the conceptual layout as a guide to the preparation of the detailed Site Plan.

6. If it becomes apparent that certain elements of the sketch plan, as approved by the Planning Commission are not feasible and need modifications, the applicant shall then resubmit his entire sketch plan, as amended, to the Planning Commission pursuant to the above procedure.
7. After receiving approval from the Planning Commission of a sketch plan, the applicant may prepare a detailed Site Plan and submit it to the Planning Commission for approval.

ARTICLE 15 CONDOMINIUM DEVELOPMENT

The intent of this chapter is to provide regulations and standards governing the development of condominiums within Port Austin Township. These provisions apply to residential, commercial and industrial uses on individual building sites and planned unit developments.

SECTION 1500 REQUIRED INITIAL INFORMATION

Concurrently with notice required to be given to Port Austin Township pursuant to Section 71 of Public Act 59 of 1978, as amended (the Condominium Act), a person, firm or corporation intending to develop a condominium project shall provide the following information:

1. The name, address and telephone number of:
 - a. All persons, firms or corporations with an ownership interest in the land on which the condominium development will be located together with a description of the nature of each entity's interest (for example, fee owner, optionee or land contract vendee).
 - b. All engineers, attorneys, architects, planners or registered land surveyors associated with the project.
 - c. The developer or proprietor of the condominium development.
2. The legal description of the land on which the condominium development will be developed together with appropriate tax identification numbers.
3. The acreage content of the land on which the condominium development will be developed.
4. The purpose of the development (for example, residential, commercial, industrial, etc.)
5. The approximate number of condominium units to be developed on the subject parcel.
6. Whether or not a community water system is contemplated.
7. Whether or not a community septic (*sewerage*) system is contemplated.

SECTION 1501 INFORMATION SHALL BE KEPT CURRENT

The information shall be furnished to Port Austin Township and shall be kept updated until such time as a Certificate of Occupancy has been issued.

SECTION 1502 SITE PLAN SPECIAL APPROVAL

Prior to recording of the Master Deed required by Section 72 of Public Act 59 of 1978, as amended, the condominium development shall undergo site plan review and approval pursuant to **Section 302 "Special Use Approval"** of this Ordinance. In addition, appropriate engineering plans and inspections shall be submitted to the Township prior to the issuance of any Certificates of Occupancy.

SECTION 1503 SITE PLANS FOR EXPANDABLE OR CONVERTIBLE PROJECTS

Prior to expansion or conversion of a condominium development to additional land, the new phase of the project shall undergo site plan review and approval pursuant to **Section 302 "Special Use Approval"** of this Ordinance.

SECTION 1504 MASTER DEED, RESTRICTIVE COVENANTS & "AS-BUILT" SURVEY TO BE FURNISHED

The condominium development developer or proprietor shall furnish the following:

1. One (1) copy of the recorded Master Deed
2. One (1) copy of all restrictive covenants.
3. Two (2) copies of an "as- built survey". The " as-built survey" shall be reviewed for compliance with the Township Zoning Ordinance and Huron County Building and Zoning.
4. Fees for this review shall be established by resolution of the Township Board and Huron County.

SECTION 1505 MONUMENTS REQUIRED

Site Condominium Projects:

All condominium developments which consist in whole or in part of condominium units which are residential, commercial, or industrial building sites, mobile home sites, or recreational sites shall be marked with monuments as provided in this subsection.

1. All monuments used shall be made of solid iron or steel bars at least one-half inch ($1/2''$) in diameter and thirty-six inches (36") long and completely encased in concrete at least four inches (4") in diameter.
2. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the condominium development and the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvatures, points of reverse curvature and angle points in the side lines of streets and alleys and at all angles of an intermediate traverse line. It is not intended or required that monuments be placed within the traveled portion of a street to mark angles in the boundary of the condominium development if the angle points can be readily reestablished by reference to monuments along the sidelines of the streets.
3. If the required location of a monument is in an inaccessible place or where the locating of a monument would be clearly impracticable, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plans and referenced to the true point.
4. If a point requiring a monument is on a bedrock outcropping, a steel rod, at least one-half inch ($1/2''$) in diameter shall be drilled and grouted into solid rock to a depth of a least eight inches (8").
5. All required monuments shall be placed flush with the ground where practicable.
6. All unit corners and the intersection of all limited common elements and all common elements shall be marked by monuments in the field by iron or steel bars or iron pipe at least eighteen inches (18") long and one-half inch ($1/2''$) in diameter, or other approved markers.
7. The Township Board may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one (1) year on the condition that the proprietor deposits with the Township Clerk cash, a certified check, or an irrevocable bank letter of credit to Port Austin

Township (whichever the proprietor selects) in an amount to be established by the Township Board by resolution. Such cash, certified check or irrevocable bank letter of credit shall be returned to the proprietor upon receipt of a certificate by a surveyor that the monuments and markers have been placed as required within the time specified.

All Condominium Projects:

All condominium projects shall be marked at their boundaries with monuments meeting the requirements of **Section 1505 – 1**.

SECTION 1506 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS

All condominium developments shall comply with federal and state statutes and local ordinances.

SECTION 1507 OCCUPANCY

The Building Official may allow occupancy of the condominium development before all improvements required by this Ordinance are installed, provided that cash, a certified check or an irrevocable bank letter of credit is submitted sufficient in amount and type to provide for the installation of improvements before the expiration of the Temporary Occupancy Permit without expense to the Township or County.

SECTION 1508 SITE CONDOMINIUMS

1. REVIEW PROCEDURES:

Pursuant to authority conferred by Section 141 of the Condominium Act, Act 59 of 1978, as amended, before condominium units may be sold or site improvements initiated, all condominium subdivision plans must be approved by the Township Board following review and recommendation for approval by the Planning Commission. In determining whether to recommend a condominium subdivision plan for approval by the Township Board, the Planning Commission shall consult with all applicable offices or agencies (Zoning Administrator, Township Attorney, Road Commission, etc.) regarding the adequacy of the Master Deed, deed restrictions, utility systems and streets, development layout, and design and compliance with all requirements of the Condominium Act and the Township Zoning Ordinance. The review process shall consist of two steps:

- a. Preliminary Plan Review: In the preliminary plan review phase, the Planning Commission shall review the overall plan for the site including basic road and unit configurations and the consistency of the plans with all applicable provisions of the Zoning Ordinance and Masterplan. Plans submitted for preliminary review shall include information specified in items **a-d** of the Submission Requirements as set forth below.
- b. Final Plan Review: Upon receipt of Preliminary Plan Approval, the applicant should prepare the appropriate engineering plans and apply for Final review by the Planning Commission. Final plans shall include information as required by items **a-d** of the Submission Requirements as set forth below. Such plans shall be reviewed by the Zoning Administrator, the Township Planning Commission, the County Planning Commission, and the Township Attorney. Further, such plans shall be submitted for review and comments to all applicable local, county, and state agencies as may be appropriate, and as determined by the Planning Commission. The Township Board may grant approval of the final plans after receiving the recommendation of the Planning Commission, and following expiration of the time allotted to other parties to review and comment on said plans.

2 EXHIBIT SUBMISSION REQUIREMENTS:

A site condominium development, whether intended for residential, commercial, or industrial use shall be subject to all of the requirements and standards of the applicable Zoning District in which the development is located, and, in addition to the requirements of Section 66 of the Condominium Act and the requirements for site plans contained in **Section 302 “Special Approval Use”** of this Zoning Ordinance, all plans for site condominium projects presented for approval shall contain the following information:

- a. Survey of the condominium subdivision site.
- b. A surveyor drawing delineating all natural features on the site including, but not limited to: ponds, streams, lakes, drains, floodplains, wetlands, and woodland area.

- c. The location size, shape, area and width of all condominium units and common elements, and the location of all proposed streets.
- d. A generalized plan for the provision of utilities and drainage systems.
- e. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project.
- f. A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements to be granted to utility companies or the county for repair and maintenance of all utilities.
- g. A street construction and maintenance plan for all streets within the proposed condominium subdivision.
- h. A storm drainage and storm water management plan, including all lines, swales, drains, basins and other facilities.

3. DESIGN LAYOUT AND ENGINEERING:

The design of a site condominium project shall be subject to the design layout and engineering standards, as provided below, except as may otherwise be provided by this ordinance. All newly created streets, regardless of whether they are to be in public or private ownership, shall conform to at least all minimum requirements of the general specifications and typical cross sections as set forth in the Plat Development and Street Construction Manual, as amended, issued by the Huron County Road Commission.

a. Location Arrangement and Design of Streets:

- (1) The street layout shall provide for continuation of collector streets in the adjoining subdivision or of the proper projection of streets when adjoining property is not subdivided; or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
- (2) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
- (3) Should a proposed condominium development border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
- (4) Should a proposed condominium development border on or contain a railroad, expressway or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration to the minimum distance required for approach grades to future grade separation.
- (5) Half streets shall be prohibited, except where absolutely essential to the reasonable development of the condominium subdivision in conformity with the other requirements of these regulations and where the Planning Commission finds it will be practical to require the dedication of the other half when the adjoining property is developed. Wherever there exists adjacent to the tract to be developed, a dedicated or platted and recorded half street, the other half shall be platted or otherwise included in the condominium subdivision.
- (6) Should a proposed condominium development border upon or contain an existing or proposed canal, channel or drainage way, the Planning Commission may require the location of a bridge facility suitable to permit the unimpeded flow of water and the passage of water- borne vehicles.

b. Right-of-way and Pavement Widths:

Street right -of-way and pavement widths shall conform to at least the following minimum requirements:

(1) Street Type	Right-of-Way Width	Pavement Width
All streets	66 feet	24 feet*
Cul-de-sac	75 ft. Radius	45 ft. Radius

* Width of actual street surface may be reduced depending upon usage and character of development after review and approval by the Planning Commission.

- (2) On-street parking shall be prohibited unless the street has been designed to accommodate parking in a manner approved by the Planning Commission.
- (3) Minimum length for cul-de-sac streets shall be one hundred forty (140) ft. Maximum length for cul-de-sac streets shall be one thousand (1,000) ft.
- (4) Access to streets across all ditches shall be provided by the proprietor with the Huron County Road Commission's specifications and procedures for driveway installation.
- (5) The Township may require that all or a portion of the streets be dedicated as public streets. All streets which are not dedicated to the public shall be properly maintained. The road surface shall be kept in good repair. Accumulations of snow and ice shall be promptly removed. The master deed shall contain adequate mechanisms to insure that streets will be properly maintained.

c. Easements

- (1) Location of utility easements shall be provided as necessary for utilities. Such easements shall be a total of not less than twelve feet (12') wide and six feet (6') from each proposed condominium unit site
- (2) Recommendations on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the proprietor to submit copies of the proposed condominium development plan to all appropriate public utility agencies.
- (3) Easements six feet (6') in width and three feet (3') from a condominium unit site shall be provided where needed alongside condominium unit boundary lines so as to provide for street light dropouts. Prior to the approval of the condominium subdivision plan, a statement shall be obtained from the appropriate public utility indicating that easements have been provided along specific condominium unit boundaries. A notation shall be made on the condominium subdivision plan indicating: The side boundary lines between condominium units (indicating building envelope numbers) are subject to street light dropout rights granted to the (name of utility company).

d. Condominium Units:

Condominium units within site condominium developments shall conform to the following standards:

- (1) The lot size, width, depth and shape in any site condominium shall be appropriate for the location and type of development contemplated.
- (2) Condominium unit areas and widths and building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the District in which the site condominium is proposed.
- (3) Condominium units situated on corners in residential condominium subdivisions shall be at least ten feet (10') wider than the minimum width permitted by the Zoning Ordinance. In instances where the minimum required lot width is greater than 100 feet, this requirement shall not apply.
- (4) Excessive condominium unit depth in relation to width shall be avoided. A depth-to-width ratio of 3 to 1 shall be considered a maximum.
- (5) Condominium units intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-

street parking, setback, and other requirements in accordance with the Zoning Ordinance.

- (6) Every condominium unit shall front or abut on a street for the full width of the unit. The measurement of unit width shall be determined in the same manner as prescribed in the Zoning Ordinance for "lots".
- (7) Side condominium unit lines shall be at right angles or radial to the street lines.
- (8) Residential condominium units abutting major thoroughfares or collector streets, where marginal access streets are not desirable or possible to attain, shall be situated with reverse frontage condominium units or with side condominium unit lines parallel to the major traffic streets.
- (9) Condominium units shall have a front-to-front relationship across all streets where possible.
- (10) Where condominium units border upon bodies of water, the front yard may be designated as the water front side of such condominium unit provided the building envelope has sufficient depth to provide adequate setback on the street side to maintain a setback for all structures equal to the front setback on the street side as well as on the water front side.

e. Blocks:

- (1) Maximum length for blocks shall not exceed one thousand three hundred feet (1,300') in length, except where, in the opinion of the Planning Commission, conditions may justify a greater distance.
- (2) Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

f. Natural Resources:

The natural features and character of lands must be preserved wherever possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the proprietor and the provision of adequate barriers, where appropriate, shall be required.

g. Sidewalks:

Sidewalks shall be installed in all single-family detached site condominium developments. Sidewalks shall be a minimum of five (5) feet in width along both sides of collector and minor streets and six feet (6') in width along all major thoroughfares. Access to all general common areas shall be provided. Upon review of the site plan, the Planning Commission may approve alternate locations for the sidewalks or may waive the walkway requirement if it would not serve the purpose of providing adequate pedestrian circulation. Notwithstanding the above, in instances where the average width of condominium units is greater than or equal to sixty-five feet (65'), sidewalks along internal streets shall not be required.

h. Reserved for future use.

i. Utilities:

(1) Storm Drainage:

An adequate storm drainage system, including necessary storm sewers, catch basins, manholes, culverts, bridges and other appurtenances, as approved by the Drain Commission or other appropriate agency, shall be required in all developments. Adequate provision shall be made for proper drainage of storm water from the rear yards of condominium units. Drainage of each yard shall be self-contained and shall be drained from rear to front except where topography or other natural features require otherwise. The Planning Commission may require that all storm sewers be installed within the public rights-of-way or within the general common elements and dedicated to the Township when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the Township.

(2) Sewage Disposal:

When a proposed site condominium is located within, adjacent to or reasonably near

the service area of an available public sanitary sewer system, sanitary sewers and other appurtenances thereto, as approved by the Township, shall be installed in such a manner as to serve all condominium units. Where a public sewer system is not available, on-site sewage disposal systems may be employed providing they are approved by the Huron County Health Department. The Township may require that all sanitary sewers be installed within the public rights-of-way or within the general common elements and dedicated to the Township, when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the County.

(3) Water Supply:

When a proposed site condominium is located within, adjacent to, or reasonably near the service area of a public water supply system, water mains, fire hydrants and required water system appurtenances thereto, as approved by the Planning Commission, it shall be constructed in such a manner as to adequately serve all condominium units shown on the condominium subdivision plan, both for domestic use or business use and fire protection. In the event of the non-availability of a public water supply system, a private water supply system shall be provided by the developer as regulated by the Huron County Health Department. The Planning Commission may require that all water lines and appurtenances connecting to the public water supply system be installed within the public right-of-way or within the general common elements and dedicated to the County when, in the opinion of the Planning Commission, dedication of the same would be in the best interest of the Township.

(4) Requirements for Underground Wiring:

The proprietor shall make arrangements for all lines for telephone, electric, television and other similar services distributed by wire or cable to be placed underground entirely throughout the development area and such conduits or cables shall be placed within private easements provided to such service companies by the developer or within dedicated public ways, provided only that overhead lines may be permitted upon written recommendation of the Township and the approval of the Planning Commission at time of site plan approval where it is determined that overhead lines will not constitute a detriment to the health, safety, general welfare, design and character of the development. All such facilities placed in dedicated public ways shall be planned so as not to conflict with other underground utilities. All such facilities shall be constructed in accordance with standards of construction approved by the Michigan Public Service Commission. All drainage and underground utility installations which traverse privately held property shall be protected by easements granted by the proprietor.

j. Street Names and Signs:

For the purpose of insuring proper response by emergency vehicles, road/street name signs and traffic control signs shall be installed within the condominium development in accordance with the standards of the Huron County Road Commission. Street names shall be designated in a manner so as not to duplicate or be confused with pre-existing streets within the Township or postal zone. For private streets (roads) in addition to the above requirements, a sign meeting County Road Commission standards with the words "Not a Public Street" shall be installed and maintained at all points where private streets meet public streets.

k. Street Lighting:

For the purpose of protecting public safety, street lights meeting the standards of the Huron County Road Commission and the public utility providing such lighting shall be installed and maintained within the condominium development at all street intersections. The condominium association shall be responsible for the full cost of operation of street lights.

1. Final Documents to be Provided:

After submittal of the condominium plan and bylaws as part of the Master Deed, the Proprietor shall furnish to the Township a copy of the site plan on a mylar sheet of at least thirteen by sixteen inches (13" x 16") with an image not to exceed ten and one-half by fourteen inches (10 1/2" by 14").

ARTICLE 16 LAND DIVISION

Any partitioning of land within Port Austin Township shall be in accordance with the Michigan Land Division Act of 1967 (PA 288) and the Port Austin Township Amended Land Division Ordinance of 2015.

SECTION 1600 ACCESS REQUIRED

Every land parcel resulting from partitioning must abut a public or private street/road or have a main access to a public or private street/road.

SECTION 1601 TOWNSHIP APPROVAL FOR LAND "DIVISION"

"Division" means the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors, or assigns for the purpose of sale, or lease of more than one year, or of building development that results in one (1) or more parcels of less than forty (40) acres or the equivalent.¹ "Division" does not include a property transfer between two (2) or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel.

Any land owner desiring such a land "division" must submit an application together with a fee to the Port Austin Township Assessor. Application fees shall be determined by resolution by the Township Board.

SECTION 1602 DIVISION REQUIREMENTS

In accordance with State of Michigan Law, land parcels created by "division" must not exceed a depth to width ratio of 4 to 1. Additional State mandated regulations for "divisions" include but are not limited to the following:

1. Parcels ten (10) acres or less are allowed a maximum of four (4) divisions provided the size and shape conform to State mandates.
2. Parcels more than ten (10) and less than one hundred twenty (120) acres are allowed a maximum number of divisions determined by the number of acres divided by ten plus three: $(A \div 10) + 3$.
3. Parcels larger than one hundred twenty (120) acres are allowed twelve (12) "divisions" for the first one hundred twenty (120) acres and one (1) additional "division" each additional forty (40) acres. All "divisions" must conform to size and shape requirements.
4. An additional two (2) parcels are allowed if:
 - a. the parent tract is not less than twenty (20) acres and
 - b. because of a new road no new accesses to a public road are required and
 - c. one (1) of the resulting parcels is at least sixty (60) per cent of the parent parcel.
5. After a period of ten (10) years, a land parcel is entitled to additional "divisions" equal to one half the number of "divisions" originally allowed.

SECTION 1603 PLATTING

Any partitioning of land wherein the resultant number of parcels or the size or shape of the proposed parcels does not conform to the regulations outlined in Section 1601 or Section 1602 shall necessitate that the parcel be platted in accordance with the Michigan Land Division Act of 1967 (PA 288). Platting approval requires that a drawing prepared by a licensed civil engineer showing all parcels to scale as well as topographical information, flood plain information and any other requested information be submitted to and approved by: the Port Austin Township Board; the Huron County Drain Commission; the Huron County Road Commission; the Michigan Department of Transportation; the Michigan DEQ; the Huron County Health Department; and the Huron County Plat Board.

¹ forty (40) acres, a quarter-quarter section containing not less than thirty (30) acres, or a government lot containing not less than thirty (30) acres.

STATE OF MICHIGAN
COUNTY OF HURON
TOWNSHIP OF PORT AUSTIN
AMENDED LAND DIVISION ORDINANCE

ORDINANCE NO. 2015 -01

An ordinance to regulate partitioning or division of parcels or tracts of land, enacted pursuant but not limited to Michigan Public Act 288 of 1967, as amended, (MCL 560.102 et. seq.), being the Port Austin Township General Ordinance statute; to provide a procedure therefore; to repeal any ordinance or provision thereof in conflict herewith; and to prescribe penalties and enforcement remedies for the violation of this ordinance.

**THE TOWNSHIP OF PORT AUSTIN, HURON COUNTY, MICHIGAN ORDAINS
THE FOLLOWING:**

SECTION I: TITLE

This ordinance shall be known and cited as the Port Austin Township Amended Land Division Ordinance.

SECTION II: PURPOSE

The purpose of this ordinance is to carry out the provisions of the State Land Division Act (1967) P A 288, as amended, formerly known as the Subdivision Control Act, (MCL 560.102 et. seq.) to prevent the creation of parcels of property which do not comply with applicable ordinances and said Act, to minimize potential boundary disputes, to maintain orderly development of the community, and otherwise provide for the health, safety and welfare of the residents and property owners of the Township by establishing reasonable standards for prior review and approval of land divisions within the Township.

SECTION III: DEFINITIONS

For purposes of this ordinance certain terms and words used herein shall have the following meaning:

- A. "Applicant" - a natural person, firm, association, partnership, corporation, or combination of any of them that holds an ownership interest in land whether recorded or not.
- B. "Divide" or "Division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof or by his or her heirs, executors, administrators, legal representatives, successors or assigns, for the purpose of sale or lease of more than one year, or of building development that results in one or more parcels of less than 40 acres or the equivalent, and that satisfies the requirements of Sections 108 and 109 of the State Land

Division Act. "Divide" and "Division" does not include a property transfer between two or more adjacent parcels, if the property taken from one parcel is added to an adjacent parcel; and any resulting parcel shall not be considered a building site unless the parcel conforms to the requirements of the State Land Division Act, or the requirements of other applicable local ordinances.

- C. "Act" - shall refer to the Land Division Act, Act 288 of 1967, as amended and effective March 31,1997; MCL 560.101 to 560.293.
- D. "Exempt split: or "exempt division" - the partitioning or splitting of a parcel or tract of land by the proprietor thereof, or by his or her heirs, executors, administrators, legal representatives, successors or assigns, that does not result in one or more parcels of less than 40 acres or the equivalent.
- E. "Forty acres or the equivalent" - either 40 acres, a quarter-quarter section containing not less than 30 acres, or a government lot containing not less than 30 acres.
- F. "Governing body" - the Port Austin Township Board.
- G. "Administrator" - the Port Austin Township Assessor (the Township Assessor).
- H. "Parcel" - A contiguous area of land which can be described as stated in § 102(g) of the Act.
- I. "Parent Parcel of Parent Tract" - A parcel or tract, respectively, lawfully in existence on March 31,1997.
- J. "Resulting Parcel(s)" - One or more parcels which result from a land division.
- K. "Road Authority" - The governmental authority having jurisdiction of a public road or public street.
- L. "Development Site" - Development site means any parcel or lot on which exists or which is intended for building development other than the following:
 - (i) Agricultural use involving the production of plants and animals useful to humans including forages and sod crops, grains, feed crops, and field crops, dairy and dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.
 - (ii) Forestry use involving the planting, management, or harvesting of timber.

SECTION IV: PRIOR APPROVAL REQUIREMENT FOR LAND DIVISIONS

Land in the Township shall not be divided without the prior review and approval of the Township Assessor, or other official designated by the governing body, in accordance with this ordinance and the State Land Division Act; provided that the following shall be exempted from this requirement:

- A. A parcel proposed for subdivision through a recorded plat pursuant to the State Land Division Act.
- B. A lot in a recorded plat proposed to be divided in accordance with the State Land Division Act.

SECTION V: APPLICATION FOR LAND DIVISION APPROVAL

An applicant shall file all of the following with the Township assessor or other official designated by the governing body for review and approval of a proposed land division before making any division either by deed, land contract, lease for more than one year, or for building development:

- A. A completed application form on such form as may be approved by the Township Board.
- B. Proof of fee ownership of the land proposed to be divided.
- C. A tentative parcel map drawn to scale including an accurate legal description of each proposed division, and showing the boundary lines, approximate dimensions, and the accessibility of each division for automobile traffic and public utilities.
- D. Proof that all standards of the State Land Division Act and this Ordinance have been met.
- E. If a transfer of division rights is proposed in the land transfer, detailed information about the terms and availability of the proposed division rights transfer.
- F. A fee to cover the costs of review of the application and administration of this chapter and the State Land Division Act. The fee shall be established under separate action by the Township Board and may be revised from time to time as determined by the Township Board.

SECTION VI: PROCEDURE FOR REVIEW OF APPLICATIONS FOR LAND DIVISION APPROVAL

- A. The Township shall approve or disapprove the land division applied for within 45 days after receipt of a complete application conforming to this Ordinance's requirements and the State Land Division Act. The Township shall promptly notify the applicant of the decision. Should an application be denied, the Township shall give the Applicant the reasons for denial.
- B. Any person or entity aggrieved by the decision of the assessor or designee may, within 30 days of said decision appeal the decision to the governing body of the Township or such other body or person designated by the governing body. After providing the appellant with a twenty (20) day written notice designating the time and date of a hearing, said governing body shall consider and resolve the appeal by majority vote.
- C. The assessor or his/her designee shall maintain an official record of all approved and accomplished land divisions or transfers.
- D. Approval of a division is not a determination that the resulting parcels comply with other ordinances or regulations.
- E. The Township and its officers and employees shall not be liable for approving a land division if building permits for construction on the parcels are subsequently denied because of inadequate water supply, sewage disposal facilities or otherwise, and any notice of approval shall include a statement to this effect.

SECTION VII: STANDARDS FOR APPROVAL OF LAND DIVISIONS

A proposed land division reviewable by the Township shall be approved if all of the following criteria are met:

- A. All parcels created by the proposed division(s) have a minimum width of 100 feet as measured at the road frontage unless otherwise provided for in an applicable zoning ordinance.
- B. All such parcels shall contain a minimum area of 15,000 square feet unless otherwise provided for in an applicable zoning ordinance.
- C. Each resulting parcel shall have a means of vehicular access to an existing street or road from an existing or proposed driveway or access easement. The means of access shall comply with all applicable location standards of the governmental authority having jurisdiction of the existing street or road. If a driveway or access easement does not lawfully exist at the time a division is proposed, the applicant shall also comply with the following requirement(s):

- (1) If a driveway is proposed as a means of access, each resulting parcel shall have an area where a driveway will lawfully provide vehicular access in compliance with applicable township ordinances.
 - (2) If an easement is proposed as a means of access, the proposed easement shall be in writing and signed by the owner of the parcel(s) within which the easement is to be located. The easement shall provide a lawful means of access over and across the parcel(s), in compliance with applicable township ordinances.
 - (3) If a new public street or road is proposed as a means of access, the applicant shall provide proof that the road authority having jurisdiction has approved the proposed layout and construction design of the street or road and of utility easements and drainage facilities associated therewith.
- D. The proposed division, together with any previous division(s) of the same parent parcel or parent tract, shall not result in a number of resulting parcels that is greater than the number permitted under § 108 of the Act.
 - E. Each resulting parcel that is a development site shall have adequate easements for public utilities from the resulting parcel to existing public utility facilities.
 - F. Each resulting parcel which is 10 acres or less in area shall have a depth which is not more than 4 times the width of the parcel. If the width of the parcel is irregular, the average width of the parcel shall be calculated and used for purposes of this provision. This depth to width ratio shall not apply to the remainder of the parent parcel or parent tract retained by the applicant. All resulting parcels to be created by the proposed land division(s) shall fully comply with the applicable lot area and lot width requirements of the township zoning ordinances for the zoning district(s) in which the resulting parcels are located.

SECTION VIII: CONSEQUENCES OF NONCOMPLIANCE WITH LAND DIVISION APPROVAL REQUIREMENT

- A. Any division of land in violation of any provision of this chapter shall not be recognized as a land division on the township tax roll, and no construction thereon which requires the prior issuance of a construction or building permit shall be allowed. The township shall further have the authority to initiate injunctive or other relief to prevent any violation or continuance of any violation of this chapter.
- B. An unlawful division or split shall also be voidable at the option of the purchaser and shall subject the seller to the forfeiture of all consideration received or pledged therefore, together with any damages sustained by the purchaser, recoverable in an action at law.

SECTION IX: LAND DIVISION AND ACCESS REQUIREMENTS.

All divisions/splits of land comply with provisions of P.A. 87 of 1997, being the Land Division Act, State of Michigan. Where land does not abut an existing public or private road or private easement, and a new access route is proposed, standards for the new access route (s) are noted below:

- A. The legal description of the access route shall be recorded with the description of the new parcel(s);
- B. Where 3 or more parcels (new divisions) are established having a new common entry drive, the entry drive, access easement, and/or roadway shall have a minimum right-of- way width of 66 feet;
- C. Where establishment of new parcels (divisions) is limited to 2 with a common entry drive, the entry drive, access easement, and/or roadway shall have a minimum right-of- way width of 40 feet;
- D. Access road, as described in divisions (B) and (C) of this section, shall be constructed to meet the standards of the Huron County Road Commission for public roads, including but not limited to: minimum road bed design, caving surface material, slope, shoulder width, drainage, adequate visibility, location of ingress/egress onto an existing road, and cul-de- sac radii. Any new access routes shall meet the standards of the Huron County Road Commission for size and location.
- E. Where new access roads cross a watercourse, drainageway, channel, stream, bridge(s) or other structures providing access over the watercourse(s), the road(s) shall be designed and constructed so as to permit use and provide access to emergency vehicles, i.e., fire trucks, ambulances, tow trucks, road maintenance equipment, and the like.

SECTION X: SEVERABILITY

The provisions of this ordinance are hereby declared to be severable and if any clause, sentence, word, section or provision is declared void or unenforceable for any reason by any court of competent jurisdiction, it shall not affect any portion of this ordinance other than said part or portion thereof.

SECTION XI: REPEAL

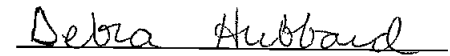
All previous Land Division Ordinances affecting unplatted land divisions in conflict with this Ordinance are hereby repealed; however, this Ordinance shall not be construed to repeal any provision in any applicable Zoning Ordinances, Building Codes or other ordinances of the Township which shall remain in full force and effect notwithstanding any land division approval hereunder.

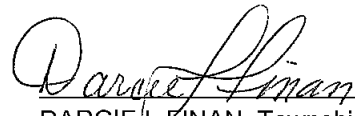
SECTION XII: EFFECTIVE DATE

All ordinances of the township heretofore or hereafter adopted shall be considered to be supplemented by the terms of this ordinance.

This ordinance shall take effect upon publication as required by Michigan law following adoption of the township board.

Made and passed at a meeting thereof this 18th day of May, 2015.


DEBRA HUBBARD, Township Clerk


DARCIE FINAN, Township Supervisor

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Port Austin, County of Huron, State of Michigan, at a regular meeting held on the 18th day of May, 2015, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

I further certify that the following Members were present at said meeting:

Debra Hubbard, Darcie Finan, Marsha Jimkoski, Scott Kasper, Diane Jodoin

and that the following Members were absent:

None


I further certify that Member Darcie Finan moved adoption of said Ordinance, and that said motion was supported by Member Marsha Jimkoski.

I further certify that the following Members voted for adoption of said Ordinance:

All

I further certify that said Ordinance has been recorded in the Ordinance Book and that such recording has been authenticated by the signatures of the Supervisor and the Township Clerk.

Dated: May 19, 2015


DEBRA HUBBARD, Township Clerk

SECTION 1605 PORT AUSTIN LAND DIVISION APPLICATION FORM

LAND DIVISION APPLICATION
PORT AUSTIN TOWNSHIP, HURON COUNTY MICHIGAN

Return to: Wade Mazure, Assessor
8265 N. Van Dyke Rd., Suite 2; P.O. Box 747
Port Austin, MI 48467

Date: _____

You must answer all questions and include all attachments or this application will be returned to you. Bring or ail this application to the above address.

Approval of a division of land is required before it is sold, when a new parcel is less than 40 acres, and not just a property line adjustment (Sec 102 e & f).

1. Location of parent parcel: Section: _____ Address: _____ Road Name: _____
Parent Parcel Number: 32-____-____-____ Legal Description: _____

(Attach extra page if needed.)

2. Property Owner Information:

Name: _____ Phone: _____

Mailing Address: _____

3. Proposed divisions to include the following:

- A. Number of new parcels _____ (Remainder of parent parcel is also considered a division/new parcel).
- B. Intended use (residential, commercial, etc.): _____

_____ C. Each proposed parcel, if 10 acres or less, has a depth to width ratio of not more than 4 to 1.

_____ D. Each parcel has a width of _____ (not less than required by ordinance).

_____ E. Each parcel has an area of _____ (not less than required by ordinance).

_____ F. The division of each parcel provides access as follows: (check one)

a) ___ Each division has frontage on an existing public road. Road name: _____

b) ___ A new public road: Proposed road name: _____

_____ c) ___ A new private road: Proposed road name: _____

_____ d) ___ An easement which provides access.

_____ G. Describe or attach a legal description of proposed new road, easement, or shared driveway: _____

_____ H. Describe or attach a legal description for each proposed new parcel: _____

4. Future divisions being transferred from the parent parcel to each child parcel. Indicate number transferred to each: _____ [See Section 109 (2) of the Statute] Make sure your deed includes both statements as required in 109 (3 & 4) of the Statute.

5. Development site limits. (Check each which represent a condition which exists on the parent parcel).

- ___ Waterfront property (river, lake, pond, etc.) ___ Includes wetlands
- ___ Is within a flood plain ___ Includes a beach
- ___ Is on much soils or soils known to have severe limitations for on-site sewage systems.

ARTICLE 17 WIND ENERGY:

I. COMMERCIAL WIND ENERGY FACILITIES

II. PRIVATE WIND ENERGY SYSTEMS

I. COMMERCIAL WIND ENERGY FACILITIES

SECTION 1700 COMMERCIAL WIND ENERGY FACILITIES

Defined as one or more wind turbines together with accessory buildings and equipment whose primary purpose is supplying electricity to **off-site customers**, will be permitted only in areas of agriculturally zoned land further designated as “Wind Overlay Districts” following:

1. Township site permit approval within a “Wind Overlay District”.
2. Compliance with Huron County Building regulations together with any more restrictive Township regulations.
3. Assurance of compliance with all operational regulations with performance bonding in favor of Port Austin Township.

SECTION 1701 WIND OVERLAY DISTRICT

Is the designation by the Township of an area within an Agriculturally zoned district thought to be suitable for Commercial Wind Energy Development.

Generally it would include areas where large tracts of Agricultural land exist, where wind availability is sufficient to support utility scale wind development, and where property owners are desirous of encouraging wind energy development. Wooded acreage, wetlands, shoreline property suitable for residential or resort use, or land located near an airport are areas that should normally be excluded from any “wind overlay district”.

Any applicant who advocates the creation of a wind overlay district must, in accordance with **Article 3, Section 303**, file an application together with the established fee with the Township Clerk. The Township clerk will then notify the Planning Commission and the Planning Commission will schedule a public hearing.

Applications should include:

- a. Property identification numbers with owner’s names and addresses.
- b. Legal descriptions of property and surveys if available.
- c. Aerial photographs/ or topographical maps.
- d. Letters of consent/agreement from any landowner included in the proposed district but not a party to the application.
- e. Information showing the current use and zoning of all adjacent properties.
- f. Information about the impact or lack thereof regarding any endangered species or protected species.

Following a public hearing and deliberation, the Township Planning Commission will make its recommendation to the Township Board. If the Planning Commission approves the request to designate a certain area a “Wind Overlay District”, they will notify the County Planning Commission of the proposed designation, and recommend to the Township Board that a zoning map change be implemented. Should either the Township Planning Commission or the Township Board fail to approve a requested “Wind Overlay District” zoning map designation, the applicant must be given a written statement of reasons for the denial.

SECTION 1702 SITE PERMITS

Because ‘commercial wind energy facilities’ are allowed by “special use” in Agricultural districts which are also designated “wind overlay districts,” any applicant for the construction of a “commercial wind energy facility” must submit a site permit application to Township Clerk in accordance with **Article 3, Section 302**. Before scheduling a public hearing, the Planning Commission will require that the applicant provide the following information:

1. A survey of the property showing existing features such as contours, large trees, buildings, structures, roads (right-of-ways), utility easements, land use, zoning district, ownership of property, and vehicular access.
2. Plan(s) showing the location of proposed turbine towers, underground and overhead wiring (including depth of underground wiring), access roads (including width), substations and accessory structures.
3. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary in the Township to accommodate construction vehicles, equipment or other deliveries, and an agreement for bonding which would guarantee the repair of damage to public roads and other areas caused by construction of the Wind Energy Facility.
4. Engineering data concerning construction of the tower and its base or foundation, which must be engineered and constructed in such a manner that upon removal of said tower, the soil may be restored to its original condition to a depth of six (6) feet.
5. Anticipated construction schedule.
6. A description of operations, including anticipated regular and unscheduled maintenance.
7. A preliminary plan, consistent with Township suggested guidelines, for a procedure to be followed in the event complaints arise from nearby residents/ land owners.

If the Planning Commission approves the preliminary “Wind Energy Facility” “special use” application, the Planning Commission will recommend that the Township Board grant the applicant’s request for a site permit. If either the Planning Commission or the Township Board fail to approve the applicant’s site permit application, they must provide the applicant with a written statement of the reasons for the denial.

SECTION 1703 COUNTY BUILDING REGULATIONS

Following “special use” site permit approval by the Township and prior to construction, the developer of a commercial wind facility must obtain a permit issued by the Huron County Building and Zoning Office and comply with all Huron County and any more restrictive Township regulations among which are :

1. **Avian Analysis.** The applicant shall submit an avian study to assess the potential impact of proposed Wind Energy Facilities upon bird and bat species. The avian study shall at a minimum report on a literature survey for threatened and endangered species, and any information on critical flyways. The applicant must identify any plans for post-construction monitoring or studies. The analysis should also include an explanation of potential impacts and propose a mitigation plan, if necessary.
2. **Visual Appearance; Lighting; Powerlines.** The applicant shall use measures to reduce the visual impact of wind turbines to the extent possible, utilizing the following:
 - a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive color. The appearance of turbines, towers and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e., condition of exterior paint, signs, landscaping, etc.). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy conversion system meets or exceeds the manufacturer's construction and installation standards.
 - b. The design of the Commercial Wind Energy Facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend facility components with the natural setting and then existing environment.
 - c. Commercial Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority, or otherwise necessary for the reasonable safety and security thereof.
 - d. Wind turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Commercial Wind Energy Facility.
 - e. The electrical collection system shall be placed underground within the interior of each parcel at a minimum depth of four (4) feet. If soil conditions make a depth of four (4) feet unattainable, the building inspector may relax this requirement. The collection system may be placed overhead adjacent to County roadways, near substations or points of interconnection to the electric grid or in other areas as necessary. Accurate maps indicating depth and location of all underground wiring must be filed with the County.
3. **Setbacks, Separation and Security.** The following setbacks and separation requirements shall apply to all wind turbines within a Commercial Wind Energy Facility; provided, however, that a reduction to the standard setbacks and separation requirements may be permitted if the intent of this Article would be better served thereby.
 - a. Inhabited structures: On a participating parcel, each wind turbine shall be set back from the nearest inhabited structure a distance of no less than one thousand (**1000**) feet. Where a wind energy facility is proposed in the vicinity of a non-participating parcel, each wind turbine shall be set back a distance no less than one thousand three hundred twenty (**1320**) feet *from the property line of any non-participating parcel*. A reduced setback shall be considered only with written approval from the owner of property (non-participating parcel or inhabited structure) where a greater setback is indicated. Where a turbine within a Commercial Wind Energy Facility is located in the vicinity of a city or village, a setback of one thousand three hundred twenty (**1320**) feet from the city/village limits shall be required.

- b. Property line setbacks: Excepting locations of public roads (see below), drain right-of-ways, parcels with inhabited structures and non-participating parcels wind turbines shall not be subject to a property line setback. Along the border of any Wind Energy Facility Overlay District, there shall be a setback distance equal to two (2) times the Hub Height of the wind turbine. Wind turbines and access roads shall be located so as to minimize the disruption to agricultural activity and, therefore, the location of towers and access routes is encouraged along internal property lines. Where a turbine location is proposed nearer to an internal property line than one and one-half (1.5) times the Hub Height of the wind turbine, an easement must be established on the abutting parcel(s).
 - c. Public Roads: Each wind turbine shall be set back from the nearest public road a distance no less than four hundred (400) feet or one and one-half (1.5) times its Hub Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road.
 - d. Communication and electrical lines: Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance no less than four hundred (400) feet or one and one-half (1.5) times its Hub Height, whichever is greater, determined from the existing power line or telephone line.
 - e. Tower separation: Turbine/tower separation shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. At a minimum, there shall be a separation between towers of not less than three (3) times the turbine (rotor) diameter; and, the Wind Energy Facility shall be designed to minimize disruption to farmland activity. 4) There shall be no more than three (3) turbines in any square mile (640 acres). Documents shall be submitted by the developer/manufacturer confirming specifications for turbine/tower separation.
 - f. Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Wind Energy Site Permit, Building Permit and, in addition, that appropriate security will be in place to restrict unauthorized access to Wind Energy Facilities.
4. **Wind Turbine/Tower Height (Total Height):** The total height of a wind turbine shall be the distance to the center of the hub of the wind turbine plus the distance to the tip of the turbine blade at its height point. Generally, the Hub Height shall be limited to three hundred thirty (330) feet from existing grade. The applicant shall demonstrate compliance with the Michigan Tall Structure Act (Act 259 of 1959, as amended) and FAA guidelines as part of the approval process.
5. **Noise:**
- a. On participating parcels, audible noise or the sound pressure level from the operation of a Commercial Wind Energy Facility shall not exceed fifty (50) dBA or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence. On any non-participating parcel, audible noise or the sound pressure level from the operation of the Commercial Wind Energy Facility shall not exceed forty five (45) dBA, or the ambient sound pressure level plus five (5) dBA, whichever is greater, for more than ten percent (10%) of any hour, measured at any residence, school, hospital, church or public library existing on the date of approval of any Commercial Wind Energy Facility Site Permit. ***The applicant shall be able to provide sound pressure level measurements from a reasonable number of sampled locations at the perimeter and in the interior of the Wind Energy Facility to demonstrate compliance with this standard.***

- b. In the event audible noise from the operation of the Commercial Wind Energy Facility contains a steady pure tone, the standards for audible noise set forth in subparagraph a) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
 - c. The ambient noise level **absent any and all turbine noise** shall be expressed in terms of the highest whole number sound pressure level in dBA, which is exceeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at a building's exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements shall be performed when wind velocities at the proposed project site are sufficient to allow wind turbine operations, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.
 - d. Any noise level falling between two whole decibels shall be the lower of the two.
 - e. In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be approved provided that the following have been accomplished:
 - (1) Written consent from the affected property owner(s) has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this Article, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - (2) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement must be recorded in the Huron County Register of Deeds Office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those otherwise permitted by the ordinance may exist on or at the burdened property.
6. **Minimum Ground Clearance:** The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of not less than seventy-five (75) feet.
7. **Signal Interference:** No Commercial Wind Energy Facility shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, or wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No Commercial Wind Energy Facility shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference in the link's operation.
8. **Safety:**
- a. All collection system wiring shall comply with all applicable safety and stray voltage standards.
 - b. Wind Turbine towers shall not be climbable on the exterior.
 - c. All access doors to wind turbine towers and electrical equipment shall be lockable.
 - d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and Commercial Wind Energy Facility entrances.

SECTION 1704 OPERATIONAL REGULATIONS

1. **CERTIFICATION.** Operation of a wind energy facility shall require certification of compliance; a certification report from the wind facility's owner/operator is required within twelve (12) months of the facility's initial operation (start-up) date. The post-construction certification report shall confirm the project's compliance with provisions of this code as well as all other all applicable laws and conformity with wind industry practices.
2. **INSPECTIONS.** The applicant (owner/operator) shall submit annual reports to the Huron County Planning Commission and the Port Austin Township Board or its designated officer confirming continued compliance with applicable codes or ordinances. This requirement shall not preclude Port Austin Township from undertaking a separate compliance report, where confirmation of data provided by the facility's operator is desired. The cost of a Township-sponsored report shall be reimbursed to the Township by the facility's owner/operator through an escrow fund established pursuant to the 'schedule of fees for commercial wind energy facilities', adopted from time-to-time by the Township Board.
3. **COMPLAINT RESOLUTION.** The Michigan Zoning Enabling Act allows a local unit of government to enact ordinance regulations to achieve specific land management objectives and avert or solve specific land use problems; see MCL 125.3201(3). **A description of a complaint resolution process must be established by the applicant of a wind energy facility permit as part of its initial application for zoning approval.** The process is intended to facilitate resolution of complaints concerning the construction or operation of the wind energy facility from nearby residents and/or property owners. The process may use an independent mediator or arbitrator and shall include a time limit for acting on a complaint. A complaint resolution process approved through a wind energy facility permit shall not preclude the Township from pursuing any and all appropriate legal action on a complaint.

Port Austin Township suggests that a Complaint Resolution Process should include the following:

 - a. Contact information for the wind energy owner/operator should be made easily available. A local or toll free telephone number should be provided in addition to an address (with contact person/ department) to be used for written correspondence.
 - b. Telephone initiated complaints should be confirmed in writing. **All written complaints must be investigated within twenty-one (21) days of the receipt of the complaint. Within thirty (30) days of receipt of the complaint, the owner must forward to the complainant a proposed resolution of the complaint, or a detailed explanation as to why no action will be taken.**
 - c. It shall be the responsibility of the complainant to document (by postal records) the date any written complaint is received by a wind energy facility owner/operator.
 - d. Any agreement between the complainant and the owner/operator extending the time allowed for the resolution of a written complaint should also be in writing.
 - e. If a complainant is not satisfied with the owner/operator's proposed resolution, the complainant may forward the complaint (in writing) to the Township Zoning Inspector. The Township Zoning Inspector will, within thirty days, investigate the complaint and determine if enforcement against the owner/operator for a Zoning Ordinance violation should be commenced. Written notice of his determination will be sent to the complainant.
 - f. If the complainant disagrees with the decision of the Zoning Inspector, the decision may be appealed to the Township Zoning Board of Appeals.
 - g. The Complaint Resolution process outlined herein is not intended to preclude the complainant from seeking any other legal right or remedy.

4. **DECOMMISSIONING.** The applicant shall submit a plan describing the intended disposition of the Wind Energy Facilities at the end of their useful life, and shall describe any agreement with the landowner regarding equipment removal upon termination of the lease. A performance bond or equivalent financial instrument to be utilized in the event the decommissioning plan needs to be enforced with respect to tower removal or site restoration shall be posted. The bond shall be in favor of Port Austin Township in an amount determined by the Township and may be provided jointly as a single instrument for multiple townships within a single wind farm, provided that any such single instrument shall be in an amount of at least one (1) million dollars and shall contain a replenishment obligation.

II. PRIVATE WIND ENERGY SYSTEMS

SECTION 1705 PRIVATE WIND ENERGY SYSTEMS

Are defined as systems smaller both physically and having less capacity to generate power than Commercial Wind Energy Facilities. These Wind Energy Systems are comprised of turbines less than one hundred fifty feet (150') in height with a capacity to generate a maximum of one hundred (100) kilowatts per hour. They are normally operated by the resident/owner of the property on which the system is located and designed to supply power primarily to that resident/owner. A system may be comprised of one to five wind turbines. The energy provided by such systems is usually supplemental to energy supplied by a commercial energy provider but may, by agreement with a commercial provider, at times generate excess power that is used elsewhere.

Private Wind Energy Systems are allowed either "By Right" or "By Special Approval" in all Zoning districts. Although some regulations vary according to zoning districts, in all districts the construction of a Private Wind Energy System requires a Site Permit issued by the Township.

SECTION 1706 SITE PLAN PERMIT REQUIREMENTS:

1. Applications for a site plan permit must include:
 - a. The appropriate fee as set by the Township fee schedule.
 - b. Name, address and contact information of the person on whose property the construction is proposed. The property identification number as well as the legal description of the property must be provided.
 - c. A description of the proposed system which includes the manufacturer's name and model number, rotor diameter, tower height, tower type, total system height and maximum capacity.
 - d. A map/sketch accurately depicting the proposed construction in relation to property lines along with any existing buildings, waterways, wetlands and/or county drains.
 - e. Copies of written waivers from neighboring property owners if waivers are indicated.
 - f. A copy of the modeling and analysis report from the manufacturer providing information about sound.
 - g. Certification that the applicant will comply with all applicable state and federal laws and regulations, including all local building and electrical codes. Manufacturer's plans and specifications for foundations, tower design, roof mounting devices, etc. must be provided or, as an alternative, certification may be provided by a professional engineer licensed in the State of Michigan.

- h. If the Wind Energy System will be connected to the grid, written indication that the electric utility company serving the area of the proposed construction is aware of the planned construction and is prepared to enter into an operating agreement.

SECTION 1707 CONSTRUCTION AND DESIGN REQUIRMENTS

1. Exterior Finish. ***Tower-mounted Private Wind Energy Systems***: shall typically maintain a neutral, non-reflective exterior color, or a galvanized steel finish, unless Federal Aviation Administration (FAA) or other applicable authority require otherwise. In addition, the Planning Commission may require that such Systems be painted in such a way as to reduce visual obtrusiveness, in order to conform to the surrounding environment and/or architecture.
Roof-mounted Private Wind Energy Systems: systems and associated wires and equipment shall be painted so as to be architecturally compatible with the building to which they are attached.
2. Private Wind Energy Systems may ***not be artificially lighted*** unless otherwise required by the FAA or approved authority or authorized by the Planning Commission.
3. Private Wind Energy Systems may include one or more small signs, emblems, or decals to identify the name or logo of the manufacturer and/or installer, also the make, serial number, and other pertinent information about the wind energy conversion system. Such signs shall not contain advertising copy.
4. ***Minimum clearances***: The minimum clearance between the mechanical shadow (lowest projection of blade/rotor or moving part) and ground at the base shall be fifteen (15) feet. The minimum clearance between the mechanical shadow and any nearby structure shall be ten (10) feet, excluding roof-mounted wind energy conversion systems.
5. Provisions for ***safety***.
 - a. Towers that are not roof-mounted shall be enclosed with a six (6) foot tall fence ***or*** the base of the tower shall not be climbable for a distance of twelve (12) feet.
 - b. When roof-mounted systems can be accessed by the public, adequate guards, gates, locks and/or warning devices, as determined by the building official, shall be provided to ensure safety.
 - c. When towers are supported by guy wires (in approved areas) the wires shall be clearly visible to a height of at least six (6) feet above the guy wire anchors.
 - d. Private Wind Energy Systems shall have automatic braking, governing or a feathering system to prevent uncontrolled rotation or movement.
6. ***Noise***. A Private Wind Energy System shall not exceed forty-five (45) decibels (measured as dBA), as measured from the closest lot line. Product specifications & modeling shall be provided.
7. ***Unsafe or inoperative systems***. Any Private Wind Energy System found to be unsafe by the building official shall be repaired by the owner to meet all code requirements, or removed as directed.
 - a. If any Private Wind Energy System is not used for a period of twelve (12) months, the owner will be notified by certified mail to set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If one is not provided to the satisfaction of the Township, the landowner will be notified to remove the system within sixty (60) days. If the landowner fails to comply with the removal order, the Township may seek a court order to have the system removed and a court order assessing the cost of

said removal as a lien upon the landowner's property.

8. **Signal Interference.** Private Wind Energy Systems shall not materially interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication.

SECTION 1708 SPECIFIC DISTRICT REQUIREMENTS

1. Minimum lot size in all districts is one (1) acre.
2. Maximum height in all districts is one hundred fifty (150) feet.
3. Minimum property line setback requirement is two (2) times the hub height *or* the minimum setback required in the district for a primary building, whichever is greater.
4. Private Wind Energy Systems are allowed "by right" in Agricultural districts.
5. Private Wind Energy Systems require "special approval" use in Residential, Business or Industrial Districts.

ARTICLE 18 AREA, DENSITY, BULK, HEIGHT, AND YARD REQUIREMENTS

SECTION 1800 SCHEDULE OF AREA, DENSITY, BULK, HEIGHT, AND YARDS

Zoning District	Minimum Lot Size for 1 Building or Dwelling Unit		Maximum Height of Structures		Minimum Yard Setback Per Lot in Feet for Main Building Each Side			Minimum Floor Area for Building	Maximum % of Lot Area Covered by all Buildings
	Area Sq. Ft.	Width Ft.	Stories	Feet	Front	Side	Rear		
R-1	15,000	100	2 1/2	42	35	10	35	1120	45%
R-2	15,000	100	2 1/2	42	35	10	35	750	45%
AG	15,000	100	2 1/2	42	35	10	35	1120	35%
B-1	15,000	100	3	40	40	10	20	1120	75%
IN	25,000	100	3 1/2	45	50	15	20	1500	75%

SECTION 1801 GENERAL RULES

The area, density, bulk, height, and yard requirements of the preceding schedule and the following rules shall apply in all cases except where otherwise provided by this Ordinance for specific uses, developments, structures, or circumstances.

SECTION 1802 AREA, DENSITY AND BULK

1. The area used for computing lot size and density shall be the total site area exclusive of any dedicated public right-of-way. However where a lot abuts an alley or lane, one-half (1/2) of the width of the alley or lane shall be included.
2. There shall be no more than one (1) single family dwelling unit per lot.*
3. There shall be no more than twelve (12) multiple-family dwelling units nor more than six (6) townhouses or semi-detached dwellings per acre. For the purpose of computing the permitted number of dwelling units per acre, the following lot area assignments shall control:

<u>Unit Type</u>	<u>Lot Area/Unit</u>
Efficiency	1,500 sq. ft.
1 Bedroom	2,400 sq. ft.
2 Bedroom	3,600 sq. ft.
3 Bedroom	4,800 sq. ft.
4 Bedroom	6,000 sq. ft.

* exception AG Article 10 – page 2

(7"

Where plans show one (1) or two (2) bedroom units including a den, library, or other extra room, such extra room shall be counted as a bedroom for the purpose of computing density.

4. No dwelling unit having two or fewer bedrooms shall have a square foot area of less than seven hundred and fifty (750) feet and each additional bedroom shall have an additional one hundred and fifty (150) square feet, each being measured around the interior faces of the exterior walls. A room designated as a den, library, or extra room shall be considered a bedroom for computing square footage requirements.
5. Ten per cent (10%) of multiple-family dwelling units may be efficiency apartments; all others must include at least one (1) living room and one (1) bedroom.
6. All accessory farm buildings for uses other than customary dwelling purposes shall be located not less than seventy-five (75) feet from any dwelling, not less than twenty-five (25) feet from any lot line, and not less than one hundred fifty (150) feet from the front lot line.

SECTION 1803 HEIGHT

1. A basement shall not be counted as a story, but that portion of a basement which is above grade level shall be considered in connection with height limitations.
2. The height limitations of this Ordinance shall not apply to chimneys, church spires, flag poles, public monuments or wireless transmission towers; however, the Planning Commission may specify a height limit for any such structure designated as a use by special approval.

SECTION 1804. YARDS

1. Setbacks shall be measured from the existing and/or proposed adjacent right-of-way lines or from the center of existing and/or proposed adjacent alleys whichever is applicable.
2. On the effective date of this Ordinance, when twenty-five (25%) percent or more of all the frontage on one side of a street between two intersecting streets has been built up with buildings, the front set back line for that side of the street between those intersecting streets shall be that line established by the front of the building closest to the street line or that line established by the preceding schedule whichever is closest to the street line.
3. In the case of a rear yard abutting a side yard, the side yard abutting a street shall not be less than the minimum front yard of the district in which located.
4. On corner lots, the side yard abutting a street shall not be less than fifteen (15) feet when there is a common rear yard line. In the case of a rear yard line abutting a side yard line of an adjacent lot, the side yard abutting a street shall not be less than thirty-five (35) feet.
5. If permanent access is provided to the rear of the property by a public alley or a driveway, the side yard requirement may be waived, except as otherwise specified in applicable Building Codes. When walls or structures facing interior side lot lines contain windows, or other openings, side yards must be a minimum of five (5) feet.
6. Every lot on which a two family or a multiple-family dwelling is erected shall be provided with a side yard on each side of the lot. The width of each side yard shall be increased by one (1) foot for each ten (10) feet or part thereof, by which the length of dwelling exceeds forty (40) feet.

7. No multiple-family dwelling shall exceed one hundred eighty (180) feet in length.
8. The depth of any lot shall not be greater than three (3) times the width.
9. There shall be no setback requirements on a lot line adjacent to a railroad right-of-way.
10. Access drives may be placed in the required front or side yards so as to provide access to rear yards, accessory or attached buildings. These drives shall not be considered structural violations in front and side yards. Further, any walk, terrace or other pavement serving a like function and not in excess of nine (9) inches above finished grade shall not be considered a structure and shall be permitted in any required yard.
11. Unenclosed porches, roofed or unroofed, may project into a required side or rear yard area provided:
 - a. The porch is no higher than one (1) story and erected on supporting piers.
 - b. The porch is not closer than eight (8) feet to any side or rear lot line.
12. Enclosed porches shall be considered an integral part of the building and shall be subject to all yard requirements.
13. Special structural elements such as cornices, sills, chimneys, gutters, and similar structural features may project into any yard up to a maximum of two and one-half (2-1/2) feet.
14. Fire escapes, outside stairways and balconies, if of open construction, may project into yard areas up to a maximum of five (5) feet.
15. Paved terraces, patios, uncovered porches and decks shall not be subject to yard requirements provided:
 - a. The paved area is unroofed and without walls or other forms of solid continuous enclosure that link the paved area to the principal building.
 - b. The highest finished elevation of the paved area is not over two (2) feet above the average surrounding finished grade.
 - c. No portion of any paved area is closer than eight (8) feet from any lot line nor projects into any front yard setback area. Such paved areas may have non-continuous windbreaks or walls not over six (6) feet high and not enclosing more than one-half (1/2) the perimeter of the paved area.
16. For any industrial structure or use, except for landscape improvements and necessary drives and walks, the front yard shall remain clear, and shall not be used for parking, loading, storage, or accessory structures. Side and rear yards, except for a strip along the lot boundary ten (10) feet in width, may be used for parking and loading, but not for storage.

SECTION 1805 EXCEPTIONS TO PRESCRIBED MINIMUM REQUIREMENTS

When residential lots are part of a planned, platted subdivision that includes dedicated "open space", **and** the proposed lots are served by a public sanitary sewer system, the Planning Commission may approve up to a twenty (20) per cent reduction of the minimum required lot size. The Planning Commission may also approve the reduction of lot rear yard requirement by up to twenty (20) feet for lots bordering land designated as "open space".

ARTICLE 19 GENERAL PROVISIONS

SECTION 1900 GENERAL

Except where otherwise specifically provided, all buildings, structures and/or uses in the Township shall be governed by these General Provisions in addition to any other applicable provisions of this Ordinance.

SECTION 1901 ACCESS TO MAJOR THOROUGHFARE OR COLLECTOR STREET

Vehicular access must be provided to an existing or planned major thoroughfare or collector street. However, access driveways to a street may be permitted where the property directly across the street and all property abutting the street between the driveway and the major thoroughfare or collector street is zoned for multiple family or any nonresidential use, and not single family residences. Access driveways also may be permitted in areas where future single family residences are not planned. This exception shall apply only if there are special circumstances which indicate that there will be a substantial improvement in traffic safety by reducing the number of driveways to a major thoroughfare or collector street.

SECTION 1902 ACCESSIBILITY TO LOT

No dwelling shall be built on a lot unless it has access to vehicular traffic as provided in Section 1901. Such access must have a minimum width of thirty (30) feet, except where an access of record of less width existed prior to the effective date of this Ordinance. All regulations contained in this Ordinance shall apply to such accesses of record in the same manner as if they were dedicated streets.

No site permits shall be issued for construction on a lot or parcel of land having three or more splits available to it under MCL 560.101, et. seq.; MSA 26.430(101), et. seq. that does not abut a public or private street/road or have a main access. Any street/road developed after the effective date of this Ordinance must be in compliance with the standards of the Huron County Road Commission, unless otherwise provided in this Ordinance.

SECTION 1903 ACCESSORY BUILDINGS

1. Where an accessory building is structurally attached to a main building, it shall be subject to, and must conform to, all regulations of this ordinance applicable to main buildings.
2. No detached accessory building shall be located closer than five (5) feet to any side or rear lot line.*
3. In those instances where the rear lot line is coterminous with an alley right-of-way, the accessory building shall not be closer than one (1) foot to such rear lot line. In no instance shall an accessory building be located within a dedicated easement or right-of-way.
4. When an accessory building is located on a corner lot where the side lot line is substantially a continuation of the front lot line of the lot to its rear, the building must not project beyond the front yard setback required on the rear lot.
5. Any building erected as a garage or in which the main portion is a garage shall in no case be occupied for dwelling purposes unless it is auxiliary to a residence already being occupied upon the lot and unless it also complies with all the provisions of this ordinance relating to buildings for residential purposes.

* The Zoning Inspector may approve a three foot setback.

SECTION 1904 BASEMENT

No structure, the major portion of which consists of a basement, shall be occupied for living and/or sleeping purposes by human beings except under a variance permit from the Zoning Board of Appeals. A variance permit shall only be for a limited time period permitting the construction of a planned above grade dwelling.

SECTION 1905 CONFLICTING REGULATIONS

Whenever any provision of this Ordinance imposes more restrictive requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other law or ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or ordinance impose more restrictive requirements than are imposed or required by this Ordinance then the provisions of such other law or ordinance shall govern.

SECTION 1906 HOME OCCUPATIONS

A home occupation, where permitted, shall be subject to the following limitations:

1. It shall occupy no more than twenty (20%) percent of the floor area of the dwelling unit.
2. It shall be operated in its entirety within the dwelling and not within any garage or accessory building located on the lot, except for incidental storage in or use of a residential-type garage on the lot.
3. It shall be conducted only by the person or persons occupying the dwelling as their principal residence a major portion of each month; provided, however, the Planning Commission may permit additional subordinate workers who do not reside in the dwelling when such approval would not materially impair the residential character of the neighborhood, cause traffic congestion or parking problems. In no event shall such additional workers exceed three (3) in number.
4. The dwelling and/or lot shall have no exterior evidence to indicate that the same is being utilized for any purpose other than that of a dwelling except for one unanimated, non-illuminated, wall sign having an area of not more than six (6) square feet or a free standing sign having an area of not more than four (4) square feet.
5. No goods shall be sold from the premises which are not strictly incidental to the principal home occupation conducted therein.
6. No occupation shall be conducted upon or from the premises which would constitute a nuisance.
7. Any home occupation shall be subject to annual inspection by the Zoning Inspector and may be terminated by order of the inspector whenever it fails to comply with this Ordinance.
8. The Planning Commission shall have authority to determine whether or not a proposed or present home occupation complies with this Ordinance, whether or not it is compatible with the character of the zoning district in which it is located, and whether or not the health, safety, and general welfare of the neighborhood will thereby be impaired.

SECTION 1907 INTERPRETATION

In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, and/or general welfare of the Township.

SECTION 1908 LIGHTING

1. Outdoor lighting in all districts used to light the general area of a lot must be directed downward, shielded to reduce glare and must be placed so as not to interfere with the vision of persons on adjacent lots or right-of-ways.
2. Lighting used for the external illumination of buildings, in order to feature the buildings, must be shielded to reduce glare, and placed so as not to interfere with the vision of persons on adjacent lots or right-of-ways.
3. Illumination of signs must be directed downward, shielded to reduce glare and placed so as not to interfere with the vision of persons on adjacent lots or right-of-ways.
4. Illumination of signs and any other outdoor features must not be of a flashing, moving or intermittent type. Artificial light must be maintained stationary and constant in intensity and color at all times when in use.

SECTION 1909 NONCONFORMING USES

1. Provided all other provisions are met, any lot existing and of record on the effective date of this Ordinance may be used for any use permitted in the district in which it is located whether or not the lot now complies with the lot area requirements of this Ordinance.
2. Any building or structure for which a building permit has been issued and the actual construction has been started, or for which a contract or contracts have been entered into pursuant to a building permit being issued prior to the effective date of this Ordinance may be completed and used in accordance with the plans and application on which the building permit was granted. However failure to start construction within thirty (30) days or complete construction of any of the building or structure within one (1) year after the effective date of this Ordinance will be a zoning violation.
3. Any sign or object which lawfully existed and was maintained at the time this Ordinance became effective may be continued even though the use does not conform with the provisions of this Ordinance provided that all such nonconforming signs and objects and their supporting members located in R-I, R-2, or B-1 districts shall be completely removed from the premises within five (5) years from the effective date of this Ordinance.
4. There may be a change of tenancy, ownership, or management of an existing nonconforming use of land or structure, or land and a structure in combination provided there is no change in the nature or character of such nonconforming use.
5. Where a lawful structure exists on the effective date of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on area, density, height, yards or other characteristics of the structure or its location on the lot, that structure may be continued as long as it remains otherwise lawful; subject to the following:

- a. A structure that is nonconforming as to use regulations, shall not be added to or enlarged in any manner unless such structure, including additions and enlargements, is made to conform to all regulations of the district in which it is located.
 - b. A structure nonconforming as to height or density regulations, may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located.
 - c. When a structure or portion thereof is moved from one district to another or to another location within the same district, it must conform or be made to conform to all of the regulations of the district to which it is moved.
 - d. A nonconforming use of a portion of a structure, which structure otherwise conforms to the provisions of this Ordinance, shall not be expanded or extended into any other portion of such conforming structure, nor changed except to a conforming use. If such nonconforming use or portion thereof is discontinued or changed to a conforming use, any future use of such structure or portion thereof shall be in conformity with the regulations of the district in which such structure is located.
 - e. Should such structure be destroyed by any means to an extent of more than seventy-five (75%) percent or double its latest state equalized value, it shall be reconstructed only in conformity with the provisions of this Ordinance.
 - f. On any structure devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding seventy-five (75%) percent or double the latest state equalized value of the structure; provided that the cubic content of the structure as it existed on the effective date of this Ordinance shall not be increased. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition any structure or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
6. When, on the effective date of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance, such use may be continued, so long as it remains otherwise lawful; subject to the following:
- a. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied on the effective date of this Ordinance.
 - b. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use on the effective date of this Ordinance.
 - c. If such nonconforming use of land ceases for any reason for a period of more than six (6) consecutive months, any subsequent use of such land shall conform to the regulations for the district in which such land is located.
 - d. No structure shall be placed on this land except in conformity with the provisions of this Ordinance.
7. If a lawful use of a structure, or of structure and land in combination, exists on the effective date of this Ordinance, that is made no longer permissible under the terms of this Ordinance, such lawful use may be continued so long as it remains otherwise lawful; subject to the following:
- a. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except to change the use of the structure to a use permitted in the district in which it is located.
 - b. Any nonconforming use may be extended throughout any parts of a structure which were manifestly arranged or designed for such use, and which existed on the effective date of this Ordinance, but no such use shall be extended to occupy any land outside such structure.

- c. If no structural alterations are made, any nonconforming use of a structure and land in combination, may be changed to another nonconforming use of the same or a more restricted classification; provided that the Zoning Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Zoning Board of Appeals may require conditions and safeguards in accord with the purpose and intent of this Ordinance. When a nonconforming use of a structure, or structure and land in combination, is hereafter changed to a more conforming use, it shall not thereafter be changed to a less conforming use.
 - d. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - e. When a nonconforming use of a structure, or structure and land in combination is discontinued, vacated, unoccupied, or ceases to exist for six (6) consecutive months or for eighteen (18) months during any three (3) year period, it shall be conclusively presumed that same has been legally abandoned; and the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be accepted from this provision. Seasonal uses shall be determined by the Planning Commission.
 - f. When nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
8. Whenever an owner fails to comply with the provisions of this Ordinance relating to removal or discontinuance of a nonconforming use, the Zoning Inspector will serve notice in writing to the owner or his agent requiring compliance within a specific time. If, after such notice the owner fails to comply, the Zoning Inspector will take whatever action is necessary, including civil action, to cause compliance with the provisions.

SECTION 1910 NONOPERATING MOTOR VEHICLES

1. The purpose of these regulations is to limit and restrict the outdoor storage or unreasonable accumulation of junk cars, unused cars, stock cars, and dilapidated non-operating motor vehicles except within an area where a junk dealer is permitted to operate or the area is zoned for such purposes.
2. No person shall store, place, permit to be stored, permit to be placed, or allow a dismantled, partially dismantled or inoperable motor vehicle, to remain on any lot for longer than ten (10) days in any one (1) year unless the same is kept in a wholly enclosed structure, is located in an approved junkyard, or unless permission is first obtained from the Zoning Inspector. Permission shall be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected and where the spirit and purpose of these regulations are still observed.
3. No person shall park or store a motor vehicle in operating condition which is not regularly used for the purpose for which it was manufactured or designed unless the same is kept within an enclosed building, approved junkyard, or unless permission is first obtained from the Zoning Inspector. Permission shall be granted only in special hardship cases beyond the control of the applicant, where peculiar circumstances exist, where no adjoining property owner is adversely affected and where the spirit and purpose of these regulations are still observed.

4. These provisions shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk but shall be construed as supplementary to any such ordinances, as well as any applicable statutes of the State of Michigan.

SECTION 1911 PARKING, STORAGE AND LOADING SPACES

1. It shall be unlawful to use the off-street parking or loading areas established to meet the requirements of this Ordinance for any purpose other than the parking of licensed vehicles or the loading or unloading of necessary and licensed service vehicles.
2. There shall be provided, in all districts at the time of erection of any main building or structure, motor vehicle off-street parking space with adjacent access to all spaces in accordance with the following provisions, compliance with which shall be determined prior to the issuance of any Site Permit:
 - a. Off-street parking shall be permitted in a side or rear yard.
 - b. Off-street parking for other than residential use shall be permitted to occupy a portion of a required front yard provided that there shall be maintained a minimum unobstructed and landscaped setback of ten (10) feet between the nearest point of the off-street parking area, exclusive of access driveways, and the nearest right-of-way line.
 - c. Off-street parking for other than residential use shall be either on the same lot or within three hundred (300) feet of the building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. Ownership by the applicant shall be shown for all lots or parcels intended for use as parking by the applicant.
 - d. Residential off-street parking shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the lot intended to be served.
 - e. Minimum required off-street parking shall not be replaced by any other use unless and until equal facilities are provided elsewhere.
 - f. Off-street parking existing on the effective date of this Ordinance, in connection with the operation of an existing building or use, shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
 - g. In a residential district, travel trailers, campers, boats, and recreational vehicles may be parked only in a rear yard, provided there is no blockage of access to a public right-of-way. Commercial vehicles shall not be parked in a residential district except one commercial vehicle of the light delivery type not to exceed one (1) ton per lot or vehicles parked on school property.
 - h. No parking space shall be closer than five (5) feet from a lot line.
 - i. Two or more buildings or uses may collectively provide required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
 - j. In the case of mixed uses in the same building, the total requirements of off-street parking shall be the sum of the requirements for the separate individual uses computed separately.
 - k. For those uses not specifically mentioned in the following schedule, the requirements for off-street parking shall be in accord with a use which the Zoning Inspector considers to be similar in terms of parking demand.
 - l. When units or measurements determining the number of required parking spaces result in a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
 - m. For the purpose of computing the number of parking spaces required, the definition of floor area shall govern.
 - n. The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

USE

NUMBER OF MINIMUM PARKING SPACES PER UNIT OF MEASURE

1) RESIDENTIAL

- | | |
|---|--|
| a.) Residential, One-family and Two-Family. | Two (2) for each family unit. |
| b.) Residential, Multiple-Family. | Two (2) for each family unit. |
| c.) Housing for the elderly. | One (1) for each two (2) family unit and one (1) for each employee. Should units revert to general occupancy, then two (2) spaces per family unit shall be provided. |
| d.) Mobile home park. | Two (2) for each mobile home space and one (1) for each employee of the mobile home park. |

2) INSTITUTIONAL

- | | |
|---|---|
| a.) Churches, mosques, synagogues or temples. | One (1) for each three (3) seats or six (6) feet of pews in the main unit of worship. |
| b.) Hospitals. | One (1) for each four (4) beds and one (1) for each two (2) employees or staff members. |
| c.) Homes for the aged or convalescent homes. | Bassinets shall not be counted as beds.
One (1) for each six (6) beds and one (1) for each two (2) employees or staff members. |

- d.) Elementary and junior high schools. One (1) for each school bus and one (1) for every two (2) teachers, employees or administrators, in addition to the requirements for the auditorium, if any.
- e.) Senior high schools. One (1) for each school bus, one (1) for every two (2) teachers, employees, or administrators, and one (1) for every ten (10) students, in addition to the requirements for the auditorium, if any.
- f.) Private clubs or lodge halls. One (1) for every three (3) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes; or one (1) for every one hundred (100) square feet of floor area; whichever is greater.
- g.) Private golf clubs, swimming pool clubs, tennis clubs or other similar uses. One (1) for each two (2) member family or every two (2) individuals plus spaces required for each accessory use, such as a restaurant or bar.
- h.) Golf courses open to the general public, except miniature or "par-3" courses. Five (5) for each golf hole and one (1) for each employee, plus spaces required for each accessory use, such as a restaurant or bar.
- i.) Stadium, sports arena or similar place of outdoor assembly. One (1) for every three (3) seats or twelve (12) feet of benches.
- j.) Theaters or auditoriums. One (1) for every three (3) seats plus one (1) for every two (2) employees.
- k.) Libraries, museums, post offices. One (1) for every one hundred (100) square feet of floor area.

3.) BUSINESS AND COMMERCIAL

- a.) Planned commercial or shopping center. One (1) for every one hundred (100) square feet of floor area.
- b.) Auto wash (automatic). One (1) for each employee. In addition, reservoir parking spaces equal in number to five (5) times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by twenty (20).

- | | |
|---|--|
| c.) Auto wash (self-service or coin operated). | Five (5) for each washing stall. |
| d.) Beauty parlor or barber shop. | Three (3) for each of the first two (2) beauty or barber chairs, and one and one-half (1-1/2) spaces for each additional chair. |
| e.) Bowling alley. | Five (5) for each one (1) bowling lane plus spaces required for each accessory use. |
| f.) Dance halls, pool or billiard parlors, roller or skating rinks, exhibition halls, or assembly halls without fixed seats. | One (1) for every two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building, or health codes; or one (1) for every one hundred (100) square feet of floor area; whichever is greater. |
| g.) Establishment for sale and consumption on the premises of beverages, food or refreshments. | One (1) for every one hundred (100) square feet of floor area or one (1) for every two (2) persons allowed within the maximum occupancy load as established by local, county, or state fire, building or health codes; whichever is greater. |
| h.) Furniture and appliance, household equipment, repair shops, showroom of a plumber, decorator, electrician, or similar trade, shoe repair or other similar uses. | One (1) for every eight hundred (800) square feet of display floor area; plus for that floor area used in processing, one (1) additional space shall be provided for every two (2) persons employed. |
| i.) Gasoline service stations. | Two (2) for each lubrication stall, rack or pit; and one (1) for each gasoline pump. |
| j.) Laundromats or coin operated dry cleaners. | One (1) for every two (2) washing and/or dry cleaning machines. |
| k.) Miniature or "Par-3" golf courses. | One (1) for each one (1) hole plus one (1) for each employee. |
| l.) Mortuary establishments. | One (1) for every fifty (50) square feet of floor area. |
| m.) Motel, hotel, or other commercial lodging establishments. | One (1) for each occupancy unit plus one (1) for each employee. |

- n.) Motor vehicle sales and service establishments. One (1) for every two hundred (200) square feet of salesroom floor area and one (1) for each auto service stall in the service room.
- o.) Nursery school, day nurseries, or child care centers. One (1) for every three hundred fifty (350) square feet of floor area.
- p.) Retail stores except as otherwise specified herein. One (1) for every one hundred fifty (150) square feet of floor area.
- q.) Roadside stand. Five (5) parking spaces.

4.) OFFICES.

- a.) Banks. One (1) for every two hundred (200) square feet of floor area.
- b.) Business offices or professional offices except as indicated in the following item (c). One (1) for every two hundred (200) square feet of floor area.
- c.) Professional offices of doctors, dentists or similar professions. One (1) for every fifty (50) square feet of floor area in waiting rooms. and one (1) for each examining room, dental chair or similar use area.

5.) INDUSTRIAL.

- a.) Industrial or research establishments and related accessory offices. Five (5), plus one (1) for every one and one-half (1-1/2) employees in the largest working shift. Space on site shall also be provided for all construction workers during periods of plant construction.
- b.) Warehouses or wholesale establishments and related accessory offices. Five (5), plus one (1) for every employee in the largest working shift, or one (1) for every seventeen hundred (1700) square feet of floor area; whichever is greater.

3. Whenever the off-street parking requirements of the preceding schedule require the building of an off-street parking lot or facility, it shall be laid out, constructed and maintained in accordance with the following:
 - a. All parking lots or facilities must be approved by the Planning Commission before a site permit is issued by the Zoning Inspector. Applications for a permit submitted to the Zoning Inspector shall include plans showing compliance with all provisions of this section.
 - b. Plans for the layout of an off-street parking lot or facility shall include a total dimension across two (2) tiers of spaces and one maneuvering lane in accordance with the following minimum requirements:

Parking Pattern (Degrees)	Maneuvering Lane Width	Parking Space Width	Parking Space Length	Total Width or One Tier of Spaces Plus Maneuvering Lane	Total Width of Two Tiers of Spaces Plus Maneuvering Lane
0 deg. Parallel	12'	8'	23'	20'	28'
12' parking					
30 to 53	12'	8'6"	20'	32'	52'
54 to 74	15'	8'6"	20'	36'6"	58'
75 to 90	22'	9'	20'	42'	62'

- c. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street is prohibited.
 - d. Adequate ingress and egress to a parking lot or facility by means of clearly limited and defined drives not less than twenty-two (22) feet in width, shall be provided for all vehicles. Ingress and egress to a parking lot or facility lying in an area zoned R-I shall not be across land zoned R-1.
 - e. All maneuvering lane widths shall permit one-way traffic movement except that the ninety (90°) degree pattern may permit two-way movement.
 - f. Each entrance and exit to and from a parking lot or facility located in an area zoned other than R-I shall be at least twenty-five (25) feet distant from any adjacent residential lot line.
 - g. The entire parking lot or facility for all uses except one (1) and two (2) family dwelling units shall be surfaced with a material that shall provide a durable, smooth and dustless surface; shall be graded and provided with adequate drainage to dispose of all collected surface water; shall be lighted; and shall provide bumper guards or curbs to prevent yard encroachment.
 - h. In all cases where a wall extends to an alley which is a means of ingress and/or egress to a parking lot or facility, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking lot or facility.
4. On the same lot with every building, structure or part thereof, involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated right-of-ways, streets and alleys. Such space shall be provided as follows:
 - a. Any storage shall be in the rear yard.
 - b. In all use districts except for an industrial district loading space shall be provided in the rear yard in the ratio of at least ten (10) square feet for every six thousand (6000) square feet of

floor area of the structure being served which shall be computed separately from the off-street parking requirements.

- c. Within an industrial district, all spaces shall be laid out in the dimension of at least ten by fifty (10x50) feet, or five hundred (500) square feet in area, with a clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a permanent, durable and dustless surface. All spaces in an industrial district shall be provided in the following ratio of spaces to floor area of the structure being served which shall be computed separately from the off-street parking requirements:

<u>FLOOR AREA OF STRUCTURE (In Square Feet)</u>	<u>LOADING AND UNLOADING SPACE REQUIRED</u>
0 – 1,400	None
1,401 – 20,000	One (1) Space One (1) space plus one (1) space for every twenty thousand (20,000) square feet in excess of twenty thousand and one (20,001) square feet
20,001 – 100,000	
100,001 – and over	Five (5) spaces

- d. All loading and unloading in an industrial district shall be provided off-street in the rear yard or interior side yard, and shall in no instance be permitted in a front yard. In those instances where exterior side yards have a common relationship with an industrial district across a public thoroughfare, loading and unloading may take place in said exterior side yard when the setback is equal to at least fifty (50) feet.

SECTION 1912 PERFORMANCE STANDARDS

Any use otherwise allowed which does not conform to the following minimum standards of use, occupancy, and operation shall not be permitted within any district:

1. No person shall operate or cause to be operated any use nor erect or use any structure which constitutes a nuisance.
2. Glare from any process (such as or similar to arc welding or acetylene torch cutting) which emits harmful ultraviolet rays must be performed in such a manner as not to be seen from any point beyond the property line and as not to create a nuisance or hazard along property lines. Radioactive materials and wastes shall not be emitted to exceed quantities established as safe by the U.S. Bureau of Standards when measured at the property line.
3. The storage, utilization, or manufacture of materials, goods or products ranging from free or active burning to intense burning, as determined by the Fire Marshall is permitted; subject to compliance with all other yard requirements and performance standards and provided that the following conditions are met:
 - a. Said materials or products shall be stored, utilized or produced within completely enclosed buildings or structures having incombustible exterior walls, which meet the requirements of the applicable building code.

- b. All such buildings or structures shall be set back at least forty (40) feet from lot lines, or in lieu thereof, all such buildings or structures shall be protected throughout by an automatic sprinkler system complying with installation standards prescribed by the National Fire Association.
 - c. The storage and handling of flammable liquids, liquefied petroleum, gases, and explosives shall comply with state rules and regulations established by Public Act No. 207 of 1941, as amended.
- 4 All structures shall be located in compliance with the standards set forth by the Occupational Safety and Health Administration (OSHA) with respect to power lines.

SECTION 1913 SIGNS

1. All signs shall be erected or used in conformity with this Ordinance and must be approved by the Zoning Inspector.
2. All signs shall be subject to the following general regulations:
 - a. No sign shall be permitted which:
 - (1) Contains statements, words, or pictures of an obscene, indecent or immoral character offensive to public morals or decency.
 - (2) Contains or is an imitation of any official traffic sign or signal or contains the words: "stop", "go slow", "caution", "danger", "warning", or similar words.
 - (3) Is of a size, location, movement, content, coloring or manner of illumination which may be confused with or construed as a traffic control device or which hides from view any traffic or street sign or signal.
 - (4) Moves in any manner or has a major moving part.
 - (5) May swing or otherwise noticeably move as a result of wind pressure because of the manner of its suspension or attachment.
 - b. No ground-mounted or free-standing sign above a height of two (2) feet from the established street grade shall be permitted within twenty-five (25) feet of the intersection of any streets.
 - c. Ground-mounted or free-standing signs may be located in a front yard; and except for those established by the Township, County, State, or Federal government, may not be located closer than ten (10) feet from a public right of way or dedicated public easement.
 - d. The base of a ground-mounted or free standing sign shall not be more than four (4) feet above grade level and the top shall not be above the roofline.
 - e. A building-mounted sign which is flush with the building may be located anywhere on the building except on the roof, and shall not project above the roofline.
 - f. A building-mounted sign may project from the building, but must have a minimum clearance of eight (8) feet above the grade level of a sidewalk, right of way, or easement and fifteen (15) feet above the grade level of an alley, parking space, driveway, street, or other area of vehicular traffic, and may not project above the roofline.
 - g. Temporary signs having an area not exceeding eight (8) square feet and advertising land or buildings for rent, lease and/or sale shall be permitted in any district when located on the land or building intended to be rented, leased and/or sold.
 - h. Accessory signs shall be permitted in all districts.
 - i. Non-accessory signs shall not be permitted in residential districts.
 - j. Signs, as defined in the "Highway Advertising Act of 1972" (1972 PA 106 as amended), bordering interstate highways, freeways, or primary highways as defined in said Act shall be regulated and controlled by the provisions or such statute, notwithstanding the provisions of this Ordinance.
 - k. The Zoning Inspector may order the removal of any sign which is abandoned or erected or maintained in violation of this Ordinance. He shall give thirty (30) days notice in writing to the owner of such sign, and to the owner of the building, structure, or premises on which such sign is located, to remove the sign or to bring it into compliance. The Zoning

Inspector may cause the removal of the sign which remains in violation after such notice. The Zoning Inspector may remove a sign immediately and without notice if, in his opinion, the condition of the sign is such as to present an immediate threat to the safety of the public, the cost of removal shall be paid by the owner of the sign or the building, structure, or premises on which it is located.

3. In addition to the general regulations, the following restrictions shall apply in the following districts:
 - a. **Residential Districts:** For each dwelling unit, not more than one (1) nameplate, not exceeding two (2) square feet in area and indicating the name of the occupant, shall be permitted. For structures and uses other than dwelling units and for multiple housing project rental or management offices, not more than one (1) sign not exceeding twelve (12) square feet in area and three (3) feet in height, shall be permitted.
 - b. **Commercial Districts:** No more than two (2) signs shall be permitted on each lot. No sign shall exceed one hundred fifty (150) square feet in area.
 - c. **Industrial Districts:** No sign shall exceed three hundred (300) square feet in area and shall not be located closer than one thousand (1,000) feet to another sign on the same right-of-way.

4. The following signs shall be permitted under the following conditions. General regulations and/or district restrictions in conflict with these conditions shall not apply:
 - a. Signs of a non-commercial nature and in the public interest, erected by, or on the order of, a public officer in the performance of his public duty, such as safety signs, danger signs, trespassing signs, traffic signs, memorial plaques, signs of historical interest, and the like shall be permitted in any district.
 - b. Political campaign signs announcing candidates seeking public political office and other data pertinent thereto, up to an area of nine (9) square feet for each premise shall be permitted in any district. These signs shall be confined within private property and shall be removed within ten (10) days after the election for which they were made.
 - c. Construction signs which identify the architects, engineers, contractors and other individuals or firms involved with construction, but not including any advertisement of any product; and signs announcing the character of the building enterprise or the purpose for which the building is intended, during the construction period, shall be permitted in any district to a maximum area of twenty (20) square feet for each firm. The signs shall be confined to the site of the construction and shall be removed within fourteen (14) days of the beginning of the intended use of the project.
 - d. Temporary Land Development Project signs pertaining to the sale, lease, rent or development of a subdivision, planned shopping center, industrial park or similar land parcel shall be permitted for a period of two (2) years upon issuance of the building permit. The total number of signs allowed, together with maximum size, shall be controlled according to the following schedule:

Land Size	Total No. of Signs	Max. Area Per Sign
Less than 4 acres	1	100 sq. ft.
Over 4, but less than 20 acres	2	150 sq. ft.
Over 20 acres	3	200 sq. ft.

Signs shall not exceed a maximum height above ground of four (4) feet for free-standing signs or twenty-four (24) feet for ground-mounted signs.

- e. Permanent joint sign(s) for an industrial or commercial complex pertaining to the identification of the complex or its occupants is permitted upon authorization by the Planning Commission, after duly advertised public hearing and according to the following:
 - (1) Commercial Centers: Maximum size and number of signs shall be controlled according to the following:
 - (a) Neighborhood Centers: One hundred fifty (150) square feet per face for complexes comprising less than five (5) acres; maximum of one (1) sign permitted.
 - (b) Community Centers: Two hundred (200) square feet per face for complexes over five (5) acres; maximum of two (2) signs permitted.
 - (c) Regional Centers: Three hundred (300) square feet per face for complexes of (50) acres or more; maximum of three (3) signs permitted.
 - (2) Industrial Complexes: The maximum size and number of signs shall be controlled according to the following:
 - (a) Two hundred (200) square feet per face for industrial plants or complexes of less than ten (10) acres; maximum of two (2) signs permitted.
 - (b) Three hundred (300) square feet for complexes of ten (10) acres or more.

SECTION 1914 SWIMMING POOLS

- 1. A private swimming pool shall be permitted as an accessory use to one-family or two-family dwelling units, but must be located only in a rear or side yard.
- 2. All swimming pools, public or private, are subject to the following:
 - a. The outside wall of a swimming pool shall not be closer than ten (10) feet to a side or rear yard lot line or the required setback of a rear or side yard, whichever distance is greater.
 - b. The outside wall of a swimming pool shall be no closer than thirty-five (35) feet to the front yard lot line.
 - c. The outside wall of a swimming pool shall be no closer than six (6) feet to any building on the same lot.
 - d. For the protection of the general public, a swimming pool shall be completely enclosed by a fence not less than five (5) feet in height. Gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the swimming pool is not in use for extended periods.
 - e. All electrical installations or wiring in connection with swimming pools, shall conform to the provisions of the National Electrical Code.
 - f. If service drops, conductors or other utility wires cross under or over a proposed swimming pool area, an applicant must arrange for the relocation the wires away from the swimming pool before a site permit can be issued.
 - g. No portion of a swimming pool or associated structure shall be permitted to encroach upon any easement or right of way.

SECTION 1915 TEMPORARY BUILDINGS

- 1. Tents, travel trailers, motor homes, or recreational vehicles may not be used as dwelling units except in duly licensed or government operated parks or camps. The owner of a lot, however, may use a tent, travel trailer, motor home, or recreational vehicle for a temporary dwelling unit on his lot for no more than a total of twenty-one (21) days in any calendar year; provided that all temporary units, except tents, must be connected to running water and sewage facilities.

2. Subject to the provisions of Article 3, Section 302 the Planning Commission may, in its discretion, permit a temporary use and/or structure in any district, whether permitted there or not, for a period not to exceed one (1) year; subject to the following additional conditions.
 - a. The use and/or structure shall be in harmony with the general character of the district.
 - b. The granting of the temporary use and/or structure shall in no way constitute a change in the uses permitted in the district nor on the property where located.
 - c. The granting of the temporary use and/or structure shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.
 - d. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the Township shall be made at the discretion of the Planning Commission.
 - e. The Planning Commission has the right to annually review compliance with all imposed conditions and may terminate the Special Use Approval for non-compliance.

SECTION 1916. VESTED RIGHTS

Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, zoning classification district 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 and/or protection of public health, safety and welfare.

SECTION 1917 VOTING PLACE

Public elections shall be held at the Township Hall unless unusual circumstances dictate the temporary use of an alternate property.

SECTION 1918 WALLS, FENCES, AND PLANTING AREAS

1. In all residential districts, entrance way structures including, but not limited to, walls, columns, and gates marking entrances to single family subdivisions or multiple housing projects, shall be permitted.
2. No fence, wall, shrubbery, or other obstruction to vision above a height of two (2) feet from the established street grade shall be permitted within twenty-five (25) feet from the intersection of any streets.
3. Land between a wall, fence, or shrubbery and front property line or street right-of-way line shall be kept free from refuse and debris, except on designated trash pick-up days, and shall be landscaped. The ground area and all landscaping shall be kept neat and orderly in appearance and all living materials shall be maintained in a healthy growing condition.
4. Fences are permitted or required subject to the following:
 - a. Fences on all lots in residential districts which enclose property and/or are within a required side or rear yard, shall not exceed six (6) feet in height measured from the surface of the ground, may be placed on the property line, and shall not extend toward the front of the lot nearer than the front of the house or the required minimum front yard; whichever is greater.

- b. Protective fences required in this Ordinance for child amusement and recreation areas and public and private pools need not be obscuring fences unless otherwise herein provided.
 - c. Fences in all districts except Agricultural shall not contain barbed wire or electricity.
 - d. Fences which enclose public or institutional parks, playgrounds, or public landscaped areas, shall not exceed eight (8) feet in height, measured from the surface of the ground, and shall not obstruct vision to an extent greater than twenty-five (25) percent of their total area.
5. Any lot which is used for parking, storage, or any commercial or industrial purpose shall be screened from any adjoining residential lot by either of the following:
 - a. A natural compact planting area of evergreens or shrubbery which maintain their density and screening effect throughout the calendar year, and which are maintained in a neat and attractive manner.
 - b. An artificial wall or fence of sufficient density or compactness to screen these structures and activities from the view of the adjoining residential lot which shall be maintained in a neat and attractive manner.
6. The minimum height of any required obscuring wall, fence or planting area shall be as follows:
 - a. Eight (8) feet for any industrial use and for drag strips and race tracks.
 - b. The height of stored materials in any storage area or six (6) feet; whichever is higher.
 - c. Five (5) feet for all other uses.
7. The height of any obscuring wall, fence or planting area shall be measured from the grade level upon which it is situated.
8. No obscuring wall, fence or planting area shall be closer than ten (10) feet from any adjoining street right of way line.
9. An obscuring wall, fence or planting area may be placed on the property line unless utilities interfere. The wall, fence or planting area may, with approval of the Planning Commission, be located on the opposite side of an ally right-of-way if mutually agreeable to affected property owners.
10. An obscuring wall, fence or planting area shall have no openings for vehicular traffic or other purposes, unless openings do not exceed twenty (20) percent of the surface and the openings are spaced so that the obscuring character required is maintained. The arrangement of the openings shall be reviewed and approved by the Zoning Inspector.

ARTICLE 20 VIOLATIONS, PENALTIES, AND REMEDIES

SECTION 2000 NOTICE OF VIOLATION

In response to a written complaint, or on his own initiative, the Port Austin Township Zoning Administrator shall serve written notice of a zoning violation to any person perceived to be in violation of the Port Austin Township Zoning Ordinance. Such notice shall provide thirty (30) days from the date the violation notice is received (with that date verified by a US Postal Certified Mail receipt) for the recipient to remedy the perceived violation.

The Zoning Administrator may, at his discretion, extend the thirty (30) day period provided that the extension is in writing and acknowledged by both the Administrator and the person charged with violation. Should the perceived violation persist beyond the original thirty (30) day period and any granted extension of time, the Zoning Administrator shall notify the alleged violator to appear in Huron County District Court where the Township will ask that he be charged with a misdemeanor zoning violation.

SECTION 2001 PENALTIES FOR VIOLATION

Any person found guilty of violating of the Port Austin Township Zoning Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than five hundred dollars (\$500.00) and the actual costs of prosecution including attorney fees. Default in the payment of fines and/or actual costs of prosecution may be punished by imprisonment in the Huron County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the actual costs of such prosecution.

SECTION 2002 OWNER'S LIABILITY

The owner of any building, structure or premises or part thereof, where any condition in violation of this Ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be subject to a fine of not more than five hundred dollars (\$500.00) and the actual costs of prosecution inclusive of attorney fees. Default in the payment of fines and/or actual costs of prosecution may be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the actual costs of such prosecution.

SECTION 2003 EACH DAY A SEPARATE OFFENCE

A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

SECTION 2004 RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

ARTICLE 21 SEVERABILITY

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

ARTICLE 22 AMENDMENT AND SUPPLEMENT

The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement, or change the regulations or the district boundaries of this amended Ordinance pursuant to the authority and according to the procedure set forth in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

ARTICLE 23 REPEAL

Any ordinance or parts thereof which are inconsistent with this amended Ordinance are hereby repealed. However, the adoption of this amended Ordinance shall not affect or prevent any pending or future prosecution of, or action to abate, any existing violation of the prior ordinance, as amended, if the use, so in violation, is in violation of the provisions of this amended Ordinance.

ARTICLE 24 EFFECTIVE DATE

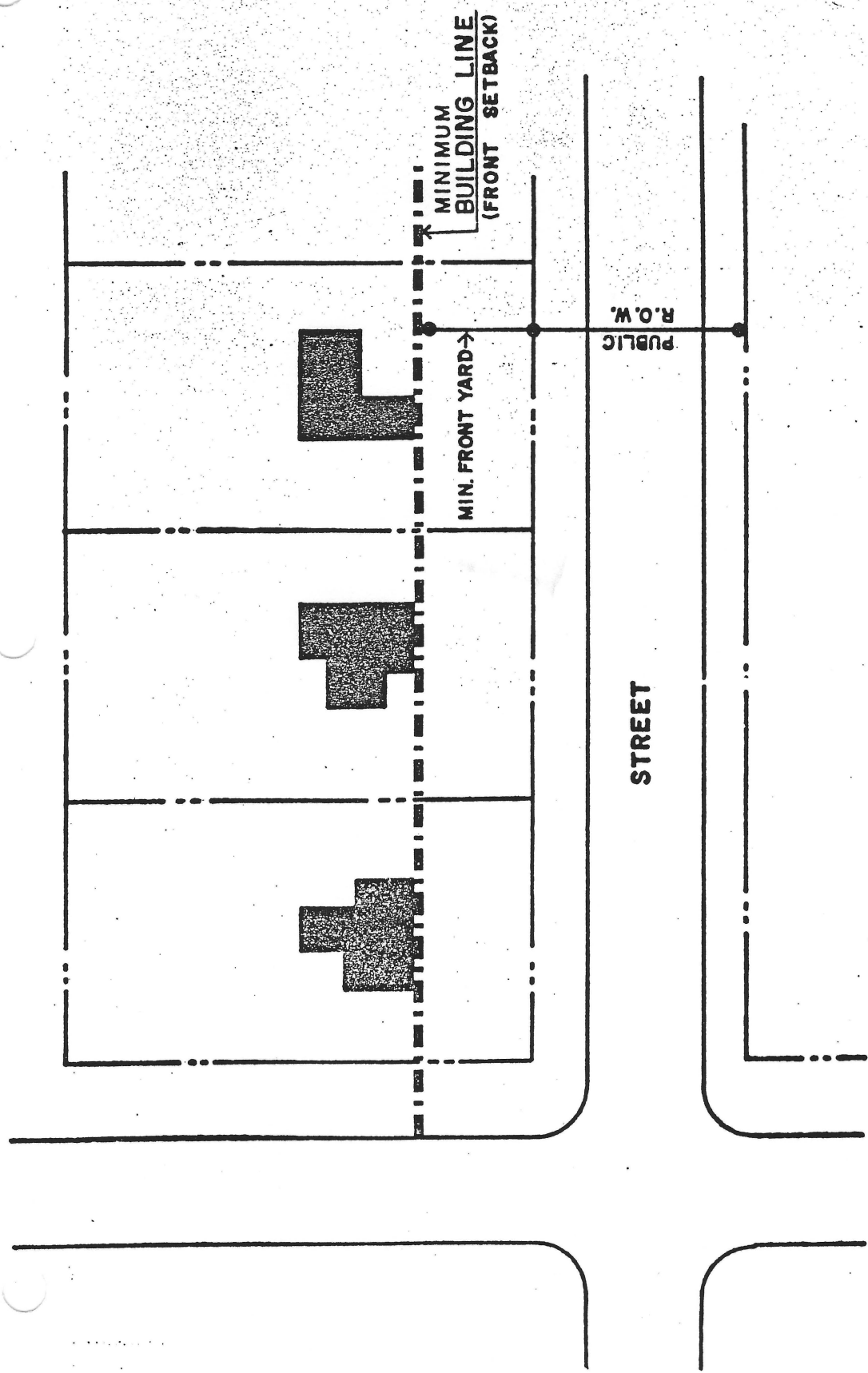
Public hearing(s) have been held on this amendatory ordinance as noted herein; the provisions of this Ordinance, as revised and including noted amendment herein, are hereby given an effective date pursuant to provisions of PA 110 of 2006, as amended, being the Michigan Zoning Enabling Act.

Made and passed by the Port Austin Township Board on this 18 day of May 2015.

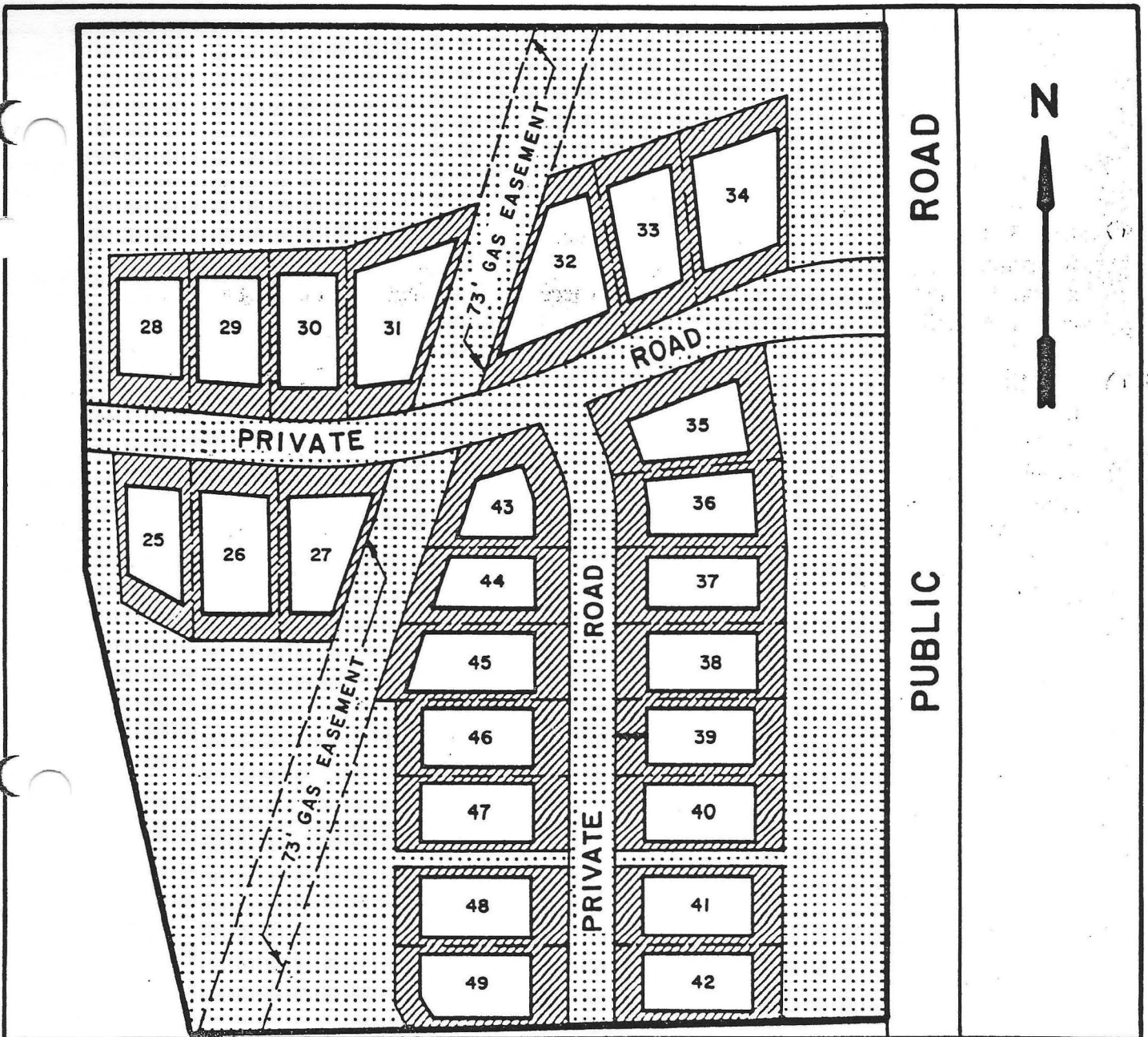
1. Date of Public Hearing: April 10, 2015
2. Date of Publication of Notice: May 15, 2015
3. Date of Adoption by Port Austin Township Board May 18, 2015
4. Date of Ordinance Publication: May 29, 2015
5. Effective Date of (amendatory) Ordinance: June 30, 2015

Debra Hubbard
DEBRA HUBBARD, Township Clerk

Darcie Finan
DARCIE FINAN, Township Supervisor



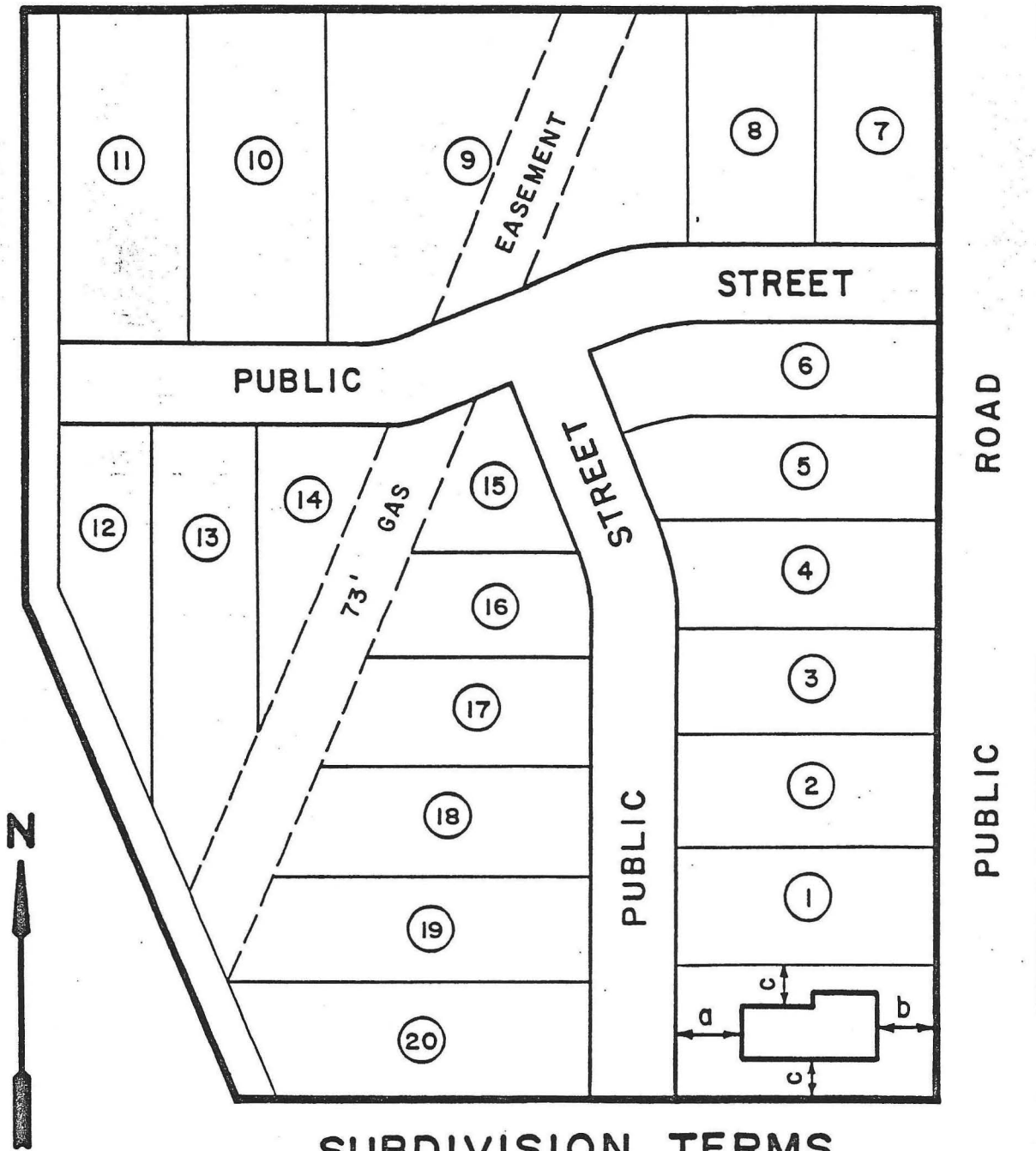
BUILDING LINE










SITE CONDOMINIUM TERMS

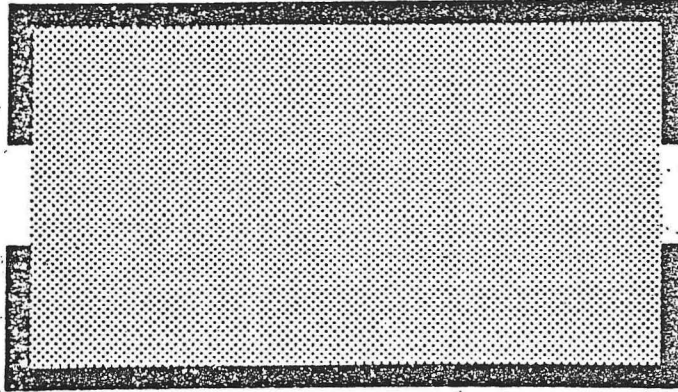
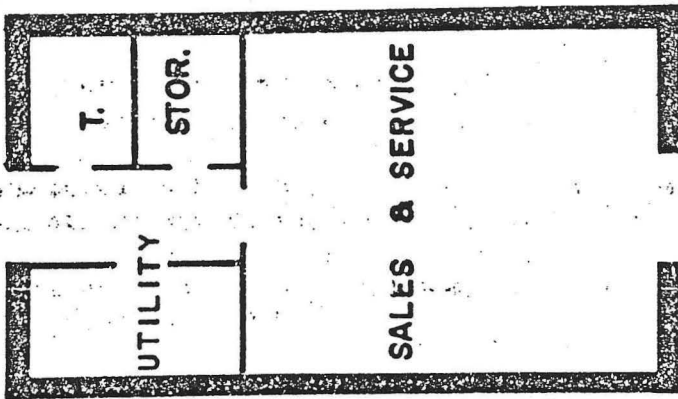
- | | | | |
|--|--|--|------------------------------------|
| | RIGHT-OF-WAY LINE | | EASEMENT LINE |
| | PARCEL LINE | | SETBACK |
| | LIMITS LINE OF LIMITED COMMON ELEMENT FOR UNIT | | LIMITED COMMON ELEMENT (YARD AREA) |
| | CONDOMINIUM UNIT | | GENERAL COMMON ELEMENT |
| | BUILDING SITE | | |

NOTE: ALL LIMITED COMMON ELEMENT AREAS ARE CONVERTIBLE AREAS

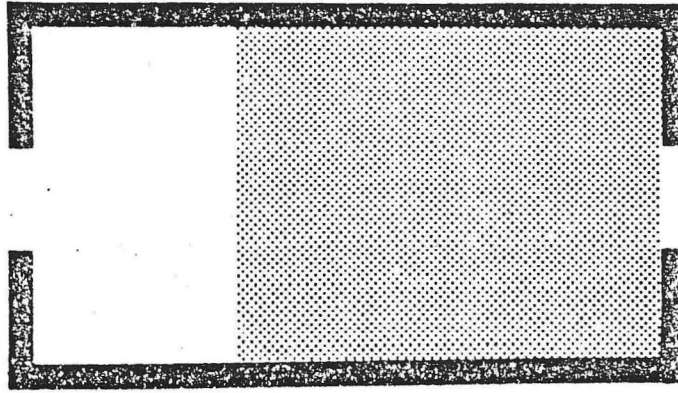


SUBDIVISION TERMS

- | | | | |
|---|---------------|---|------------|
|  | LOT LINE |  | FRONT YARD |
|  | RIGHT-OF-WAY |  | REAR YARD |
|  | RECORDED PLAT |  | SIDE YARD |
|  | LOT NUMBER | | |

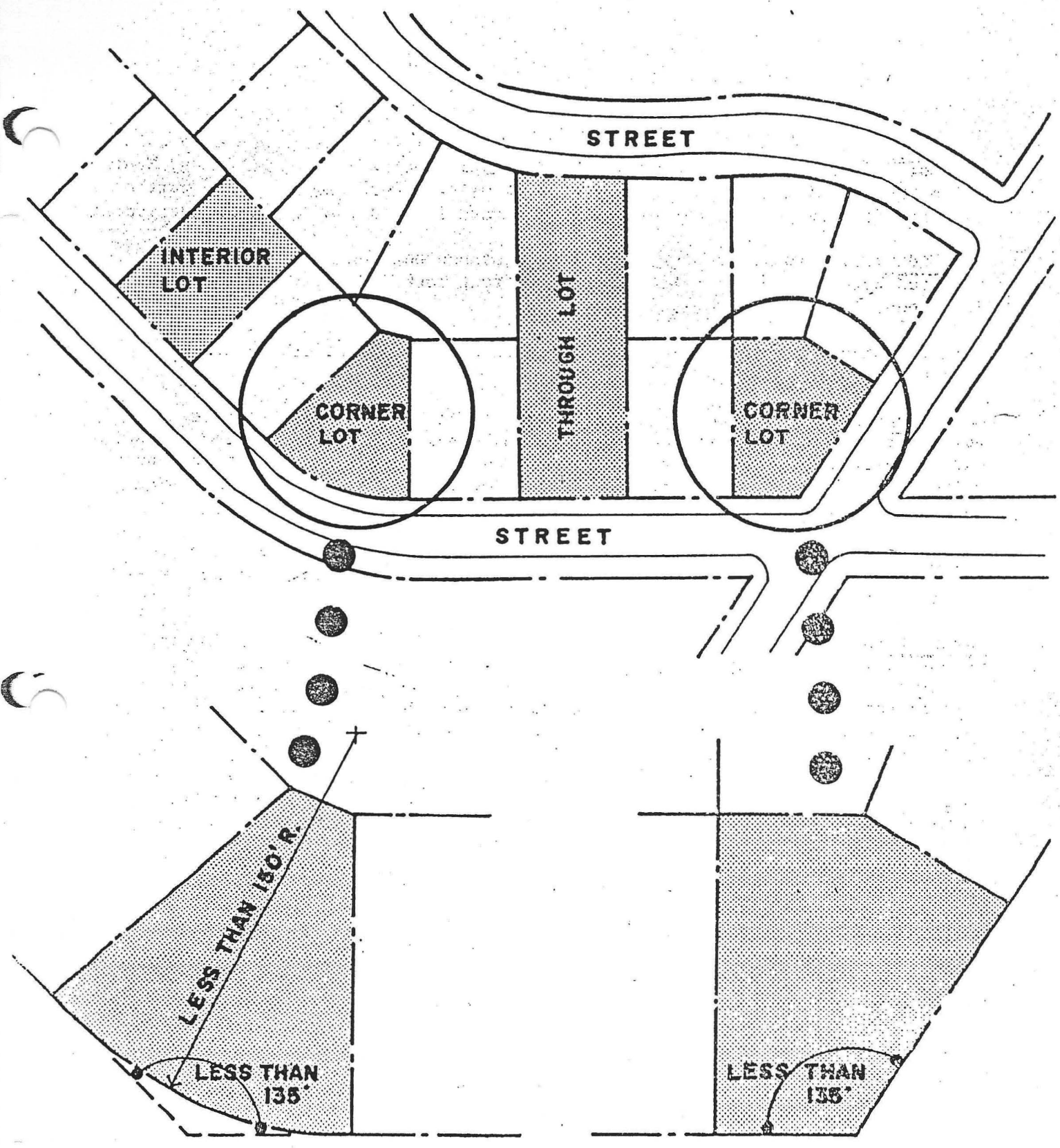


TOTAL FLOOR AREA

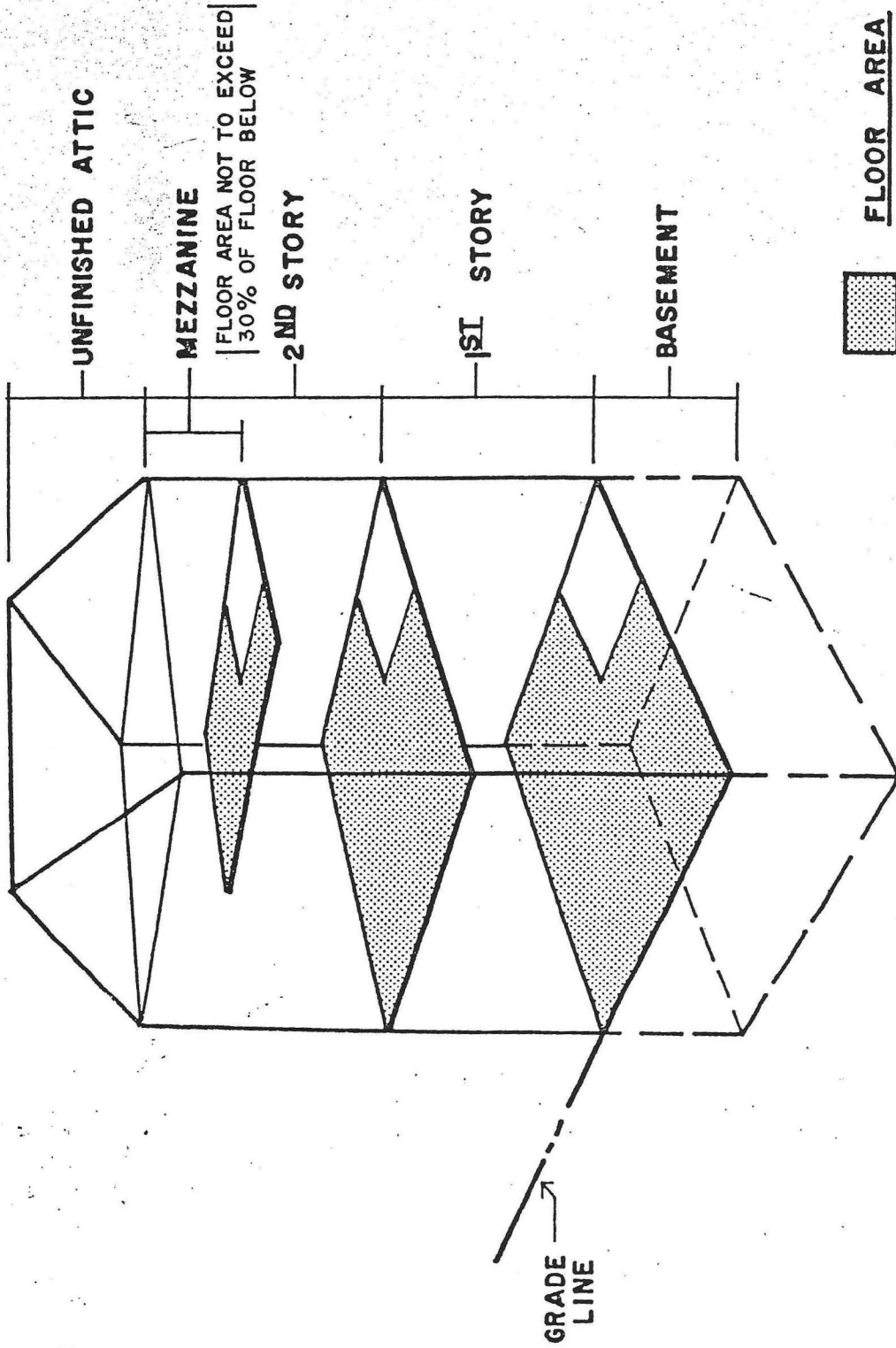


USABLE FLOOR AREA
(FOR PURPOSES OF COMPUTING PARKING)

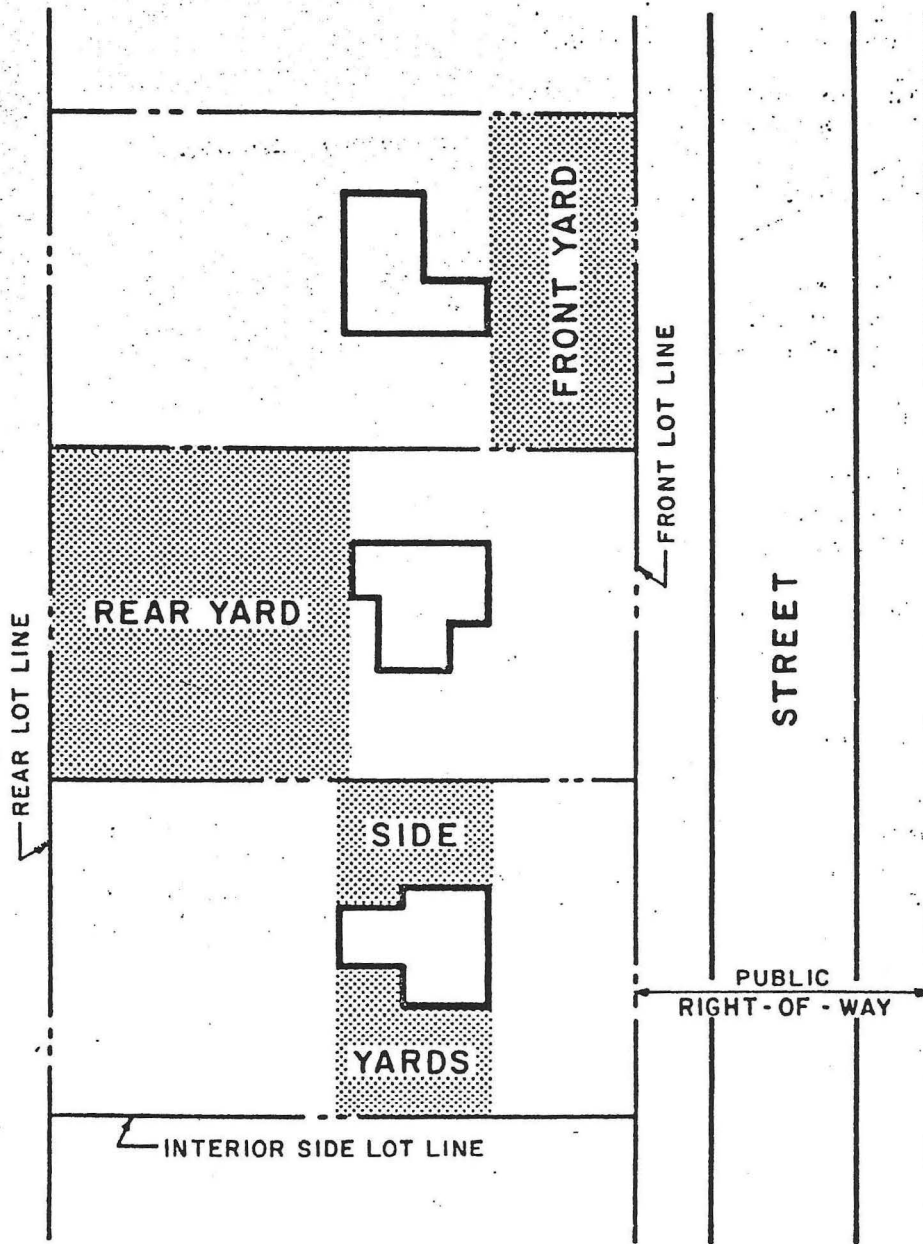
FLOOR AREA



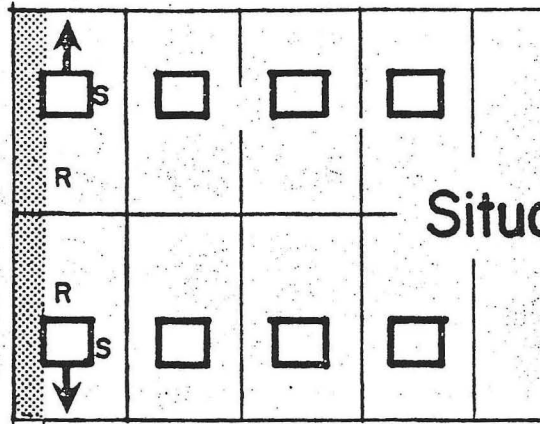
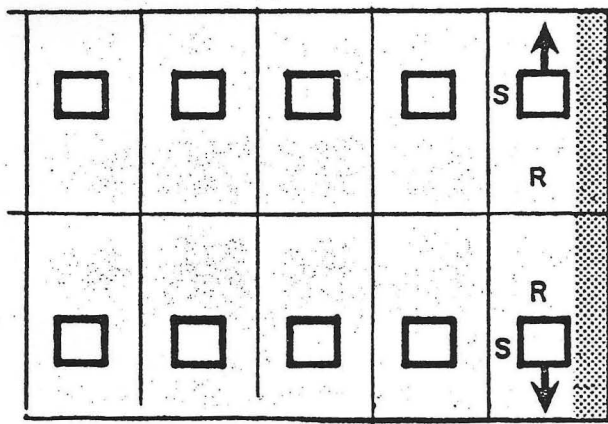
INTERIOR, THROUGH & CORNER LOTS



BASIC STRUCTURAL TERMS

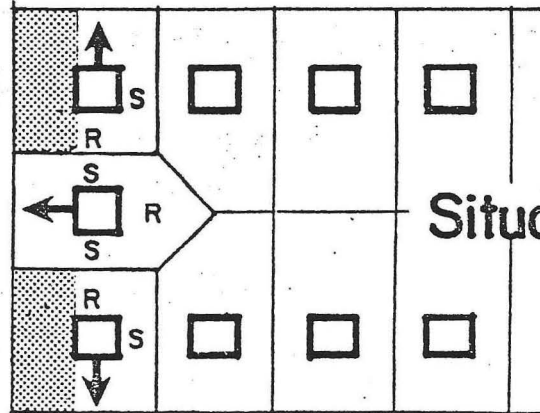
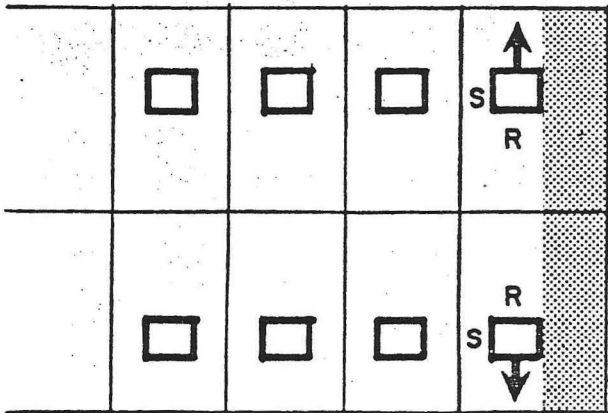


YARDS



Situation A

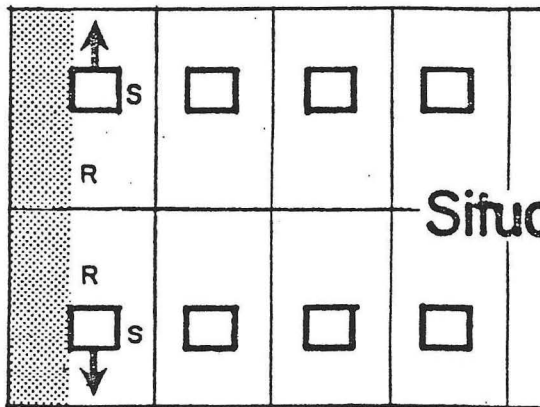
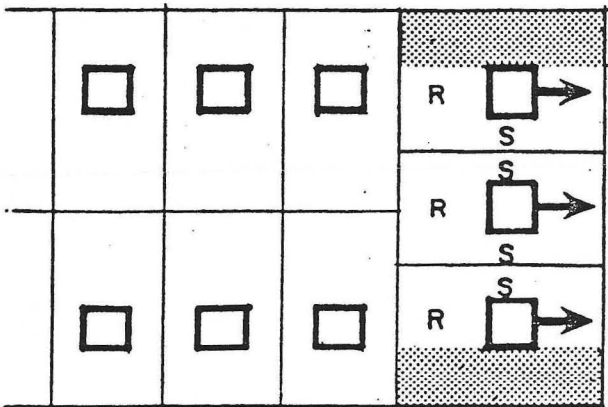
← DEPTH EQUAL TO REQUIRED SIDE YARD



Situation B

STREET

← DEPTH EQUAL TO REQUIRED FRONT YARD



Situation C



REQUIRED SETBACKS - CORNER LOT



FRONT YARD

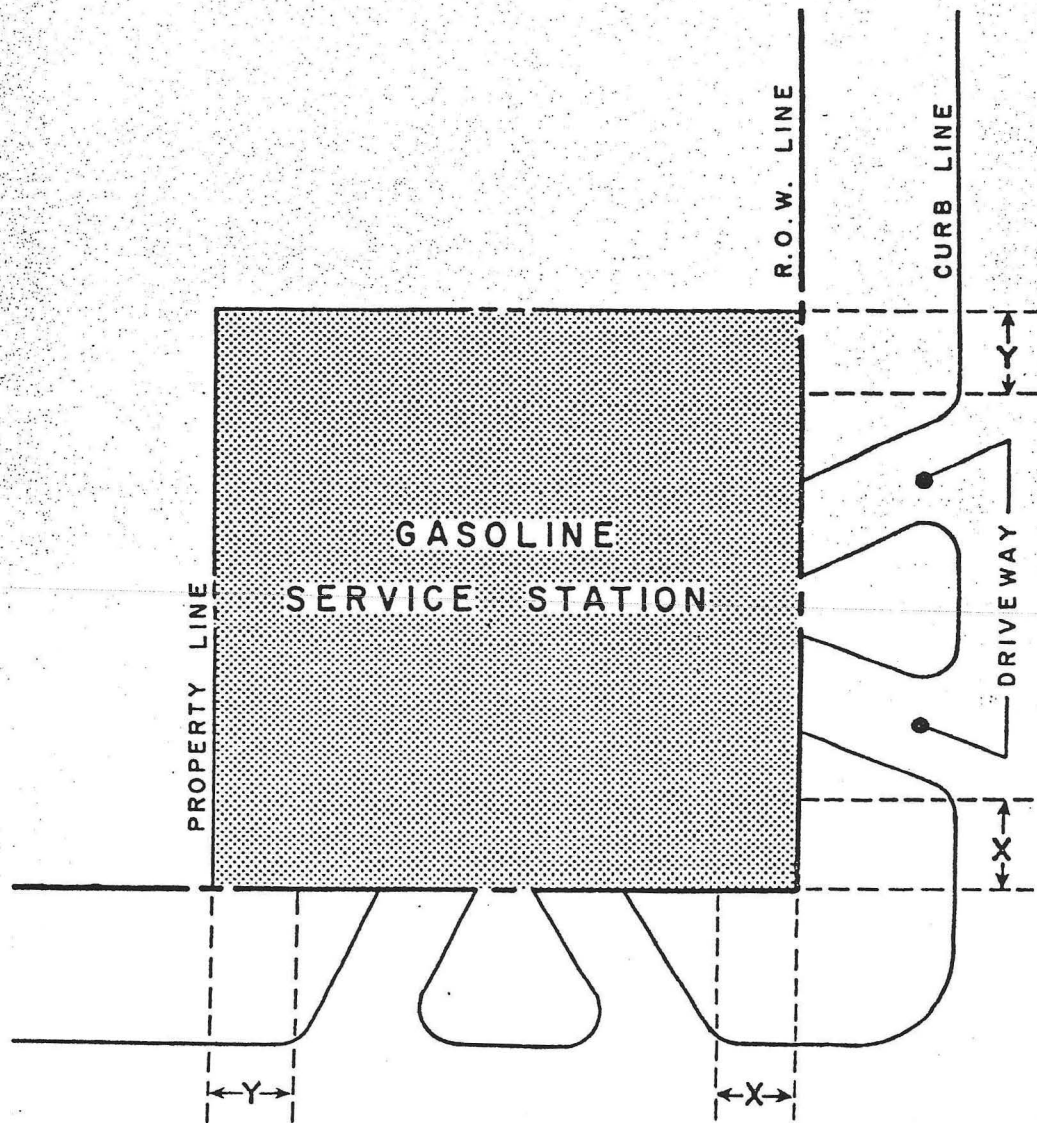
R

REAR YARD

S

SIDE YARD

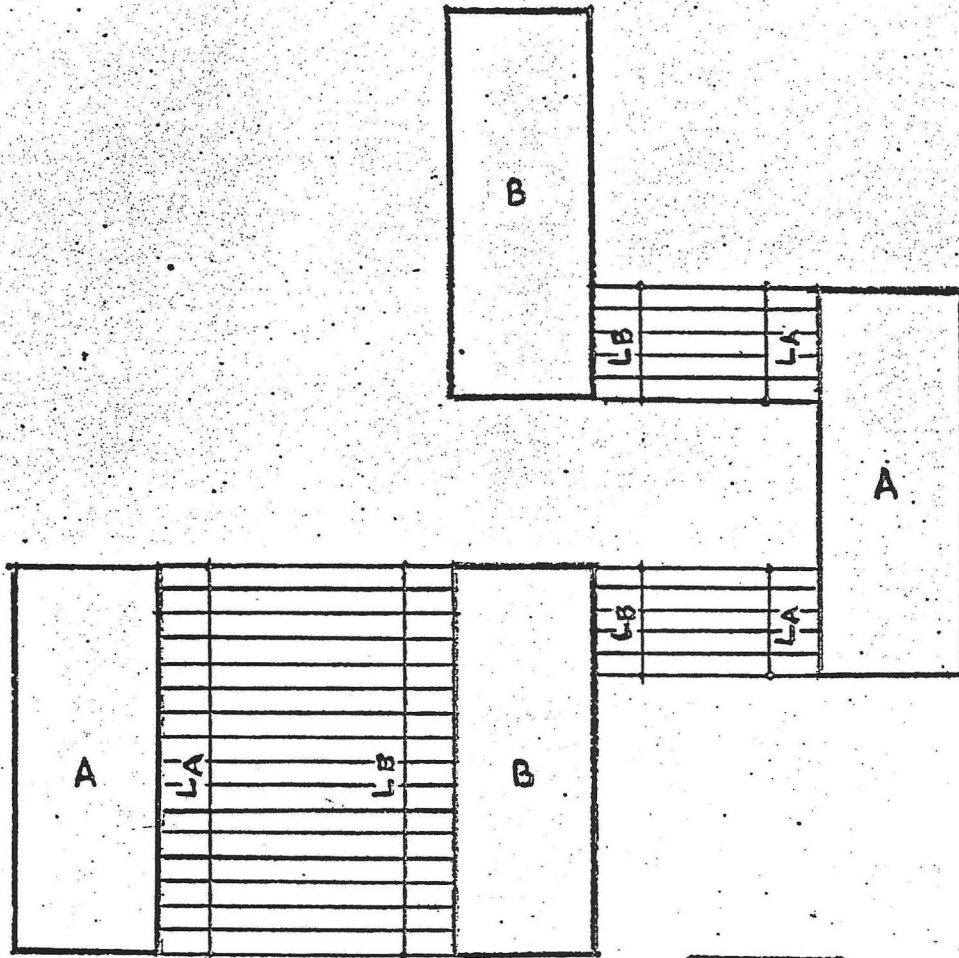
SIDE YARDS ABUTTING A STREET



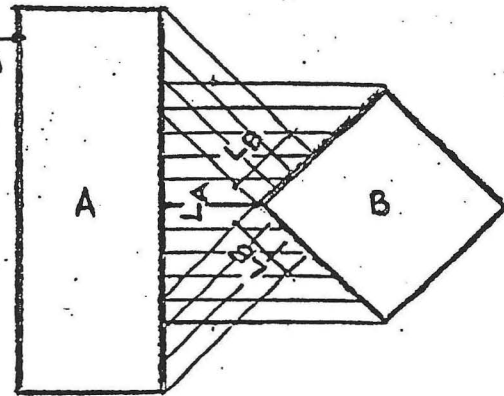
X = MINIMUM DISTANCE A DRIVEWAY OR CURB CUT, FOR ACCESS, CAN BE LOCATED FROM A STREET INTERSECTION.

Y = MINIMUM DISTANCE A DRIVEWAY OR CURB CUT, FOR ACCESS, CAN BE LOCATED FROM AN ADJOINING PROPERTY LINE.

LOCATIONS OF DRIVEWAYS FOR GASOLINE SERVICE STATION



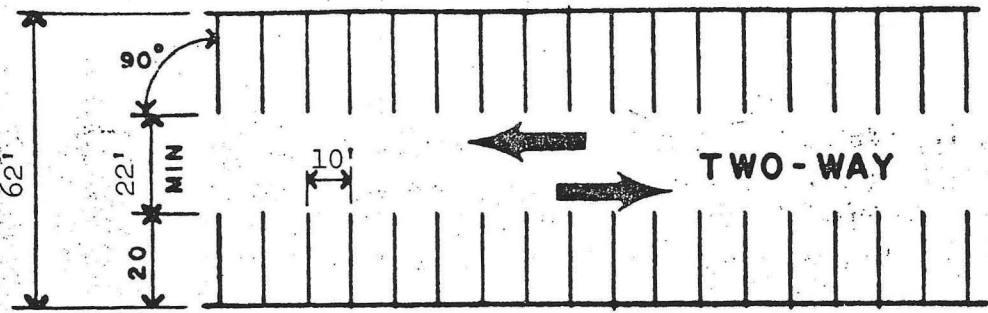
FORMULA NOT APPLICABLE
MINIMUM DISTANCE APPLIES



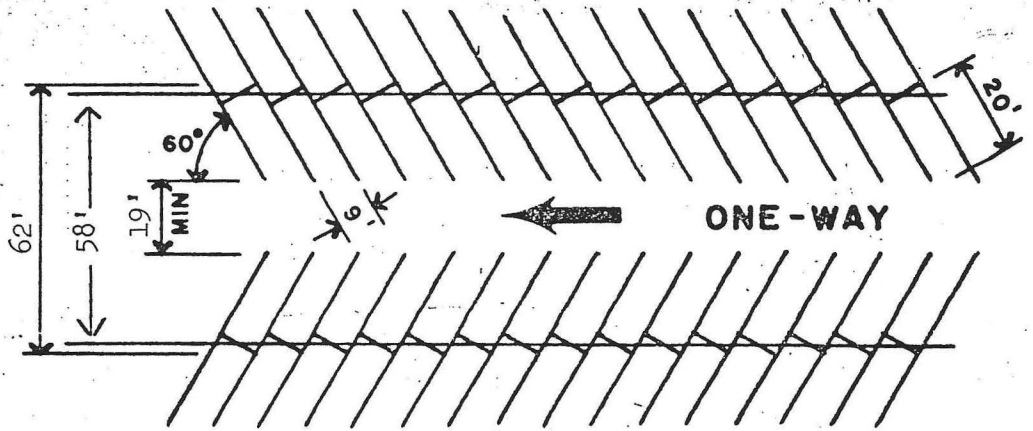
$$\text{MIN. DISTANCE BETWEEN BUILDINGS} = \frac{LA + LB + 2(HA + HB)}{6}$$

DISTANCE SPACING FOR MULTIPLE DWELLINGS

90 DEGREE

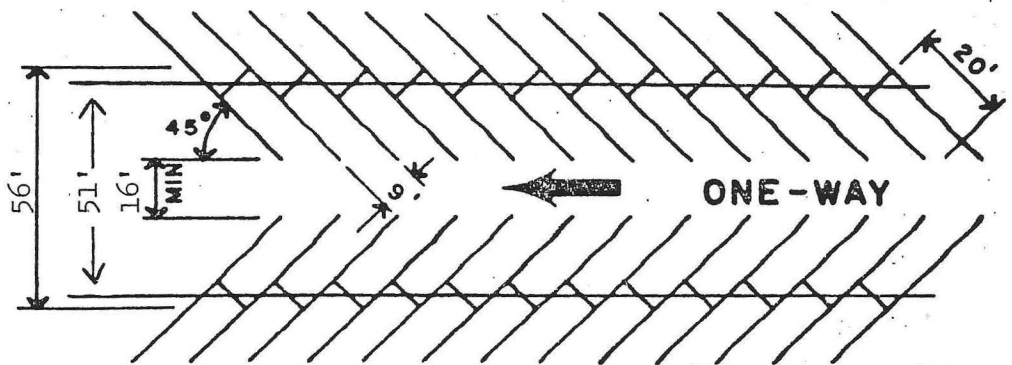


60 DEGREE

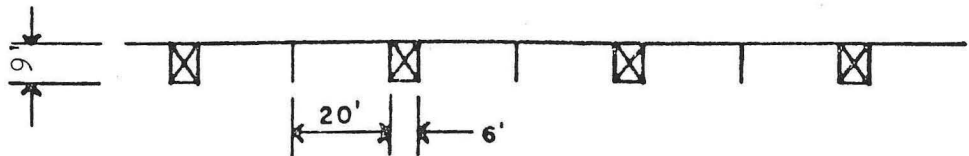


* OVERLAPPING DIMENSION

45 DEGREE



PARALLEL



PARKING LAYOUTS