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## PREFACE

This Zoning Ordinance constitutes a publication of Zoning Ordinance 165, as amended through November 29, 2016, of the Township of Oscoda, Michigan.

The source of each new section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is part of Zoning Ordinance 165, as amended through November 29, 2016. Earlier amendments are designated by superscript numbers, and a key to this can be found on the Record of Changes Table. By use of the comparative tables appearing in the back of this publication, the reader can locate any section of the Ordinance, as updated.

The Zoning Ordinance has been arranged into articles and sections. The various sections within each title have been catchlined to facilitate usage. Notes which tie related sections of the Ordinance together have been included.

### *Article and Section Numbering System*

Each section number consists of two parts separated by a period. The figure before the period refers to the article number, and the figure after the period refers to the position of the section within the chapter. Thus, the second section of article I is numbered 1.2, and the first section of article VI is 6.1. Under this system, each section is identified with its article, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 6.1 and 6.2 is desired to be added, such new section would be numbered 6.1.5. New articles may be included in the same way or may be placed at the end of the Ordinance. The next successive number shall be assigned to the new article.

### *Page Numbering System*

The page numbering system used in this Ordinance is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of an article of the Ordinance, the number to the left of the colon indicates the number of the article. In the case of an appendix to the Ordinance, the letter immediately to the left of the colon indicates the letter of the appendix. The following are parts of this Ordinance and their corresponding prefixes:

|                                    |          |
|------------------------------------|----------|
| Zoning Reference Chart             | ZRC:1    |
| Record of Changes                  | ROC:1    |
| Preamble and Adoption Certificate  | PAC:1    |
| Articles I—XIV                     | 1:1—14:1 |
| Zoning Ordinance Comparative Table | ZOCT:1   |
| Zoning Ordinance Index             | ZOi:1    |

*Index or Indexes*

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself that stand as guideposts to direct the user to the particular item in which the user is interested.

*Looseleaf Supplements*

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

*Acknowledgments*

This publication was under the direct supervision of Brian Taylor, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Eric Szymanski, Zoning Administrator, for his cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts have resulted in a publication of this Zoning Ordinance which will make the active law of the Township readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the Township's affairs.

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ZONING REFERENCE CHART

P = Principal Uses      S = Special Permit Uses

| Use                                  | R1 | R2 | R3 | R4 | R5 | MH | B1 | MU | B2 | WB3 | RT | RV | E | WM | F | I | WI | AG | WR1 | WR2 | WR3 |
|--------------------------------------|----|----|----|----|----|----|----|----|----|-----|----|----|---|----|---|---|----|----|-----|-----|-----|
| Adult Entertainment                  |    |    |    |    |    |    |    |    |    |     |    |    |   |    |   | S |    |    |     |     |     |
| Adult Foster Care, Large Group Homes |    |    |    | P  |    |    |    |    |    |     |    |    |   |    |   |   |    |    |     |     |     |
| Adult Foster Care, Small Group Homes | P  | P  | P  | P  | P  | P  |    |    |    |     |    |    |   |    |   |   |    |    |     |     |     |
| Advertising Firms <sup>7</sup>       |    |    |    |    |    |    | P  |    | P  | P   |    |    |   |    |   |   |    |    |     |     |     |
| Agricultural Buildings               |    |    |    |    |    |    |    |    |    |     |    |    |   |    |   |   |    | P  |     |     |     |
| Agricultural Cooperative             |    |    |    |    |    |    |    |    |    |     |    |    |   |    |   |   |    | P  |     |     |     |

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| Agricultural Equip Sales, Supplies and Service   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | P |   | P |   |   |   |   |
| Agricultural Production                          |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | P |   |   |   |   |
| Aircraft Maintenance and Repair                  |   |   |   |   |   |   |   |   |   | P |   |   |   |   |   |   |   | P |   |   |   |   |
| Aircraft Parts and Sales <sup>7</sup>            |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | S |   |   |   |   |   |
| Alternative Energy Generation, Co.               |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | S |   | S |   |   |   |   |
| Alternative Energy, Private                      | S | S | S | S | S | S | S |   | S | S | S | S | S | S | S | S |   | S | S | S | S | S |
| Antique Restoring, Repair                        |   |   |   |   |   |   |   |   | S |   |   |   |   |   |   |   | P |   |   |   |   |   |
| Antique Shop                                     |   |   |   |   |   |   |   | P |   | P |   | P |   |   |   |   |   |   |   |   |   |   |
| Arcades  |   |   |   |   |   |   |   | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |
| Asphalt Equipment, Plants & Storage <sup>7</sup> |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | P | S |   |   |   |   |
| Awning, Fabrication and Sales                    |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | P | P |   |   |   |   |
| Bait Shops                                       |   |   |   |   |   |   |   |   |   |   |   | P |   |   | P |   |   |   |   |   |   |   |
| Bakeries   |   |   |   |   |   |   |   | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |
| Barber and Beauty Shops, Spa & Massage           |   |   |   |   |   |   |   | P |   | P |   |   |   |   |   |   |   |   |   |   |   |   |
| Bed and Breakfast <sup>15</sup>                  | S | S | S | S | S |   |   |   |   |   | P |   |   |   |   | S |   |   |   |   |   |   |
| Beer, Ale, Wine, Wholesale Brewer & Dist.        |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | P | P |   |   |   |   |
| Blacksmith and Iron Works                        |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   | P | S | P |   |   |   |

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| Boiler, Sales, Repair & Manufacturing     |   |   |   |   |   |   |   |  |   |   |   |   |   |   | P |   |   |   |   |
| Book Stores, Newsstands, Tobacconists     |   |   |   |   |   |   | P |  | P |   |   |   |   |   |   |   |   |   |   |
| Bottled Gas Bulk, LP Storage and Delivery |   |   |   |   |   |   |   |  |   |   |   |   |   |   | P | S |   |   |   |
| Building Materials/Supplies               |   |   |   |   |   |   |   |  | P |   |   |   |   |   | P |   |   |   |   |
| Building Sales & Display <sup>7</sup>     |   |   |   |   |   |   |   |  | P |   |   |   |   |   | P | S |   |   |   |
| Business, General                         |   |   |   |   |   |   | P |  | P |   |   |   |   |   | S |   |   |   |   |
| Cabins/Cottages <sup>6</sup>              |   |   |   |   |   |   |   |  |   |   |   |   |   | P |   |   |   |   |   |
| Campgrounds                               |   |   |   |   |   |   |   |  |   |   |   |   |   | P |   |   | P |   |   |
| Casino <sup>7</sup>                       |   |   |   |   |   |   |   |  |   |   |   |   |   |   |   | S |   |   |   |
| Catering Services <sup>7</sup>            |   |   |   |   |   |   |   |  | P | P |   |   |   |   |   |   |   |   |   |
| Cemeteries                                |   |   |   |   |   |   |   |  |   |   |   |   |   | P |   |   | P |   |   |
| Church/Places of Worship                  | S | S | S | S | S | S |   |  | S | P |   |   |   |   |   |   |   | S | S |
| Commercial Outdoor Recreation             |   |   |   |   |   |   |   |  |   |   | S | S |   | S | S |   |   |   | 0 |
| Communication Towers                      |   |   |   |   |   |   |   |  |   |   |   |   |   | S | S |   | S |   |   |
| Community Events                          |   |   |   |   |   |   | P |  | P | P | P | P |   | P |   |   | P |   |   |
| Community Use Facility, Private           | S | S | S | S | S | S | S |  | S | S | S | S | S | S | S |   | S | S | S |
| Composting Facility                       |   |   |   |   |   |   |   |  |   |   |   |   |   | S | S |   | S |   |   |
| Concrete Contractor                       |   |   |   |   |   |   |   |  |   |   |   |   |   |   | P |   |   |   |   |
| Contractor Services <sup>7</sup>          |   |   |   |   |   |   |   |  | P | P |   |   |   |   | P | S |   |   |   |
| Convalescent Centers                      |   |   |   |   |   |   |   |  |   | P |   |   |   |   |   |   |   |   |   |

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| Convenient Stores                          |   |   |   |   |   |   |   |  | P |   | P |  |   | S |   |   |   |   |   |   |
| Convention Center                          |   |   |   |   |   |   |   |  |   | P |   |  |   |   |   |   |   | P |   |   |
| Correctional Facility <sup>7</sup>         |   |   |   |   |   |   |   |  |   |   |   |  |   |   |   |   |   | S |   |   |
| Crane Service                              |   |   |   |   |   |   |   |  |   |   |   |  |   |   |   |   | P | P |   |   |
| Crematories <sup>7</sup>                   |   |   |   |   |   |   |   |  |   |   |   |  |   |   |   |   | P | S |   |   |
| Day Care Centers                           | S | S | S | S | S | S | P |  | P | P |   |  |   |   |   |   |   | S | S | S |
| Drive In /Fast Food Restaurants            |   |   |   |   |   |   | S |  | P |   |   |  |   | S |   |   |   |   |   |   |
| Drug Store/Pharmacy                        |   |   |   |   |   |   | P |  | P |   |   |  |   |   |   |   |   |   |   |   |
| Elderly Housing                            |   |   |   | P |   |   |   |  |   | P |   |  |   |   |   |   |   |   |   |   |
| Emergency Temporary Housing                |   |   |   |   |   |   |   |  |   |   |   |  |   |   |   |   |   |   |   | P |
| Ethanol Production and Distillation Equip. |   |   |   |   |   |   |   |  |   |   |   |  |   |   |   |   | S | P |   |   |
| Excavation                                 |   |   |   |   |   |   |   |  |   |   |   |  | S |   | S |   |   | S |   |   |
| Excavators and Exc. Equipment Sales        |   |   |   |   |   |   |   |  |   |   |   |  |   |   |   | P | P |   |   |   |
| Family Day Care Homes                      | P | P | P | P | P | P |   |  |   |   |   |  |   |   |   |   |   | P | P | P |
| Financial Institutions                     |   |   |   |   |   |   | P |  | P |   |   |  |   |   |   |   |   |   |   |   |
| Fish Cleaning Stations                     |   |   |   |   |   |   |   |  |   |   | S |  | S | S |   |   |   | S |   |   |
| Fish and Game Propagation                  |   |   |   |   |   |   |   |  |   |   |   |  | S | P |   |   |   | P |   |   |
| Forest Industries including Sawmills/Sales |   |   |   |   |   |   |   |  |   |   |   |  |   |   | P |   |   |   |   |   |
| Forest Nurseries and Seed Gathering        |   |   |   |   |   |   |   |  |   |   |   |  |   |   | P |   |   |   |   |   |
| Forestry Services                          |   |   |   |   |   |   |   |  |   |   |   |  |   |   | P |   |   |   |   |   |

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| Four, Six, Eight Unit Family Housing              |   |   |   |   |   |   |   |  |   |   |   |  |  |  |   |   |   |   | P |   |
| Fraternal Clubs and Organizations                 |   |   |   |   |   |   | P |  | P |   |   |  |  |  | S | S |   | S |   |   |
| Fuel Oil Storage and Delivery Service             |   |   |   |   |   |   |   |  |   |   |   |  |  |  |   | P | S |   |   |   |
| Fumigating Services                               |   |   |   |   |   |   |   |  |   |   |   |  |  |  |   | P |   |   |   |   |
| Funeral Homes                                     |   |   |   |   |   |   | P |  | P |   |   |  |  |  |   |   |   |   |   |   |
| Furniture Repair & Upholstering                   |   |   |   |   |   |   |   |  | P |   |   |  |  |  |   | P |   |   |   |   |
| Garages, Private                                  |   |   |   |   |   |   |   |  |   |   |   |  |  |  | P |   |   | P |   |   |
| Golf Courses/Country Clubs                        | S | S | S | S |   |   |   |  |   | S |   |  |  |  | P |   |   |   |   |   |
| Government, Non Profit                            |   |   |   |   |   |   |   |  | P |   |   |  |  |  |   |   |   |   |   |   |
| Group Day Care                                    | S | S | S | S | S | S |   |  |   |   |   |  |  |  |   |   |   | S | S | S |
| Gunnery Ranges                                    |   |   |   |   |   |   |   |  |   |   |   |  |  |  |   | S | S |   | S |   |
| Heavy Equip. Sales and Service                    |   |   |   |   |   |   |   |  |   |   |   |  |  |  |   | P |   |   |   |   |
| Home and Garden Supplies                          |   |   |   |   |   |   |   |  | P |   |   |  |  |  |   | P |   |   |   |   |
| Home Occupancy (Crafts / Fine Arts) <sup>10</sup> | P | P | P | P | P |   |   |  |   | P |   |  |  |  |   |   |   |   |   |   |
| Homes For The Aged                                |   |   | S | P |   |   |   |  |   |   |   |  |  |  |   |   |   |   |   |   |
| Horseback Riding Trails and Stables               |   |   |   |   |   |   |   |  |   |   | P |  |  |  | P |   |   | P |   |   |
| Hospitals   |   |   |   |   |   |   |   |  | S | S |   |  |  |  | S |   |   | S |   |   |
| Hunting and Fishing Operations                    |   |   |   |   |   |   |   |  |   |   |   |  |  |  |   | P |   | P |   |   |
| Indoor Amusement and Recreation                   |   |   |   |   |   |   | S |  | P |   |   |  |  |  |   | S |   |   |   |   |

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| Indoor Farming <sup>7</sup>  |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  | S |   |   |   |   |  |  |
| Industrial Trades Education Center <sup>6</sup>                      |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   | P |   |   |   |  |  |
| Junkyards  |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   | S |   |   |   |  |  |
| Kennels  |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   | P | S |   | P |  |  |
| Landfill   |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   | S |   |   | S |  |  |
| Landscape Contractors and Supplies                                   |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   | S | P |   | P |  |  |
| Large/Heavy Equipment Maintenance and Repair Operations <sup>6</sup> |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   |   | P |   |   |  |  |
| Mail Order Companies <sup>7</sup>                                    |  |  |  |  |  |  |  |  |  | P | P |  |  |  |  |  |  |  |  |   |   |   |   |   |  |  |
| Malls/Shopping Centers   |  |  |  |  |  |  |  |  |  | S |   |  |  |  |  |  |  |  |  |   |   |   |   |   |  |  |
| Marihuana Grower Type A  |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   |   | S | S | S |  |  |
| Marihuana Grower Type B  |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   |   | S | S | S |  |  |
| Marihuana Grower Type C  |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   |   | S | S | S |  |  |
| Marihuana Processor  |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   |   | S | S |   |  |  |
| Marihuana Provisioning Center  |  |  |  |  |  |  |  |  |  | S | S |  |  |  |  |  |  |  |  |   |   | S | S |   |  |  |
| Marihuana Recreational Retailer                                      |  |  |  |  |  |  |  |  |  | S | S |  |  |  |  |  |  |  |  |   |   | S | S |   |  |  |
| Marihuana Safety Compliance Facility                                 |  |  |  |  |  |  |  |  |  | S | S |  |  |  |  |  |  |  |  |   |   | S | S |   |  |  |
| Marihuana Secure Transporter   |  |  |  |  |  |  |  |  |  |   |   |  |  |  |  |  |  |  |  |   |   | S | S |   |  |  |

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| Medical Offices at WAFB Hospital                                      |   |   |   |   |   |   |   |  |                 | P |   |   |  |   |   |   |   |   |   |   |
| Medical/Dental Clinics  |   |   |   |   |   |   | P |  | P               |   |   |   |  |   |   | S |   |   |   |   |
| Methane Generators  |   |   |   |   |   |   |   |  |                 |   |   |   |  |   |   |   | P |   |   |   |
| Mini-Warehouses   |   |   |   |   |   |   |   |  | S               |   |   |   |  |   | S |   |   |   |   |   |
| Mobile Home Parks   |   |   |   |   |   |   | P |  |                 |   |   |   |  |   |   |   |   |   |   |   |
| Mobile Homes  |   |   |   |   | P | P |   |  |                 |   |   |   |  |   |   |   |   |   |   |   |
| Motels/Hotels/Resorts   |   |   |   | S |   |   | P |  | P               |   | P |   |  | S |   |   |   |   |   |   |
| Motor Vehicle Repair, Body, Paint, Customizing, Etc.                  |   |   |   |   |   |   |   |  | S               |   |   |   |  |   |   | P |   |   |   |   |
| Motor Vehicle Sale and Service  |   |   |   |   |   |   |   |  | S               |   |   |   |  |   |   |   |   |   |   |   |
| Multiple Family Dwelling  |   |   |   | S |   |   |   |  | S <sub>14</sub> |   | S |   |  |   |   |   |   |   |   |   |
| Museums <sup>13</sup>   |   |   |   |   |   |   | P |  | P               | P |   |   |  |   |   | S |   |   |   |   |
| Non Profit Community Theater  |   |   |   |   |   |   | S |  | P               | P |   |   |  |   |   |   |   |   |   |   |
| Non Profit Recreation Facilities                                      |   |   |   |   |   |   |   |  |                 | P |   |   |  |   |   |   |   |   |   |   |
| Nursery, Greenhouse, Retail (F and AG only) and Wholesale, Production |   |   |   |   |   |   |   |  |                 |   |   |   |  |   | P | P | P |   |   |   |
| Nurseries, Wholesale & Retail   |   |   |   |   |   |   |   |  | P               |   |   |   |  |   |   |   |   |   |   |   |
| Nursing Homes   |   |   | S | P |   |   |   |  |                 | P |   |   |  |   |   |   |   |   |   |   |
| Outhouse  |   |   |   |   |   |   |   |  |                 |   |   |   |  | P |   |   | P |   |   |   |
| Parks and Recreation Areas  | S | S | S | S | S | S | S |  | S               | S | P | P |  | P | P |   | P | S | S | S |









Contained herein is a chronological list of changes made to the original Zoning Ordinance 165 by ordinance since its initial adoption through December, 2015. Ordinances amendatory of the Zoning Ordinance subsequently included are found on the Zoning Ordinance Comparative Table, following the last article of the Zoning Ordinance.

| Change #  | Articles                       | Summary of Changes  | Date       |
|-----------|--------------------------------|---|------------|
| Change 1  | Article IV                     | Addition of a new WR-2 Zoning District  | 5-13-1999  |
| Change 2  | All                            | Technical and format changes were made throughout the entire Ordinance. These changes were identified by Superscript (2)  | 12- 9-1999 |
| Change 3  | All                            | Technical and format changes were made throughout the entire Ordinance. These changes were identified by Superscript (3)  | 3- 1-2001  |
| Change 4  | Article IV                     | Allowed Two Family Dwellings as a Principle Use within the Residential Tourist (RT) District. This change is identified by Superscript (4)  | 3- 1-2001  |
| Change 5  | Article IV                     | Restricted Structural Coverage within the Wurtsmith Mixed Residential (WR-3) to 40 percent.   | 5-31-2001  |
| Change 6  | All                            | Technical and format changes were made throughout the entire Ordinance. These changes were identified by Superscript (6)  | 8- 8-2002  |
| Change 7  | All                            | Technical and format changes were made throughout the entire Ordinance. These changes were identified by Superscript (7)  | 8-11-2003  |
| Change 8  | All                            | Technical and format changes were made throughout the entire Ordinance. These changes were identified by Superscript (8)  | 9-27-2004  |
| Change 9  | All                            | Technical and format changes were made throughout the entire Ordinance. These changes were identified by Superscript (9)  | 3-13-2006  |
| Change 10 | All                            | Technical/format/MZEA changes were made throughout the entire Ordinance. These changes are identified by Superscript (10)   | 6-14-2007  |
| Change 11 | Articles II, III, IV, VI and X | Technical and/or format changes to: Definitions; Signs; Zoning Districts; General Provisions; Land Use Permit and Site Plan Review Procedures. These changes are identified by Superscript (11) | 8-14-2008  |
| Change 12 | Article IV                     | Changed the maximum permitted building heights in the B-1 and the B-2 Business Districts. These changes are identified by Superscript (12)  | 5-14-2009  |

|                    |   |  |            |
|--------------------|---|--|------------|
| Change 13          | Articles II, III, IV, VI, VII, VIII, IX | Changes made concerning: definitions; electronic signs; accessory structures; variance conditions; museums in the WI Wurtsmith Industrial District; and various technical and format amendments. These changes are identified by Superscript (13)  | 1- 6-2011  |
| Ordinance 2011-242 | Article VI                              | Added <u>Section 6.31</u> to accommodate and regulate Wind Energy Systems. This change is identified by Superscript (242)  | 7-28-2011  |
| Ordinance 2011-243 | Article VI                              | Added <u>Section 6.32</u> to regulate the use, cultivation and distribution of marihuana for medical purposes. This change is identified by Superscript (243)  | 8-25-2011  |
| Ordinance 2011-245 | Article II, VI                          | Amended the definition, required standards and review and approval process for Home Occupations. This change is identified by Superscript (245)  | 3-15-2012  |
| Ordinance 2012-252 | Articles II, IV, IX                     | Amended and added regulations regarding the location and Special Land Use Permit standards for Recycling Centers and Recycling Collection Stations. This change is identified by Superscript (252)   | 11- 8-2012 |
| Ordinance 2013-254 | Articles II, IV, IX                     | Added <u>Section 6.33</u> to allow and regulate Shared Waterfront Access Lots. This change is identified by Superscript (254)  | 7-11-2013  |
| Change 14          | Articles IV, VI                         | Changes made to WB-3 Special Permit Use, B-2 Special Permit Use, and changes made to <u>Section 6.2.1</u> Detached Accessory Structures regarding size, height, overhang. These changes are identified by Superscript (14)   | 4- 8-2015  |
| Change 15          | Articles II, IV, VI                     | Amended the definition of Adult Personal Service. Added Tattoo and Massage to B-1 and B-2 Business Districts. Changes made to <u>Section 6.2.1(3)</u> Detached Accessory Structure required standards. Added Bed & Breakfast to Forestry District. Corrections to Sect. <u>4.16(2)</u> R-T and <u>6.25(7)A1</u> Wireless Communication Towers & Antennas. These changes are identified by Superscript (15) | 12-10-2015 |
| Ordinance 2015-255 | Article VI                              | Added <u>Section 6.2.6</u> to allow and regulate Accessory Structures on vacant lots across from water front properties. This change is identified by Superscript (255)  | 12-10-2015 |

## SUPPLEMENT HISTORY TABLE

The table below allows users of this Zoning Ordinance to quickly and accurately determine what amendments have been considered for codification in each supplement. Amendments that are of a general and permanent nature are codified in the Zoning Ordinance and are considered "Included." Amendments that are not of a general and permanent nature are not codified in the Zoning Ordinance and are considered "Omitted."

| Date       | Included/<br>Omitted | Supp. No.   |
|------------|----------------------|-------------|
| 1-27-2020  | Included             | Supp. No. 1 |
| 3- 2-2020  | Included             | Supp. No. 1 |
| 10-12-2020 | Included             | Supp. No. 1 |
| 10-12-2020 | Included             | Supp. No. 1 |
| 6-21-2021  | Included             | Supp. No. 2 |
| 8-12-2021  | Included             | Supp. No. 3 |
| 9- 9-2021  | Included             | Supp. No. 3 |
| 10-28-2021 | Included             | Supp. No. 3 |

## PREAMBLE AND ADOPTION CERTIFICATION

THE TOWNSHIP OF OSCODA, IOSCO COUNTY, MICHIGAN, ORDAINS:

An Ordinance, in accordance with and under the authority of the Michigan Zoning Enabling Act (PA 110 of 2006)<sup>10</sup>, as amended, to provide for the establishment, in the unincorporated portions of the Charter Township of Oscoda, Iosco County, Michigan, of zoning districts in such sizes, shapes and areas as are deemed best suited to carry out the provisions of this Ordinance, within which districts the proper use of land and natural resources is encouraged and regulated and the improper use of same prohibited, and within which districts the use of land for agriculture, forestry, recreation, residence, industry, trade, soil conservation, water supply conservation, and additional uses is encouraged, regulated or prohibited; and within which districts provisions are made designating the location of, height of, number of stories of, the uses that may be made of, the minimum open spaces, sanitary, safety, and protective measures that shall be required for, and the maximum number of families that may be housed in dwellings, buildings, and structures, including tents and mobile homes that may be hereafter erected or altered; and to provide for the uniformity of such provisions for each class of land or buildings, dwellings and structures, including tents and mobile homes throughout each district; and to provide for administering of this Ordinance and to provide for conflicts in other ordinances or regulations, and to provide penalties for violations, and to provide for the collection of fees for building permits, and to provide for petitions and hearings, and to provide for appeals, and to provide for repeal of ordinances in conflict herewith, and to provide for any other matters authorized by the above mentioned Michigan Zoning Enabling Act (MZEA).

In accordance with the Township Planning Act, PA 168, Michigan Public Acts of 1959, as amended, the Charter Township of Oscoda adopted a "Master Plan" on August 14, 2002, to guide the future growth and development of unincorporated portions of Oscoda Township for twenty (20) years. This Zoning Ordinance and subsequent amendments have been enacted pursuant to the general guidelines set forth in the Oscoda Township Master Plan.

## ADOPTION CERTIFICATION

It is hereby certified that a notice of posting was published in the March 17, 1999 and March 31, 1999 editions of the Oscoda Press, Iosco County Michigan. The entire text of this proposed ordinance was posted for general public inspection at Oscoda Township Clerks Office, Oscoda Office for Economic Development, Oscoda Community Health Center, Robert J. Parks Library, Oscoda-AuSable Chamber of Commerce and Oscoda-AuSable senior Citizens Center.

A synopsis of this Ordinance was published, before its adoption, in the April 21, 1999 edition of the Oscoda Press, Iosco County Michigan. A synopsis of this Ordinance was published again, after its adoption, in the May 5, 1999 edition of the Oscoda Press, Iosco County Michigan.

Further, it is certified that the Ordinance set forth above was adopted by the Township Board of the Charter Township of Oscoda at a meeting duly called and held on April 26, 1999.

Ayes: Wright, Koenig, Leichtman, Bissonette, Aune, Wiltse, Copland

Nays: None

Absent: None

\_\_\_\_\_

It is also hereby certified that a notice and synopsis of Ordinance 2011-243 to this Ordinance was posted for general public inspection at the Oscoda Township Clerks Office and the Oscoda Township Zoning Office before its adoption. A synopsis of Ordinance 2011-243 to this Ordinance was published again, after its adoption, in the August 17, 2011 edition of the Oscoda Press, Iosco County Michigan.

Further, it is certified that Ordinance 2011-243 to this Ordinance set forth above was adopted by the Township Board of the Charter Township of Oscoda at a meeting duly called and held on August 8, 2011.

Ayes: Hinckley, Baier, Binkowski, Pappas, Ballor

Nays: McGuire, Carrasco

Absent: None

CHARTER TOWNSHIP OF OSCODA

By: \_\_\_\_\_

Christine Carrasco, Clerk

ARTICLE I - PURPOSE, APPLICATION, SCOPE, AND LEGAL CLAUSES

Section 1.1 - Short Title:

This ordinance shall be known as the "Charter Township of Oscoda Zoning Ordinance."

Section 1.2 - Purpose:

The fundamental purpose of this ordinance is for the regulation of land development by establishing districts which regulate the use of land and structures in accordance with the goals, objectives and policies of the Township Master Plan; to meet the needs of the people of the Township for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that use of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation and other public service and facility requirements; and to promote public health, safety and welfare.

Section 1.3 - Application and Scope:

It is not intended that the application or scope of this ordinance repeal, abrogate, annul or in any other way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance, or of any private restrictions placed upon property by covenant, deed, or other private agreement; provided, however that where any provision of this Ordinance imposes more stringent requirements, regulations, restrictions, or limitations, upon the erection or use of land and buildings, or upon the height or bulk of buildings and structures, or upon safety and sanitary measures, or requires larger yards or open spaces than are imposed or required by the provisions of any other law or ordinance, or any said rules, regulations, permits, or easements, then the provisions of this Ordinance shall govern and apply. Only those uses specifically listed in

Article IV of this Ordinance as Principal Uses, Special Uses, and Accessory Uses are permitted. Uses not expressly listed are prohibited. Further, the requirements of this Ordinance are and shall be construed as minimum requirements, and shall in no way impair or affect any covenant or restriction imposing greater requirements.

#### Section 1.4 - Validity and Severability Clause:

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, such ruling shall not affect any other provisions of this Ordinance not specifically included in said ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of said provision to any other land, parcel, lot, district, use, building, or structure not specifically included in said ruling.

#### Section 1.5 - Vested Rights:

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

### ARTICLE II - CONSTRUCTION OF LANGUAGE AND DEFINITIONS

#### Section 2.1 - Construction of Language:

For the purpose of this Ordinance, certain rules of construction apply to the text as follows:

1. Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
2. The word "person" includes a corporation, association, partnership, trust, firm, or similar activity as well as an individual.
3. The word "building" includes the word "structure" and each term applies to any part thereof.
4. The word "lot" includes the word "plot," "tract" or "parcel."
5. The term "shall" is always mandatory and not discretionary; the word "may" is permissive.
6. The word "used" or "occupied" as applied to any land or building, shall be construed to include the words "intended," "arranged," "maintained for" or "designed to be used or occupied."
7. The words "this Ordinance" mean the text of this Ordinance as well as all maps, tables, graphics, schedules as included or attached as enacted or subsequently amended.
8. Unless the context clearly indicates the contrary, where a regulation involves two (2) 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 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. Any word or term not interpreted or defined by this Ordinance shall be used with a meaning of common or standard utilization. A dictionary may be consulted.
10. Questions of interpretation arising hereunder shall be decided by the Zoning Administrator whose interpretation may be appealed to the Zoning Board of Appeals.
11. In computing a period of days, the first day is excluded and the last day is included. If the last day of any period is a Saturday, Sunday, or legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday.

#### Section 2.2 - Definitions:

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows or as otherwise provided for in this ordinance.

**Adjacent:** Adjoining, bordering, touching or contiguous. If two (2) lots are separated by a street, public alleyway or public walk, they shall not be deemed to be adjacent.



**Adult Entertainment Establishments:** Facilities which exclude minors by virtue of age and are further defined as follows:

1. **Adult Bookstore:** An establishment having as a substantial or significant portion of its stock in trade devoted to the sale, barter, or rental of books, magazines, other periodicals, posters, films, video tapes, video discs, or other media, whether printed or electronic, which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, or an establishment with a segment or section devoted to the sale or display of such material.
2. **Adult Cabaret:** An establishment which features one (1) or more topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
3. **Adult Motion Picture Theater:** An establishment used for presenting to others motion picture films, video cassettes, cable television or other visual media, distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
4. **Adult Motel:** A motel which presents materials distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas, for the entertainment of its patrons.
5. **Adult Personal Service Business:** A business whose activities include a person or persons, while nude or displaying specified anatomical areas, providing personal services to another person or persons. It includes, but is not limited to, the following activities and services: modeling studios, photographic studios, wrestling studios, theatrical performances. <sup>15</sup>
6. **Specified Sexual Activities:** Human genitals in a state of sexual stimulation; acts of human masturbation, sexual intercourse, oral copulation, sodomy, or bestiality; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
7. **Specified Anatomical Areas:** Less than completely covered human genitals, pubic region, buttock, anus, and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Adult Foster Care Large Group Home:** A facility with the approved capacity to receive thirteen (13), but no more than twenty (20), adults who are provided supervision, personal care, and protection in addition to room and board for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

**Adult Foster Care Small Group Home:** A facility with the approved capacity to receive twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation.

**Aerobic:** An environment where the biological decomposition of organic materials is freely exposed to oxygen and little offensive odor is produced.

**Agriculture:** Farms and general farming, including horticulture, floriculture, dairying, livestock and poultry raising, farm forestry and other similar enterprises or uses, but no farm shall be operated for the disposal of garbage, sewage, rubbish, offal, or as rendering plants or for the slaughtering of animals, except such animals as have been raised on the premises or have been maintained on the premises and for the use and consumption of persons residing on the premises.

**Agricultural Land:** Substantially undeveloped land devoted to the production of plants and animals useful to humans, including, but not limited to, forage and sod crops, grains, feed crops, field crops, dairy products, poultry and poultry products, livestock, herbs, flowers, seeds, grasses, nursery stock, fruits, vegetables, Christmas trees, and other similar uses and activities. <sup>10</sup>

**Airport:** An airport licensed by the Michigan Department of Transportation, Bureau of Aeronautics under section 86 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.86. Michigan Zoning Enabling Act of 2006 Art I: General Provisions P. A. 110 of 2006, as amended; M.C.L. 125.3101 et seq., page 5 of 40 (Enrolled House Bill No. 4398 (2005)) effective July 1, 2006, this copy printed: April 24, 2006. <sup>10</sup>

**Airport Approach Plan (Airport Layout Plan):** A plan, or an amendment to a plan, filed with the Zoning Commission under section 151 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.151. <sup>10</sup>

**Airport Manager:** That term as defined in section 10 of the Aeronautics Code of the State of Michigan, 1945 PA 327, MCL 259.10. <sup>10</sup>

**Airport Zoning Regulations:** Airport zoning regulations under the Airport Zoning Act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act. <sup>10</sup>

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

**Anaerobic:** An environment where the biological decomposition of organic materials is not freely exposed to oxygen, and hydrogen sulfide, ammonia-like compounds and other compounds with offensive odors may be produced.

**Apartment Building:** A structure comprised of dwelling units constituting a multiple family dwelling as defined herein.

**Attic:** That portion of a building situated partly or wholly in the roof space. An attic which is used only as a portion of a single- or two-family dwelling shall not be counted as a story, unless there are more than two (2) rooms suitable for living purposes on this floor. Areas of one hundred sixty (160) square feet or more will be regarded as two (2) or more rooms based on each eighty (80) square feet being considered one (1) room. Any attic which is occupied by a separate family shall be counted as a story. Any attic used for living purposes in a multiple dwelling shall be counted as a story.

**Assessment Roll:** The official record of properties maintained by the county, noting legal description, ownership, and value of properties located in the county.

**Assisted Living Facility:** a residential facility housing six (6) or fewer people per building, and providing housing, two (2) or more groups meals a day, incidental nursing or medical services, and some or all of the following services: transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping.

**Assisted Living Group Facility:** a residential facility that houses more than six (6) people per building, and providing housing, two (2) or more group meals a day, incidental nursing and medical services, and some or all of the following services; transportation, ambulatory assistance, prescription scheduling, laundry, housekeeping or shopping.

**Barn:** A building, usually large, for the storage of farm products, for feed and for the housing of farm animals or farm equipment.

**Basement and Cellar:**

1. A basement is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
2. A cellar is that portion of a building partly below the average grade and so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling, with a ceiling height of less than six and one-half (6.5) feet.

**Bed and Breakfast:** A dwelling unit in which overnight accommodations and a morning meal are provided to transients for compensation.

**Billboard:** A manufactured outdoor structure advertising an establishment, merchandise, service, entertainment which are not sold, produced, manufactured or furnished at the property on which the structure is located. A billboard is mounted on a frame that is either freestanding or attached to a building.

**Bluff:** The top of a steep bank rising from the river's edge on a lot or parcel.

**Boarding House:** A building in which meals and lodging are regularly provided or offered for compensation to three (3) or more persons by prearrangement and for definite periods of time, but which is not open to transient customers.

**Bollard:** A short, vertical permanent post, usually ornamental in nature, used to inhibit trespass by persons or vehicles, or to prevent encroachment onto private property or over defined space.

**Breezeway:** A roofed open passage connecting two (2) buildings (as a house and a garage) or halves of a building.

**Building:** Any structure, either temporary or permanent, having a roof and used or built for shelter or enclosure of persons, animals, chattels or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

**Building/Structure, Accessory<sup>11</sup>:** A building/structure, the use of which is clearly incidental to that of the principal building or to the use of the land.

**Building, Agricultural:** A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. (Michigan Building Code, 2003)

**Building Height:** The distance from the finished grade at the front of the building to the highest point of the roof except for any decorative ornaments which would allow up to 4' x 4' x 4'.

**Building Line:** A line formed parallel to the face of a building.

**Building Permit:** That permit issued by appropriate authority allowing the construction of a structure under a State approved building code.

**Building, Principal:** A building in which is conducted the main or principal use of the lot on which it is located.

**Business:** Any legal use of a building, other than for religious, institutional or residential purposes, by a person, firm or corporation. Although contained in the same building as another business and owned by the same person, an activity may be treated as a separate business if it is physically separated from, uses different personnel than, and provides different products or services than such other related business.

**Business Center:** A group of two (2) or more stores, offices, research facilities or manufacturing facilities which collectively have a name different than the name of any of the individual establishments and which have common private parking and entrance facilities or which is a platted business subdivision.

**Camp:** To camp means to set up or to remain in or at a Campsite. Camping is regulated by Township Ordinance No. 184, as amended. <sup>1</sup>

**Campground:** A parcel or tract of land under the control of a person in which sites are offered for the use of the public or members of an organization, either free of charge or for a fee, for the establishment of temporary living quarters for five (5) or more recreational vehicles or tents.

**Campsite:** Any place where bedding, sleeping bag or other sleeping matter is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack or other structure, or any vehicle, trailer or part thereof. <sup>2</sup>

**Carport:** A permanent roofed structure with not more than two (2) enclosed sides. A carport not open on at least two (2) sides shall be considered an Accessory Structure. <sup>10</sup>

**Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes.

**Church/Place of Worship:** See the definition for "Place of Worship". <sup>2</sup>

**Clinic:** An institution providing diagnostic, therapeutic or preventive out-patient treatment by a group of doctors in the same building.

**Columbarium:** A building, a vault, or a similar place for the respectful and usually public storage of cinerary urns containing cremated remains.

**Common Open Space:** A parcel or parcels of land or an area of water, or a combination of land and water within the site designated for a Planned Unit Development and designed and intended for use or enjoyment of all the residents of the Planned Unit Development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of all the residents of the Planned Unit Development including common club houses, pools, tennis courts and similar facilities, but shall not include:

1. Areas reserved for the exclusive use of benefit of an individual tenant or owner, such as fenced yards or private residential yards.
2. Dedicated streets, alleys and other public rights-of-way.
3. Vehicular drives, parking, loading and storage areas and areas reserved for non-residential uses.

**Communication Tower:** A radio, telephone or television relay structure of skeleton framework, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

**Community Use Facility, Private:** Club Houses, Community Buildings, Pavilions, Real Estate Sales Offices, Grounds/Housing Maintenance Shops, Recycling Collection Stations and Recreational Vehicle Storage Locations and related facilities that are owned and managed by a private property owners association or for use by a developer when marketing such a community. These are to be non-residential facilities that are created for the exclusive use of members of a private property owners association or condominium owners association. <sup>252</sup>

**Composting Facility:** A facility specifically designed and used for the commercial conversion of organic materials, such as yard waste, into an odor-free and sanitary soil conditioner through the process of aerobic digestion by micro-organisms. Composting may be accomplished through a number of different methods in which the compost material is either piled in open stacks or ventilated bins, tilled into the soil along with mature compost or processed in mechanical composting plants that mechanically mix and aerate the material. Though the composting process may be anaerobic or aerobic, this Ordinance only permits composting by aerobic processes.

**Compost Material:** Includes typical yard wastes and clippings, such as leaves, grass clippings, vegetable, garden, or agricultural plantings debris, shrubbery or brush, weeds, tree trimmings that can be converted to compost humus. This term does not include animal waste, sewage sludge, or garbage.

**Condominium:** Land and air space regulated and controlled by Act 59 of the Public Acts of 1978 as amended, containing structures for uses permitted in the zoning district in which located. For purposes of this ordinance the term condominium shall also include site condominium. <sup>3</sup>

**Condominium, Conversion:** A plan or project to convert any existing development to condominium form of ownership. Said developments may include but are not limited to apartment buildings, motels, hotels, detached resort cottages or mobile home parks. <sup>3</sup>

**Condominium Project:** A plan or project consisting of not less than two (2) condominium units established and approved in conformance with the provisions of the Condominium Act, PA 59 of 1978.

**Condominium Subdivision Plan:** The drawings and information attached to the master deed including, but not limited to, a survey plan, floodplain plan, site plan, utility plan, typical floor plans, description of the size, location, area, and horizontal boundaries of each unit, number assigned to each unit, vertical boundaries and volume of each unit, building sections, and description of the nature, location, and size of common elements.

**Condominium Unit:** That portion of a condominium project which is designed and intended for separate ownership and use, as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use. In condominium projects where a condominium unit(s) will consist of a building envelope, the term condominium unit shall be equivalent to the term lot, for purposes of determining compliance with the provisions of this Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage, and the like.

**Conservation Easement:** That term as defined in Section 2140 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.2140.<sup>10</sup>

**Contractor Services:** A use directly relating to construction contracted services (i.e., builders, plumbers, electricians, janitors, home inspections, propane services, etc.)<sup>7</sup>

**Cottage/Cabin:** A small structure usually of simple construction used on a seasonal basis. Only one (1) cabin or cottage shall be allowed on a single parcel. A cabin/cottage shall satisfy the design standards as set forth in Section 6.28.<sup>7</sup>

**Covenant:** A legal agreement between two (2) or more people or entities regarding the use of lands.

**Day Care Center:** A facility, other than a private residence, receiving one (1) or more preschool or school age children for care for periods of less than twenty-four (24) hours a day, and where the parents or guardians are not immediately available to the child. A day care includes a facility which provides care for not less than two (2) consecutive weeks, regardless of the number of hours of care per day. Such a facility is also referred to as a child care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. A day care center does not include any of the following:

1. A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are in attendance for not greater than three (3) hours per day for an indefinite period, or not greater than eight (8) hours per day for a period not to exceed four (4) weeks during a calendar year.
2. A facility operated by a religious organization where children are cared for not greater than three (3) hours while persons responsible for the children are attending religious services.

**Deck:** A flat floored exterior area that may be adjoined to the house or placed freestanding. A deck may or may not be roofed-over.<sup>2</sup>

**Density:** The number of dwelling units situated on or to be developed on an acre (or smaller unit) of land, which shall be calculated by taking the total gross acreage and subtracting the area in rights-of-way for roads.

**Detention Basin:** A structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a predetermined rate. A detention basin may drain completely after a storm event or it may be a pond with a fixed minimum water elevation between storm events.

**Development Rights:** The rights to develop land to the maximum intensity of development authorized by law.<sup>10</sup>

**District Area:** An area of land for which there are uniform regulations governing the use of building and premises, density of development, yard requirements, and height limitations.

**Dock/Piers:** A structure built out into the water to serve as landing place for boats, including docking/landing facilities and structures built to receive and service ships, boats and other water craft.

**Driveway:** A means of access for vehicles from a road or public alley across a lot or parcel to a parking or loading area, garage, dwelling or other structure or area on the same lot, that is located and constructed in accordance with the requirements of this Ordinance and any requirements of the Iosco County Road Commission or State of Michigan.

**Driveway, Circular:** A residential driveway with two (2) access openings and/or curb cuts on the same frontage. (See Section 6.22, Curb Cuts and Driveways).<sup>10</sup>

**Driveway, Commercial:** A vehicular access to land which is used for industrial or commercial purposes. This includes schools and places of worship. Commercial driveways shall meet the requirements of this Ordinance and any requirements of the Iosco County Road Commission and / or the State of Michigan, if any.<sup>10</sup>

**Driveway, Residential:** A private access road that leads to a dwelling unit, a garage, a carport, a parking space, or to a farm residence and back on to a street by means of the original throat abutting the same street. The driveway shall meet the requirements of this Ordinance and any requirements of the Iosco County Road Commission and / or the State of Michigan, if any.<sup>10</sup>

**Driveway, Throat:** Access-controlled portion of the driveway entrance that helps delineate the driveway and allows space for entering and exiting vehicles. (Michigan Residential Code R-309.4).<sup>10</sup>

**Drive-In:** An establishment which is designed to provide either wholly or in part, service to customers while in their automobiles parked upon the premises.

**Dwelling Unit:** A building, or a portion thereof, designed for occupancy by one (1) family for permanent residential purposes and of a permanent nature. In no case shall a motor home, trailer coach, automobile chassis, tent or portable building be considered a dwelling.

**Dwelling Unit, One-Family:** A building containing not more than one (1) dwelling unit designed for residential use on a single lot or multiple lots which have been combined. <sup>7</sup>

**Dwelling Unit, Two-Family:** A residential building designed exclusively for occupancy by no more than two (2) families, living independently of each other on a single lot.

**Dwelling Unit, Multiple-Family:** A residential building or a group of residential buildings, designed for occupancy by three (3) or more families living independently of each other on a single lot or within a combination of lots. <sup>6</sup> Example of these units include row, townhouse, and apartment buildings.

**Easement:** A legal right held by one (1) person to use the property of another.

**Elderly Housing:** A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons fifty-five (55) years of age or older, or couples where either spouse is fifty-five (55) years of age or older unless otherwise defined by State and/or Federal law as it relates to elderly housing. <sup>9</sup>

**Emergency Temporary Housing:** Transitional housing and shelter for homeless persons or those at risk of becoming homeless. Housing, counseling, group sessions, administrative functions and other related activities that are provided by an agency, public or private, are limited to carrying out the specific needs of the sheltered person(s). Any agency providing emergency housing to the homeless must meet all state and federal guidelines. The total percentage of homes to be used for this purpose shall not exceed one (1) percent in the WR-3 (Wurtsmith Mixed Residential) District.

**Erected:** Includes built, constructed, moved upon or any physical operations on the premises required for the construction. Excavation, fill, drainage and the like, shall be considered a part of erection.

**Essential Services:** Are services provided by public utilities or municipal departments or a comparable service that is only provided on a limited basis by a commercial company that is located within the Township. Essential services include communications, natural gas distribution, propane distribution, electricity distribution, steam distribution, distribution of other fuels, water supply, sanitary sewage collection/treatment or solid waste transfer station activities. Structures, components and appurtenances necessary to provide essential services shall include but may not be limited poles, towers, wires, water mains, drains, sewers, pipe conduits, cables, fire alarm/police call boxes, traffic signals, pump stations, trash compactors, service buildings and office facilities. In order to be deemed an Essential Service, the Planning Commission will recognize and approve such use or structure as being necessary in order to properly furnish an essential service that protects or promotes the health, safety and welfare of the general public. <sup>2</sup>

**Extract:** The act of removing resources from the ground by physical effort.

**Family:**

1. An individual or group of two (2) or more persons related by blood, marriage, or adoption, together with foster children and servants of the principal occupants, with not more than one (1) additional unrelated person, who are domiciled together as a single, domestic, housekeeping unit in a dwelling unit, or
2. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non transient domestic character and who are cooking and living as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

**Family Day Care Home:** A private home registered under Act No. 116 of Public Acts of 1973 in which one (1) but less than seven (7) minor children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. NOTE: Family Day-Care Home means that term as defined in section 1 of 1973 PA 116, MCL 722.111, and only applies to the bona fide private residence of the operator of the family or group day-care home. <sup>10</sup>

**Fence:** A structure consisting of rails, timber, a board, wire, stone or other masonry material, including any combination thereof; and includes gates.

**Flood Zones:** The identified zones within the Township varying from those areas subject to probable inundation by flood water, to those areas in which minimal, if any, flooding may be expected. Zones are those established by the Department of Housing and Urban Development, Federal Insurance Administration in the Flood Insurance Rate maps for the Township and controlled and regulated by separate Township Ordinance.

**Floor Area:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of a building shall be measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basement, unfinished attics, attached garages, or space used for off-street parking, breezeways, enclosed and unenclosed porches, elevators, or stair bulkheads, common hall areas and accessory structures.

**Floor Area, Useable:** That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for restrooms and janitorial service rooms, shall be excluded from this computation of useable floor area. Useable floor area shall be measured from the interior faces of the exterior walls, and total useable floor area for a building shall include the sum of the useable floor area for all floors.

**Freestanding:** To be supported by a structure solely for that purpose and not attached to a building or other service structure.

**Future Land Use Plan:** The graphic and written proposals indicating general future location of public facilities, roads, residential, commercial, industrial areas, parks, and schools adopted by the Planning Commission.

**Garage, Private:** A building designed or used solely for the non-commercial storage of motor vehicles, boats, house trailers, and similar vehicles owned and used by the occupants of the building to which it is accessory.

**Garage, Public:** Any garage other than a private garage, available to the public, operated for gain and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

**Greenbelt (GB):** An open area of unoccupied land covered by natural and indigenous shrubs, trees and designed or maintained in the natural condition.

**Greenway:** A contiguous or linear open space, including habitats, wildlife corridors, and trails, that links parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes. <sup>10</sup>

**Group Day Care Home:** A private home licensed or registered under Act No.116 of the Public Acts of 1973 in which more than six (6) but not more than twelve (12) minor children are given care and supervision for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage, or adoption. It includes a home that gives care to an unrelated minor child for more than four (4) weeks during a calendar year. NOTE: Group Day-Care Home means that term as defined in section 1 of 1973 PA 116, MCL 722.111, and only applies to the bona fide private residence of the operator of the Group Day-Care Home. <sup>10</sup>

**Guest House:** An Accessory Structure, or part of an Accessory Structure, the use of which is to provide basic, temporary, sleeping, eating, bath and toilet facilities for visiting members of the property owner's immediate family or friends of the property owner. Guest Houses shall not be rented and a visitor's stay is limited to no greater than sixty (60) continuous days. <sup>2</sup>

**Gunnery Ranges:** Any open air range constructed with necessary safety precautions, used for practicing and target shooting with hand guns, shotguns or long guns.

**Hard Surface:** Any surface that is impermeable. This includes, but is not limited to: Concrete, asphalt (or similar driveways), paths or other areas paved with a continuous surface or with open jointed slabs, bricks, or similar blocks; or hard-fill driveways that effectively put a physical barrier on the surface of any part of the site. <sup>10</sup>

**Hazardous Substances:** A chemical or other material which is or may become injurious to the public health, safety, or welfare or to the environment.

**Hearing:** An advertised open public meeting at which comments and ideas are solicited from the public.

**Height:** See Building Height.

**High Water Mark:** The line between upland and bottom land which persists through successive changes in water levels, below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil and the vegetation. On an inland lake which has a level established by law, it means the high established level. Where water returns to its natural level as the result of the permanent removal or abandonment of a dam, it means the natural ordinary high water mark.

**Home Business:** Any type of business or profession conducted in a dwelling or on the premises of a dwelling as an incidental use undertaken for financial purpose. A home business is clearly incidental and subordinate to its use for residential or agricultural purposes and is owned and operated by inhabitants of the property. The home and its yard shall not alter the residential appearance of the neighborhood, home and/or property.

**Home Occupation:** Any type of occupation or profession conducted in a dwelling or on the premises of a dwelling as an incidental use. Such items as signs (except as provided for in Section 3.3.1.1), displays, excessive traffic, storage, noise, fumes, etc., are not allowed. The home and its yard shall not alter the residential appearance of the neighborhood, home and/or property. A Home Occupation Permit is required in accordance with Section 6.23 of this ordinance, and/or its current version if amended. <sup>10, 245</sup>

**Hospital:** A building or portion thereof used for the treatment of sick, injured or infirm persons, and licensed as a hospital by the State of Michigan.

**Hotel:** An establishment containing lodging rooms for occupancy by transient guests, but not including a boarding or rooming house. Such an establishment provides customary hotel services such as maid and bellboy services, furnishing of and laundry of linens used in the lodging rooms, and central desk with telephone.

**Impoundment/Tow Yard:** The property that a towed/impounded vehicle is hauled to and temporarily stored. Storage of a vehicle or impound vehicle cannot be for longer than twelve (12) months. Thereafter, the vehicle must be permanently removed from the premises. Impound/Tow yards will maintain and provide documentation upon a reasonable authorized agency's request of the records pertaining to the storage of vehicles on the premise to ensure that the ordinance is being followed.

**Improvements:** Those features and actions associated with a project that are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a local unit of government and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements do not include the entire project that is the subject of zoning approval. <sup>10</sup>

**Independent Housing Facilities:** a multiple family residential development for persons needing little or no personal assistance, which provides independent living /dwelling units for the exclusive use of the occupants, whether or not group meals or other convenience services are provided. The term "Senior Housing" or "Housing for the Elderly" shall mean the same.

**Intensity of Development:** The height, bulk, area, density, setback, use, and their similar characteristics of development. Michigan Zoning Enabling Act of 2006 Art I: General Provisions P. A. 110 of 2006, as amended; M.C.L. 125.3101 et seq. Page 6 of 40 (Enrolled House Bill No. 4398 (2005)) Effective July 1, 2006. This copy printed: April 24, 2006. <sup>10</sup>

**Junk:** Any motor vehicles, machinery, appliances, products, or merchandise with parts missing, or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use or purpose for which they were manufactured.

**Junk Yard:** Includes automobile wrecking yards and salvage areas and includes any area of more than five hundred (500) square feet for the storage, sale, processing, keeping or abandonment of automobiles or other vehicles or machinery or parts thereof for profit, but does not include uses established entirely within enclosed buildings.

**kennel, Commercial:** Any structure or premises on which three (3) or more dogs and/or cats are boarded for compensation or offered for sale.

**Lake:** A body of water of considerable size (usually five (5) acres or more) surrounded by land.

**Legislative Body:** Means the county board of commissioners of a county, the board of trustees of a township, OR the council of a city or village, or other similar duly elected representative governing body of a county, township, city, or village. <sup>10, 13</sup>

**Livestock:** Means dairy and beef cattle, goats, horses, sheep, hogs, poultry, game birds, and other animals which are maintained generally for commercial sales.

**Local Unit Of Government:** A county, township, city, or village. <sup>10</sup>

**Loading Space:** Off-street space on the same lot with a building or group of buildings, for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**Lot:** Land described in a recorded plat or by metes and bounds description, occupied, or to be occupied, by a principal building or buildings and Accessory Structures, or utilized for the principal use or uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance.

**Lot of Record:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County officials and which actually exists as so shown, or any part of such parcel held in record ownership separate from that of the remainder thereof.

**Lot Area:** The total computed area contained within the lot lines.

**Lot, Corner:** A lot abutting two (2) or more roads, at their intersection, or upon two (2) parts of the same road meeting to form an interior angle of less than one hundred thirty-five (135) degrees. Yard areas adjoining roads shall be treated as a front yard. Yard area behind the house and towards the interior lot lines shall be treated as side yards (see definition of "Yard," below<sup>8</sup>).<sup>2</sup>

**Lot Coverage:** The portion or area of a lot that may be covered by principal and / or Accessory Structures as governed by this Ordinance.

**Lot Depth:** The horizontal distance between the front and rear lot line, measured along the median between side lot lines.

**Lot, Flag:** A lot whose access to a public street or private road is by a narrow, private right-of-way that is part of the lot.

**Lot, Interior:** A lot other than a corner lot. (See definition of "Yard"<sup>8</sup>)

**Lot Line:** The property lines bounding a lot or parcel.

**Lot Line, Front:** The line dividing a lot from a street or when the property adjoins water or has a view of the water the area that is water front or water view will be the front side of the property.

**Lot Line, Rear:** The lot line opposite the front lot line and most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, it shall mean a line within the lot, ten (10) feet long, parallel to and at the maximum distance from the front lot line.

**Lot Line, Side:** Any lot line other than a front or rear lot line.

**Lot Split:** The legal dividing of a lot or parcel of land.

**Lot, Through:** An interior lot having frontage on two (2), more or less, parallel public streets and/or private roads.

**Lot Width:** Interior lots - The distance between side lot lines, as measured midway between the front and rear lot lines.<sup>6</sup> Corner lots - The distance between midway points of the longest front yard lot line and the opposite side lot line.<sup>8</sup> (NOTE: This method is not used to determine property setbacks or frontage).<sup>11</sup>

**Lot, Zoning:** A single tract of land, located within a single block which, at the time of filing for a building permit, is designated by its owner or developed as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this Ordinance with respect to area, size, dimensions and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include one (1) or more lots of record.

**Manufactured Home:** A factory built, single-family dwelling that meets the national manufactured Home Construction and Safety Standards Act, commonly known as the HUD (U.S. Department of Housing and Urban Development) Code.

**Marginal Access Drive:** A service street that runs parallel to a higher-order street which, for purposes of safety, provides access to abutting properties and separation from through traffic. It may be designed as a residential access street or sub collector as anticipated daily traffic dictates.

**Marina:** A boat basin or commercial business offering dockage, sales, and other service for small water craft.

**Master Deed:** The condominium document recording the condominium project to which are attached, as exhibits and incorporated by reference, the approved bylaws for the condominium project and the condominium plan for the project. The master deed shall include all the information required by Act 59 of 1978.

**Mixed Use (MU) Zoning District<sup>11</sup>:** A deliberate mix of housing, civic uses, and commercial uses, including retail, restaurants, and offices.<sup>11</sup>

**Mobile Home:** A manufactured single family dwelling or an integral part so constructed that it may be transported from one site to another, temporarily or permanently affixed to real estate, made up of one or more components, and constructed with the same or similar electrical, plumbing, heating and sanitary facilities as onsite constructed housing, and built subsequent to the enactment of the Federal Manufactured Housing and Construction Safety Act of 1974 (effective June 15, 1976).<sup>10</sup>

**Motel Resort:** A series of attached, semi-detached or detached rental units containing one (1) or more bedrooms, bathrooms, closet space, and optional accessory rooms. Units shall provide overnight lodging and are offered to the public for compensation, and shall cater to the public.

**Motor Home:** A self-propelled, licensed vehicle prefabricated on its own chassis, intended for recreational activities and temporary occupancy.

**Motor Vehicle:** Means every vehicle that is self-propelled, but does not include industrial equipment such as a forklift, a front-end loader, or other construction equipment that is not subject to registration. Motor vehicle does not include an electric personal assistive mobility device. (Michigan Vehicle Code, Act 300 of 1949)



**Natural Resources Commission:** The commission established pursuant to Public Act 17 of 1921, as amended, and charged with the responsibilities described therein and other laws adopted thereafter, including the Natural River Act of 1970.

**Natural River /District:** The area affected by these regulations, which are designed to preserve and enhance the AuSable River, a river designated as a "natural river" in accord with Public Act 231 of 1970.

**Non-Conforming Building:** A building or portion thereof; lawfully existing at the effective date of this Ordinance or amendments thereto and that does not conform to the provisions of this Ordinance relative to height, bulk, area or yards for zoning districts in which it is located.

**Non-Conforming Lot of Record (Substandard Lot):** A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

**Non-Conforming Use:** A use or portion thereof, lawfully existing at the effective date of this Ordinance or amendments thereto, and that does not conform to the provisions of this Ordinance relative to permitted principal uses or uses for the zoning district in which it is located.

**Nursing Home, Rest Home or Convalescent Home:** A facility other than a hospital, having as its primary function the rendering of nursing care for extended periods of time to persons afflicted with illness, injury, or an infirmity. (Also referred to as a Convalescent Home).

**Occupancy, Certificate of:** A document issued by the County Building Department certifying that the described property may be legally occupied.

**Office:** A room or suite of rooms used for the practice of a profession or for the conduct of a business which does not involve the sale of goods from the premises. The term does not include a personal service shop. If the goods or merchandise are sold for delivery on or from the premises otherwise than as a customary incident to the principal office use, then the premises shall be considered to be a store rather than an office.

**Open Space:** Any unoccupied space open to the sky on the same lot with a building.

**Ordinary High Water Mark:** The mark as determined by a state registered land surveyor that is between upland and bottom land which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface of the soil, and the vegetation.

**Other Eligible Land:** Land that has a common property line with agricultural land from which development rights have been purchased and is not divided from that agricultural land by a state or federal limited access highway. <sup>10</sup>

**Outhouse:** Privy or any toilet not connected to a septic system or sewer system.

**Overlay Zoning District:** A zoning district that encompasses one (1) or more underlying zones and that imposes additional requirements above that required by the underlying zone.

**Owner:** Shall mean any person or persons, natural or corporate, owning a legal or equitable title to the land.

**Pads:** Structural units of varied shapes and sizes generally placed parallel with the land and used for the placement of structural supports for the location of mobile structures.

**Parapet:** A structural extension above the main wall or roof.

**Park:** A tract of land, designated and used by the public for active and passive recreation.

**Parking Space:** An area of definite length and width; said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

**Patio:** An area usually paved, adjoining a dwelling unit, used for outdoor activity.

**Paving:** Any hard surface material such as asphalt, concrete, brick, and/or paving block (pavers) or similar material. (See Hard Surface definition) <sup>10</sup>

**Permit:** A legal form provided by a government unit.

**Permit, Land Use:** A document issued by the Zoning Administrator certifying that an individual is operating in accord with the Zoning Ordinance and giving the right to proceed with securing a building permit as long as the action is as stated on the permit. Land Use Permits and applicable site plans are required for residential driveways and before building, moving or altering any structure, before adding to any existing structure, or before replacing an existing structure with a new structure. <sup>10</sup>

**Permit, Special Use:** A permit issued by the Planning Commission to a person or persons intending to undertake the operation of an activity upon land or within a structure specifically permitted as such pursuant to standards and procedures established in Article 9.

**Permit, Temporary Use:** A Temporary Use Permit is required for, but not limited to, the following limited duration activities: Christmas tree sales, pumpkin sales, fruit and vegetable stand sales, and other similar uses which may operate at limited times during the year or throughout the year on an annual basis. This requirement also applies to supermarkets, convenience and hardware stores, etc. that propose to locate Christmas Trees or other seasonal sales uses outside of their building (e.g. parking lots or other outdoor display locations). (Section 6.29)<sup>10</sup>

**Person:** Means an individual, partnership, corporation, association, governmental entity, or other legal entity.<sup>13</sup>

**Pets:** Means cats, dogs, pigeons, rabbits and other similar animals not specified as livestock nor maintained generally for commercial sales.

**Place of Worship/Church:** A building primarily designed and constructed for organized religious services, maintained and controlled by a religious body organized to sustain public worship, together with all accessory structures and uses customarily associated with such primary purpose.<sup>3</sup>

**Planned Unit Development:** An area of a minimum contiguous size, as specified by this Ordinance to be planned, developed, operated and maintained as a unified project and single entity for a group of structures and a number of dwelling units primarily for residential use, the Plan for which does not correspond in lot size, bulk, or type of dwelling, density, lot coverage or required open space to the regulations in any one (1) residential district established by other chapters of this Ordinance.

**Planning Commission:** The Planning Commission of the Charter Township of Oscoda as duly created under the Township Planning Act, 1959 PA 168, MCL 125.321 to 125.333, or the Michigan Planning Enabling Act, 2008 PA 33, MCL 125.3801 to 125.3885, as amended, and given certain powers and duties under this ordinance in accordance with the Township Zoning Act, 1943 PA 184, MCL 125.271 to 125.310 and the Michigan Zoning Enabling Act, 2006 PA 110, MCL 125.3101 to 125.3702, as amended.<sup>13</sup>

**Plat:** A map of a subdivision of land recorded with the Register of Deeds pursuant to the Subdivision Control Act, Act 288 of 1967.

**Pond:** A body of standing water of one (1) acre or less, often artificially formed.

**Population:** The population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil State Revenue Sharing Act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.<sup>10</sup>

**Premises:** Any lot or parcel of land owned or occupied by any person, vacant or improved with any structure or building or public lands or public right-of-way or easement.

**Professional Services<sup>6</sup>:** An entity that is organized for the purpose of providing professional services by individuals that hold a higher education degree and a state license that is applicable and associated with the learned professional service that is being offered. A higher education degree is one that has been granted by an accredited college or university. Examples of professional services are Engineering, Architecture and Lawyer.

**Public Building:** Buildings that are financed largely by public funding and are available for public uses, as distinguished from buildings that are government financed but are intended for private use such as public housing.

**Public Utility:** Any person, firm or corporation, municipal department, board, or commission duly authorized to furnish and furnishing under federal, state or municipal regulation to the public, gas, steam, electricity, sewage disposal, communications, telegraph, transportation, or water.

**Recreation, Public:** Any recreational space or structure owned by the public or any space and structure or combination thereof, privately owned, and publicly used consisting primarily of the utilization of natural physical features as the basis for said use. (Structures and artificial apparatus being secondary to the primary outdoor use).

**Recreational Vehicles:** As used in this Ordinance, Recreational Vehicles are defined as but not limited to, Pop-up Tent Campers, Pickup Campers, Travel Trailers, all Motor Homes, ATVs, snowmobiles, utility trailers, motorcycles, motor bikes, and water craft.

**Recreational Vehicle Park:** All lands and structures which are owned and operated by a governmental agency, private individuals, a business or corporation which are predominantly intended to accommodate recreational vehicles and provide for outdoor recreational activities.

**Recycling Center:** A facility at which recyclable materials, as defined in Michigan Public Act 451 of 1994, as amended, are separated and processed prior to shipment to others who will use the materials to manufacture new products.<sup>252</sup>

**Recycling Collection Station:** A facility for the collection and temporary storage of non-putrescible recyclable materials commonly found in household waste, prior to shipment to a recycling center for processing.<sup>252</sup>

**Re-occupancy, Building:** The re-use of an existing space in a building for a similar purpose that the existing zoning allows. (Section 10.1(C), Site Plan Review)<sup>10</sup>

**Retention Basin:** A holding area for storm water, either natural or constructed, which does not have an outlet. Water is removed from retention basins through filtration and/or evaporation process, and may or may not have a permanent pool of water.

**Restaurant:** An establishment in which foods, refreshments or beverages are offered for sale for consumption in the building in which the establishment is located or at tables situated on the lot upon which the establishment is located. If any portion of the food, refreshments or beverages are sold for consumption in automobiles parked on the lot upon which the establishment is located or on an adjoining lot, the establishment shall be considered to be a drive-in restaurant.

**Right-of-Way [ROW]:** A legal right of passage over another person's property which can be land occupied or used by public utilities, railroads or public roads, streets or highways.

**River:** A considerable natural stream of water flowing in a definite course or channel.

**River's Edge:** Means the ordinary high water mark

**Road:** A public or private thoroughfare used, or intended to be used, for passage or travel by motor vehicles. For purposes of this Ordinance, roads shall be defined to also include the term streets. Streets are further classified by the functions they perform.

1. *Local (minor) streets:* Streets primarily designed to provide access to immediately adjacent properties. Through movement may be possible, but is not encouraged by operational controls; it may be impossible in the case of cul-de-sacs. Part of the street width is usually allocated to vehicle parking without restrictions, although special snow emergency parking prohibitions may be necessary. Each abutting property may have a driveway connection to the street.
2. *Collector (secondary) streets:* Streets primarily designed to provide access to abutting land parcels, and also enable moderate quantities of traffic to move expeditiously between local streets and the major street network.
3. *Major (primary) streets:* Streets primarily designed for the efficient movement of through traffic. Current examples of a Major Street are: US-23, M-65, F-41, River Road, Cedar Lake Road and Lake Street. <sup>6</sup>

**Rooming House:** A single-family dwelling where more than two (2) but less than six (6) rooms for lodging, are provided for compensation by pre-arrangement and for definite periods of time but which is not open to transient guests. The term shall not include residence clubs.

**Row or Townhouse Building:** A structure comprised of dwelling units constituting a multiple family dwelling as defined herein. <sup>9</sup>

**Runoff:** The water that flows across the land without seeping into the ground following a rain, snow melt or irrigation.

**School:** An educational institution under the sponsorship of a private or public agency providing elementary, secondary or post secondary curriculum, and accredited or licensed by the State of Michigan; but excluding profit-making private trade or commercial schools such as karate schools, dance schools or truck driving schools.

**Senior Housing:** See definition of "Elderly Housing."

**Service Station:** Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, or repair of motor vehicles is conducted or rendered including the dispensing of motor vehicle fuel or other petroleum products directly into motor vehicles and also permitting the sale of accessories or equipment. A service station may include general retail sales and restaurant facilities.

**Setback:** The minimum unoccupied distance as measured from a lot line or between structures, as required herein. <sup>3</sup>

**Setback, Front:** The minimum required unoccupied distance, extending the full lot width, as measured from the front lot line. <sup>3</sup>

**Setback, Rear:** The minimum required unoccupied distance, extending the full lot width, as measured from the rear lot line. <sup>3</sup>

**Setback, Side:** The minimum required unoccupied distance, extending from the front setback to the rear setback, as measured from the side lot line(s). <sup>3</sup>

**Sight-Proof Screening:** An enclosure which provides a visual barrier between adjacent property and the area enclosed and shall contain no advertising on it.

**Sign:** See Article III.

**Site Plan:** Includes the documents and drawings required by the zoning ordinance to insure that a proposed land use or activity is in compliance with local ordinances and state and federal statutes. <sup>10</sup>

**Small Engine:** All small engines with the exception of motor vehicles and watercraft.

**Solar Energy Device:** A mechanism or series of mechanisms designed primarily to collect, convert, transfer or store for future use solar, wind, or water energy for the purposes of heating, cooling, or electric supply but not those parts of a heating, cooling, or electric supply system that would be required regardless of the energy source being utilized.

**Stable, Commercial:** A structure and/or land use where livestock <sup>3</sup> are bred, reared, trained and/or boarded for remuneration.

**Stable, Private:** An accessory structure and/or use where livestock <sup>3</sup> are kept for private use by the occupants of the parcel and are not for hire, remuneration or sale.

**State Licensed Residential Facility:** A structure constructed for residential purposes that is licensed by the state under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737, or 1973 PA 116, MCL 722.111 to 722.128, and provides residential services for 6 or fewer persons under 24-hour supervision or care. <sup>10</sup>

**Storm Water Facilities:** All facilities, areas, and structures which serve to convey, store, or receive storm water, either on a temporary or permanent basis.

**Story:** That 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 space between the floor and the ceiling next above it. A story thus defined, shall not be counted as a story when the space meets the definition of a basement.

**Stream:** A small, usually regular, natural flowage of water.

**Street:** See "Road."

**Structure:** Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground For the purposes of this Ordinance, the term "Structure" includes, but is not limited to, buildings, fences, signs, billboards, walls, mobile homes, principal residences, Accessory Structures, and dwellings. <sup>10</sup>

**Structure, Temporary:** A structure which is readily moveable and which utilizes wood, plastic, aluminum, PVC, or other similar types of construction / support material and is covered with canvas, plastic, or similar non-rigid materials of limited durability. <sup>10</sup> This does not include metal or polyethylene resin structures specifically designed and manufactured for use as a tool or garden shed. <sup>13</sup>

**Swimming Pool:** A water filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

**Technical Services:** An entity providing uses relating to electronics, computers, communications, and technology. Technical Services may include implementation, trouble call repair services, equipment sales, etc. Examples are testing and training for computer software applications and health care equipment. <sup>7</sup>

**Thoroughfare, Major:** See the definition for "Road, {Major (Primary) Streets}."

**Towing or Wrecker Service** means a person or entity engaged in the business or offering the services of a vehicle wrecker or towing service, whereby disabled or impounded motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker or truck so designed for that purpose.

**Truck Stop:** Any building, premises or land in which or upon which a business, service or industry involving the maintenance, servicing, storage or repair of commercial vehicle is conducted or rendered including the dispensing of motor vehicle fuel or other petroleum products directly into motor vehicles, the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may include general retail sales and restaurant facilities. It may also occasionally include overnight accommodations solely for the use of truck crews.

**Truck Terminal:** Any building, premises or lands where cargo is stored and where trucks load and unload cargo on a regular basis.

**Undeveloped State:** A natural state preserving natural resources, natural features, scenic or wooded conditions, agricultural use, open space, or a similar use or condition. Land in an undeveloped state does not include a golf course, but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. <sup>10</sup>

**Use:** The purpose for which land or a building is designed, arranged, or intended or for which land or a building may be occupied.

**Use, Accessory:** A use which is subordinate to and serves a principal building or principal use; is subordinate in purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and is located on the same parcel as the principal building or principal use served with the exception of such accessory off-street parking facilities as are permitted to locate on the same zoning lot with the building or use served.

**NOTE:** Within residential zoning districts, "Accessory Structures" are allowed only on residential property that has an existing principal use structure or on a vacant parcel that is combined with an adjacent parcel that has an existing principal use structure. <sup>10</sup>

An accessory use includes, but is not limited to, the following:

1. Residential accommodations for servants and/or caretakers.

2. Swimming pools for the use of the occupants of a residence, or their guests.
3. Domestic or agricultural storage in a barn, shed, tool room, or similar Accessory Structure or other structure.
4. A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
5. Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
6. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
7. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.
8. Uses clearly incidental to a main use such as, but not limited to: offices of an industrial or commercial complex located on the site of the commercial or industrial complex.
9. Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located.
10. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

**Use, Principal:** The main use to which the premises are devoted and the principal purpose for which the premises exists.

**Use, Special:** A use permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as specified in the Zoning Ordinance and authorized by the approving agency.

**Variance:** A modification of the provisions of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in a practical difficulty or unnecessary hardship.

**Vehicle<sup>11</sup>:** Means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices exclusively moved by human power or used exclusively upon stationary rails or tracks and except, only for the purpose of titling and registration, a mobile home as defined in section 2 of the mobile home commission act, Act No. 96 of the Public Acts of 1987, being section 125.2302 of the Michigan Compiled Laws. <sup>11</sup> (Michigan Vehicle Code, Act 300 of 1949)

**Vehicle impoundment** is the legal process of placing a vehicle into an impoundment lot or tow yard, which is a holding place for vehicles until they are placed back in the control of the owner, recycled, stripped of their parts at a wrecking yard, or auctioned off for the benefit of the impounding agency. "Vehicle Impoundment" is the permitted outside storage of impounded vehicles which includes, but is not limited to automobiles, trucks, semi tractors, trailers, vessels, and similar vehicles that are abandoned, disabled, wrecked or unlicensed.

**Waste Disposal:** Includes recycling plants, scrap metal storage, settling ponds, and includes operations oriented toward the processing, storage, or burial of waste.

**Wetland:** Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life which is commonly referred to as a bog, swamp, fen, marsh or wet meadow and which is regulated by the Michigan Department of Environmental Quality.

**Wild Animal:** Any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), rodents, any hybrid animal that is part wild, and captive-bred species of common cage birds.

**Yard:** An open space on the same lot with a building, unoccupied, and unobstructed from the ground upward, except as otherwise provided herein. The measurement of a yard shall be constructed as the minimum horizontal distance between the lot line and the building line.

**Yard, Front:** An area extending across the front of a lot between the side lot lines and measured between the front line of the lot and the nearest point of the main building or land use. In the case of a "through lot," there shall be two (2) such front yards. When the property adjoins water or has a view of the water the area that is water front or water view will be the front side of the property. <sup>11</sup>

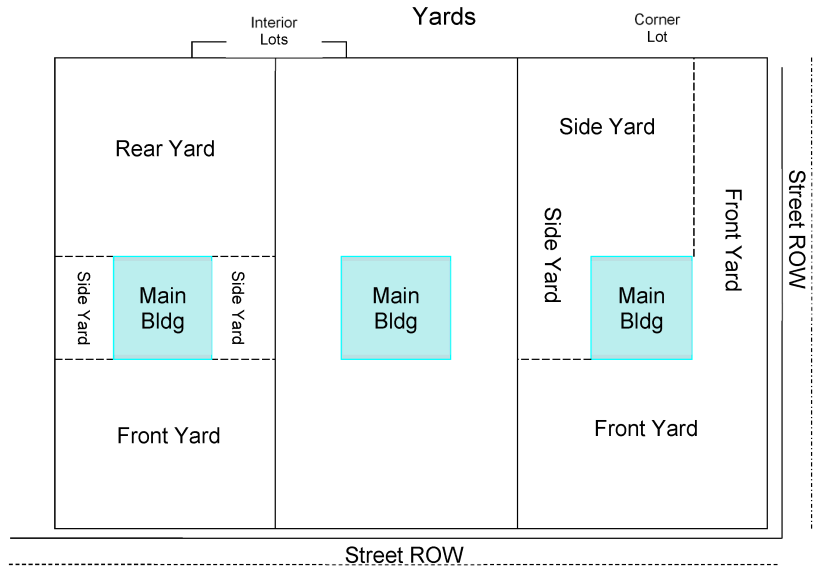
**Yard, Rear:** An open space on the same lot with a main building unoccupied, except as herein permitted, extending the full width of the lot and situated between the rear line of the lot and rear line of the building projected to the side lines of the lot. The depth of the rear yard shall be measured between the rear line of the lot to the nearest point of the building.

**Yard, Side:** An open unoccupied space on the same lot with the building, situated between the nearest point of the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a front or rear line shall be deemed a side line.

**Zoning Administrator:** Appointed officer of the Charter Township of Oscoda by the Township Board to effect proper administration and enforcement <sup>11</sup> of this Ordinance.

**Zoning Board:** (Deleted) <sup>10, 13</sup>

**Zoning Jurisdiction:** Means the area encompassed by the legal boundaries of a city or village or to the area encompassed by the legal boundaries of a county or township outside the limits of incorporated cities and villages. The zoning jurisdiction of a county does not include the areas subject to a township zoning ordinance. <sup>10,13</sup>



(Amd. of 2-9-2017; Amd. of 7-26-2018; Amd. of 2-17-2019; Amd. of 12-12-2019; Amd. of 12-26-2019)

ARTICLE III - SIGNS

*Footnotes:*

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**Editor's note**— An ordinance of June 21, 2021, amended the Code by repealing former Article III, §§ 3.1—3.7, and adding a new Article III. Former Article III pertained to similar subject matter, and derived from Zoning Ordinance 165, as amended through November 29, 2016, including changes 1, 3, 8, 10, 11, and 13 on the Record of Changes found at the beginning of this Code.

Section 3.1 - Purpose:

These regulations are intended to balance public and private interests by permitting signs and other displays that are needed for the purposes of identification or advertising, subject to the following objectives:

**Public Safety:** By reason of their size, location, spacing, construction or manner of display, signs shall not endanger life or limb, confuse, or mislead motorized or non-motorized traffic, obstruct vision necessary for traffic safety, or otherwise endanger the public health or safety.

**Community Concerns:** Signs should enhance the appeal of the Township (including the preservation of its historic and cultural resources and scenic areas). Thus, these regulations are intended to:

1. Regulate oversized signs that are out-of-scale with surrounding buildings and structures.
2. Prevent an excessive accumulation of signs which cause visual clutter
3. Prevent blight.

**Free Speech:** These regulations are intended to ensure that the constitutionally guaranteed right of free speech is protected and allow signs as a means of communication.

(Ord. of 6-21-2021)

Section 3.1.2 - Scope of Requirements

It shall be unlawful for any person, firm, or corporation to erect, construct, or alter any sign in Charter Township of Oscoda except in conformance with the provisions of this Article, subject to issuance of a permit, except as otherwise provided herein.

(Ord. of 6-21-2021)

### Section 3.2 - Definitions:

For the purpose of this Article, the following definitions shall apply (see illustrations):

**Accessory Sign:** An on-premises sign which pertains to the use of the premises on which it is located.

**Animated Sign:** A sign that uses lights, moving parts or other means to depict action, create an image of a living creature or person, or create a special effect or scene.

**Awning Sign:** A sign which is painted or attached directly to an awning.

**Balloon Sign:** A balloon sign is an inflatable device that is designed for use as an on-premises advertising device for a commercial promotion event. Unlike inflatables, balloons retain their shape due to the insertion of helium or other lightweight gas, which allows the device to be suspended in midair independent of any structure other than that which keeps the device from floating away.

**Banner Sign:** A sign made of fabric, cloth, paper, or other non-rigid material. A feather banner is a type of banner sign comprised of a metal or plastic frame, pole, and/or base to which a vinyl, nylon, canvas, or polyester fabric sign face is attached.

**Banner Sign**



**Feather Banner**



**Billboard:** A sign, other than off-premises directional, real estate, or political signs, which does not pertain to the principal use of the premises on which it is located.

**Bulletin Board:** A type of manual changeable copy sign which displays changeable copy that may include the name of an institution, school, library, community center, fraternal lodge, golf course, country club, park, or other recreational facility, and which displays announcements of its services and activities upon the premises.

**Canopy Sign:** A sign which is painted or attached directly to a canopy.

**Changeable Message Sign:** A sign which by its description or nature allows for the periodic changing of static sign copy through mechanical or electrical means. For the purposes of this section, a sign which displays the time and/or temperature shall be considered a changeable message sign.

**Community Special Event Sign:** An event that has community wide interest, and not limited to educational, cultural, religious, or social consciousness purposes.



**Construction Sign:** A non-permanent on-site sign located on a site where construction is taking place, which includes, but is not limited to, the identification of the designer, contractors and sub-contractors, and material suppliers participating in construction on the property on which the sign is located.

**Contiguous:** Sharing a common boundary.

**Decorative Display:** A decorative, non-permanent display designed for the entertainment or cultural enrichment of the public and having no direct or indirect sales or advertising content.

**Development Entry Sign:** A sign which identifies the name of a residential development or the developer or the type of residential structure included in the development, and which is harmonious in appearance with that of the vicinity.

**Directional Sign:** An on-premises sign which is located and sized in a manner to safely and efficiently direct the flow of vehicular and pedestrian traffic to, from and within a development site.

**Directory Sign:** A sign listing only the name(s) of tenants or occupants of a building, group of buildings, and/or business district, their professions or business activities, and their direction or location.

**Electronic Display Sign:** A sign that uses changing lights to form a sign message or messages in text or graphic or video display from wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic process. As used in this Article, the following definitions shall apply to electronic display signs:

1. **Electronic Changeable Copy Sign:** A sign on which the message changes automatically through the use of electronic display technology. Electronic changeable copy signs may include, but are not limited to time and temperature signs, a business bulletin board or other changeable copy sign. Electronic changeable copy signs do not include electronic graphic display signs (e.g., static pictures, with or without text) or video display signs (e.g., moving pictures with or without text) or multi-vision signs. The following graphic is an example of an electronic changeable copy sign.



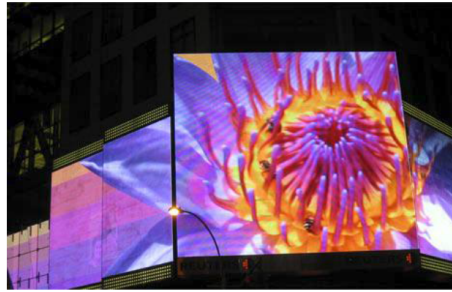
2. **Electronic Graphic Display Sign:** A sign or any portion of a sign that displays static electronic images, including static graphics or pictures with or without alphanumeric characters or symbols (e.g., text), by using electronic display technology, in which the message change sequence is immediate or by means of fade, repixelization or dissolve modes. An electronic graphic display sign may be combined with an electronic changeable copy sign. The following are examples of an electronic graphic display sign.



3. **Video Display Sign:** A sign that displays a message or background characterized by motion, movement, or pictorial imagery to depict



action or a special effect that imitates movement through the progression of frames that give the illusion of motion. Video display signs may or may not include text, moving objects, moving patterns or bands of light, or expanding or contracting shapes. Video display signs use electronic display technology and may be combined with an electronic changeable copy sign. The following are examples of video display signs.



4. **Multi-vision or Tri-Vision Sign:** A sign composed of a series of vertical or horizontal slats or cylinders that are designed to rotate at intervals so that each rotation of the group of slats or cylinders produces a different image or message (or the same image or message) and allows the display of one of two or more images on a single sign structure and at any given time. The following are examples of multi-vision signs.



**Electronic Display Technology:** Electronic display technology (EDT) includes any portion of a sign that contains alphanumeric characters, graphics or symbols that are defined by a small number of matrix elements using different combinations of light emitting diodes (LED), fiber optics, light bulbs, or other illuminating devices within the display area. Electronic display technology uses computer-programmable, microprocessor-controlled devices that display and project images and messages onto the sign face.

**Festoon:** A string of ribbons, tinsel, small flags, pinwheels, or lights, typically strung overhead in loops.

**Flag:** A sign on cloth, fabric, or other durable, flexible material of any kind that is attached to a permanent conforming pole.

**Flashing Sign:** A directly or indirectly illuminated sign, or portion of a sign, in which the light, light intensity or color changes rapidly and intermittently so as to appear to flash, chase, shimmer, zoom, twinkle or sparkle.

**Free Standing Sign:** A sign, the principal support of which is independent of any building.

**Ground Sign:** A three-dimensional, self-supporting, base-mounted freestanding sign, consisting of two (2) or more sides extending up from the base, and upon which a message is painted or posted. A ground sign may also consist of a base-mounted cylindrical structure upon which a message is painted or posted.

**Illegal Sign:** A sign that does not meet the requirements of this Article and which has not received legal nonconforming status.

**Incidental Sign:** A small sign, emblem or decal designed and located to be read only by people within the site and generally not visible or legible from the road right-of-way or adjacent properties. Examples of incidental signs include, but are not limited to, credit card signs, signs indicating the hours of business, no smoking signs, signs used to designate bathrooms, barrier-free signs, traffic control signs that conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices, signs providing information on credit cards and business affiliations and other signs that provide information to read nearby.

**Major Street:** Streets primarily designed for the efficient movement of through traffic. As classified by the National Functional Classification (NFC) as either Freeway, Arterial or collector. Current examples of a Major Street are: US-23, M-65, F-41, River Road, and Cedar Lake Road.

**Mansard:** A sloped roof or roof-like façade. Signs mounted on the face of a mansard roof shall be considered wall signs.

### Marquee Sign



**Marquee Sign:** A sign attached to or hung from a marquee, canopy, or other structure projecting from and supported by the building and extending beyond the building wall.

**Monument Sign:** A sign extending upward from grade not more than five (5) feet which is attached to a permanent foundation for a distance not less than fifty (50) percent of its length, and which may be attached or dependent for support from any pole, posts, or similar uprights provided such supports are concealed within the sign structure.

**Moving Sign:** A sign in which the sign itself or any portion of the sign moves or revolves. A "rotating sign" and a "revolving sign" are types of moving signs. Such motion does not refer to the method of changing the message on the sign.

**Mural:** A non-commercial design or representation which is painted or drawn on the exterior surface of a structure and/or any ground surface and which does not advertise a commercial business, product, service, or activity.

**Nameplate:** A non-electric on-premises identification sign giving only the name, address, and/or occupation of an occupant or group of occupants.

**Neon/Tubing Sign:** A sign consisting of glass tubing, filled with a gas such as neon, which glows when electric current is sent through it or uses light through a tube for illuminances.

### Non-commercial Message Sign

1. **Ideological Sign:** A sign expressing an opinion or other non-commercial point-of-view.
2. **Community Special Event Sign:** See definition.

**Non-Permanent Sign:** Any advertising device intended for a limited period of display.

**Obsolete Sign:** A sign that is no longer an on-premises commercial advertising sign because the sign advertises a product that is no longer made, information that is out of date or advertises a business that has closed.

**Off-Premises Sign:** A sign which directs attention to a use, business, commodity, service, or activity not conducted, sold, or offered upon the premises where the sign is located. Billboard.

**On-Premises Sign:** A sign which identifies the occupant of the premises or relates solely to the use, business or profession conducted, or to a principal commodity, service or entertainment sold, offered, or provided upon the premises.

**Portable Sign:** A sign designed to be moved easily and not permanently affixed to the ground or to a structure. This also includes signs worn or carried by a person.

**Portable Message Center Sign:** A sign designed to be transported easily and not permanently affixed to the ground or to a structure. A portable message center sign includes a manual and electronic graphic display sign, a video display sign or multi-vision/tri-vision sign that may be displayed or affixed to a movable object such as but not limited to a car, truck, trailer, or similar transportation device. The following are examples of a portable message center sign:



**Premises:** A unit of contiguous real property under common ownership.

**Projecting Sign:** A sign which is affixed to any building or structure, other than a marquee, awning, or canopy.

**Public Sign:** A non-commercial message sign erected in the public interest by or upon orders from a local, state, county, or federal public official. Examples of public signs include, but are not limited to, legal notices, safety signs, traffic signs, memorial plaques, signs of historical interest, and similar signs.

**Real Estate Development Sign:** A commercial sign that is designed to promote the sale or rental of lots, homes, or building space in a real estate development (such as a subdivision or shopping center) which is under construction on the parcel on which the sign is located.

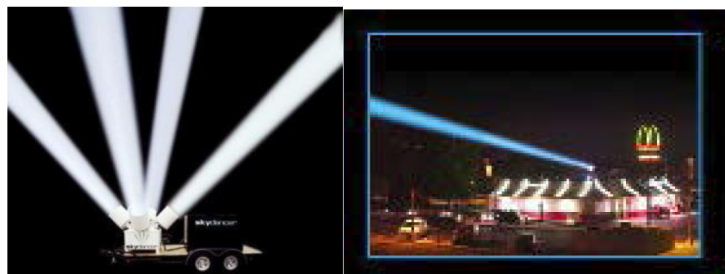
**Real Estate Sign:** A sign which advertises the sale, rental or lease of land or building.

**Roof Sign:** Any sign which is attached to a building and any part of which extends more than one (1) foot above the top line of the building silhouette.

**Sandwich Board Sign:** An "A-frame" shaped sign that consists of two sign boards that are hinged together at the top and on which the message has been factory-imprinted, handwritten, or displayed using manual changeable copy display.



**Search lights (portable):** A search light, sometime referred to as a spotlight, is a sign that is intended to visually communicate or attract the public's attention to a location for the purpose of promoting a specific on-premises commercial sale and/or event.



**Sign:** A sign is any announcement, declaration, display, billboard, illustration, and insignia when designed and placed so as to attract general public attention and shall include the use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known and visible to the general public such as are used to show an individual firm, profession, business, or business location, and also any banner, bulbs, or other lighting devices, streamer, pennant, balloon, propeller, flag (other than the official flag of any nation or state) and any similar device of any type or kind whether bearing lettering or not.

**Sign Copy:** Portion of a sign which describes the business or service establishment, including, but not limited to, the name, type of and nature of said establishment.

**Sign, Accessory:** A sign which pertains to the principal use of the premises.

**Sign, Non-Accessory:** A sign which does not pertain to the principal use of the premises.

**Sign Face:** The area of display surface used for the sign copy.

**Sign Structure:** The assembled components, or any portion thereof, which supports a sign.

**Township:** Charter Township of Oscoda.

**Video Display Screen:** A device that displays or projects pictures or other visual images, with or without text. This definition includes television screens, digital screens, LED screens, video boards, projectors, and holographic displays.

**Wall Sign:** A display sign which is painted on or attached directly to the building wall projecting not more than twelve (12) inches from the wall.

**Wall Sign**

**Window Sign:** A display sign which is applied, affixed, or attached to the interior or exterior of any building window.

**Window Sign**

(Ord. of 6-21-2021)

## Section 3.2.2 - Compliance

**A. Plans, Specifications and Permits**

1. **Permits:** It shall be unlawful for any person to erect, alter, relocate, or structurally change a sign or other advertising structure, unless specifically exempted by this Article, without first obtaining a permit in accordance with the provisions set forth herein. A permit shall require payment of a fee to the Township Treasurer's Office prior to issuance of a permit, which shall be established by the Township Board.
2. **Applications:** Application for a sign shall be made upon forms provided by the Planning & Zoning Director. The following information shall be required.
  - a. Name, address, and telephone number of applicant(s).
  - b. Location of the building, structure, or lot on which the sign is to be attached or erected.
  - c. Position of the sign in relation to nearby buildings, structures, property lines and right-of-way lines.
  - d. Plan showing the dimensions, materials, method of construction, and attachment to the building or in the ground.
  - e. Certified Engineered drawings, copies of stress sheet and calculations, if deemed necessary, showing the structure as designed for dead load and wind pressure.
  - f. Name and address of the person, firm, or corporation owning, erecting, and maintaining the sign.
  - g. Information concerning required electrical connections.
  - h. All persons placing, displaying, or maintaining any sign shall keep in force and provide upon demand a General Liability Policy in an amount sufficient to cover the exposure. The Township shall be listed as an additional insured on this policy with a ten-day written notice of intent to cancel.
  - i. Written consent of the owner or lessee of the premises upon which the sign is to be erected.
  - j. Other information required by the Planning & Zoning Director to make the determination that the sign is in compliance with all applicable laws and regulations.
  - k. The Township shall assume no liability whatsoever to the extent that a sign may or may not be structurally sound and/or a danger to the public.
  - l. Fees for the issuance of a sign permit shall be paid to the Charter Township of Oscoda Treasurer's office prior to the issuance of the permit. Such fees as necessary to cover the costs involved shall be established from time to time by the Charter Township of Oscoda Board of Trustees.
3. **Review of Application**
  - a. **Planning Commission Review:** Sign permit applications submitted in conjunction with the proposed construction of a new building or addition to an existing building shall be reviewed by the Planning Commission as a part of the required site plan review. Proposed

signs must be shown on site plan.

- b. **Planning & Zoning Director Review:** The Planning & Zoning Director shall review the sign permit application for any sign proposed on a site or existing building where no other new construction is proposed.
  - c. **Issuance of a Permit:** Following review and approval of a sign application by the Planning Commission or Planning & Zoning Director, as appropriate, the Planning & Zoning Director shall have the authority to issue a sign permit.
  - d. **Appeals:** The applicant(s) may choose to appeal any Planning Commission or Administrative decision to the Zoning Board of Appeals.
4. **Exceptions:** A sign shall not be enlarged or relocated except in conformity with the provisions set forth herein for new signs, nor until a proper permit has been secured. However, a new permit shall not be required for ordinary servicing or repainting of an existing sign message, cleaning of a sign, or changing of the message on the sign where the sign is designed for such changes (such as, but not limited to, changeable copy on a marquee or ground sign). Furthermore, a permit shall not be required for certain exempt signs listed in Section 3.2.3 General Provisions, subsection A.

#### B. Inspection and Maintenance

1. **Inspection of New Signs:** All signs for which a permit has been issued shall be inspected by the Planning & Zoning Director when erected. Approval shall be granted only if the sign has been constructed in compliance with the approved plans and applicable Zoning Ordinance and Building Code standards.  
  
In cases where fastenings or anchorages are to be eventually bricked in or otherwise enclosed, the sign erector shall advise the Planning & Zoning Director when such fastenings are to be installed so that inspection may be completed before enclosure.
2. **Inspection of Existing Signs:** The Planning & Zoning Director shall have the authority to routinely enter onto property to inspect existing signs. In conducting such inspections, the Planning & Zoning Director shall determine whether the sign is located in the permitted area, adequately supported, painted to prevent corrosion, and so secured to the building or other support as to safely bear the weight of the sign and pressure created by the wind.
3. **Correction of Defects:** If the Planning & Zoning Director finds that any sign is unsafe, insecure, improperly constructed, or poorly maintained the sign erector, owner of the sign or owner of the land shall make the sign safe and secure by completing any necessary reconstruction or repairs, or entirely remove the sign in accordance with the timetable established by the Planning & Zoning Director.

- C. **Removal of Obsolete Signs:** Any sign that is no longer an on-premises advertising sign because the sign face no longer identifies an on-premises business, service, or product, due to the business closing or the product being discontinued, shall be removed by the owner, agent, or person having use of the building or structure. Upon vacating a commercial or industrial establishment, the proprietor shall be responsible for removal of all sign faces used in conjunction with the business within thirty (30) days of the closure of the business.

However, where a conforming sign structure and frame are typically reused by a current occupant in a leased or rented building, the building owner shall not be required to remove the sign structure and frame in the interim periods when the building is not occupied, provided that the sign structure and frame are maintained in good condition.

- D. **Nonconforming Signs:** A nonconforming sign shall not be altered or reconstructed, unless the alteration or reconstruction is in compliance with Article III, except that nonconforming signs shall comply with the following regulations:

1. **Repairs and Maintenance:** Normal maintenance shall be permitted, provided that any nonconforming sign that is destroyed by any means to an extent greater than fifty (50) percent of the sign's pre catastrophe fair market value, exclusive of the foundation, shall not be reconstructed. Normal maintenance shall include painting of chipped or faded signs; replacement of faded or damaged surface panels; or repair or replacement of electrical wiring or electrical devices.
2. **Nonconforming Changeable Copy Signs:** The message on a nonconforming changeable copy sign or nonconforming bulletin board sign may be changed provided that the change does not create any greater nonconformity.
3. **Substitution:** A nonconforming sign shall not be replaced with another nonconforming sign.
4. **Modifications to the Principal Building:** Whenever the principal building on a site on which a nonconforming sign is located is modified to the extent that site plan review and approval is required, all nonconforming signs shall be brought into compliance.

- E. **Appeal to the Zoning Board of Appeals:** Any party who has been refused a sign permit for a proposed sign may file an appeal with the Zoning Board of Appeals, in accordance with Article VIII. In determining whether a variance is appropriate, the Zoning Board of Appeals shall study the sign proposal, giving consideration to any extraordinary circumstances, such as those listed below, that would cause practical difficulty in complying with the sign standards.

1. Would strict adherence to the Charter Township of Oscoda Ordinance unreasonably prevent the owner from using the property for a permitted use, or make the use extremely difficult?

2. Would strict adherence to the Charter Township of Oscoda Ordinance deprive the applicants of rights commonly enjoyed by other property in the same district, and is the variance request the minimum necessary?
3. Is the variance request due to unique circumstances related to the property, and not conditions that are common in the neighborhood or that particular zoning district?
4. Is it true that the circumstances and conditions of the property and variance request are not a result of the actions of the applicant or previous property owner?
5. Is it true that granting the variance will not be detrimental to adjoining property or the general welfare?
6. Will granting this variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance?

(Ord. of 6-21-2021)

### Section 3.2.3 - General Provisions

- A. **Permitted Exempt Signs:** A sign permit shall not be required for the following signs, which shall be permitted subject to applicable provisions established by County, State, and Federal Laws.
1. Address numbers.
  2. Nameplates.
  3. Non-commercial signs.
  4. Signs on a bus, truck, trailer, or other vehicle while operated and used for transport in the normal course of a business, provided that the primary use of the vehicle displaying the sign shall not be for the purpose of advertising a business.
  5. Public signs, including the authorized signs of a government body or public utility, including traffic signs, legal notices, railroad crossing signs, warning of a hazard, and similar signs.
  6. Flags bearing the official design of a nation, state, municipality, educational institution, or other non-commercial content.
  7. Incidental signs, where the incidental sign is located on a non-building device, such as a vending machine, gas pump, propane cage, or ice chest, each such device shall have no more than one (1) sign not to exceed six (6) square feet in area.
  8. Private traffic control signs.
  9. Non-permanent on-premises commercial advertising signs, which shall be subject to 7.05.C.
  10. "No Trespassing," "No Hunting," and "No Dumping" signs, which are essential to public safety. Such signs shall not exceed three (3) square feet in area.
  11. Signs intended to safely and efficiently direct vehicular or pedestrian traffic to parking areas, loading areas, or to certain buildings or locations on the site subject to the following conditions:
    - a. A directional sign may display on-premises commercial advertising (such as a logo), which shall not exceed one (1) square foot in area.
    - b. Directional signs shall not exceed (4) square feet in area, or four (4) feet in height.
    - c. Directional signs may be located in the front setback area, provided they are set back at least fifteen (15) feet from the existing or planned right-of-way line.
    - d. Such signs shall comply with the Unobstructed Sight Distance requirements, as specified in Section 2.24, so as to maintain visibility for drivers.
  12. A non-permanent off-premises commercial advertising sign, only as specified in this Article.
- B. **Prohibited Signs:** The following signs are prohibited in all districts:
1. Any Sign not expressly permitted.
  2. Flashing Signs or signs that contain reflective material that may present a distraction or hazard to traffic or the general public, except signs or other devices placed by governmental agencies to warn the public of construction, excavation, flooding or other hazardous conditions.
  3. Festoons, spinners, and streamers, unless specifically permitted elsewhere in this Article.
  4. String lights used for commercial purposes, other than holiday decorations.
  5. Moving signs, including any sign which has any visible moving parts, visible revolving parts, visible mechanical movement, or other visible movement achieved by electrical, electronic, or mechanical means, including intermittent electric pulsations or movement caused by normal wind current or multi vision signs as defined herein. Flag and banner signs shall be exempt from this regulation.

6. Any sign or structure which:
  - a. Is structurally unsafe;
  - b. Constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
  - c. Is capable of causing electric shock to persons whom come in contact with it;
  - d. Is not kept in good repair, such that it has broken parts, missing letters, or non-operational lights.
7. Any support sign pole, including signs attached to a tree or utility pole, except signs of a government or utility.
8. Obsolete signs, as specified in Section 3.2.2 Compliance, C. Removal of Obsolete Sign.
9. Portable signs, except where expressly permitted in this Article.
10. Signs affixed to a parked vehicle or truck trailer which is being used principally for advertising purposes, rather than for transport purposes.
11. Any sign that obstructs free access to or egress from a required door, window, fire escape or other required exit.
12. Which, by reason of its size, location, context, coloring, or manner of illumination may be confused with or construed as a traffic control sign; or which either hides from view any approved traffic or street sign signal, confuses, or misleads traffic, obstructs vision necessary for traffic safety, or distracts from visibility of traffic signs.
13. Signs which overhang or extend into dedicated public right-of-way without the written consent of the governmental unit having jurisdiction.
14. Which is not expressly permitted by this Article to be placed in public right-of-way.
15. Signs that have concrete foundations or other solid anchoring devices that project above the surface of the ground (other than that part of the foundation used to support the sign and add ornamentation, becoming part of the overall sign structure) and located so as to constitute a safety hazard to vehicular or pedestrian traffic. The Planning Commission may rule on the hazard potential of any proposed sign structure and shall prohibit such sign or a modification upon finding the presence of a safety hazard.
16. Signs, which advertise a use that no longer occupies the premises, and has not so occupied its premises for six (6) months.
17. No sign shall block another sign, except with prior approval of the Planning Commission.

(Ord. of 6-21-2021)

### Section 3.3 - Use District Requirements:

#### Section 3.3.1 - Residential District Signs

The following signs shall be permitted in all districts zoned for residential use, including districts zoned R-1, R-2, R-3, R-4, R-5, WR-2, MH, and SF-SL.

1. One (1) non-illuminated sign announcing a home occupation (1), or professional service, not to exceed three (3) square feet in area. The sign shall be attached flat against the front wall of the building or placed immediately adjacent to the main driveway serving the site.
2. Two (2) signs consisting of a combination of wall signs, fixed copy signs, changeable message signs or monument signs identifying a park, school, place of worship, public building, and any other authorized use subject to the following:
  - A. Each sign shall not exceed thirty-two (32) square feet in area, except that on sites of forty (40) acres or more, signs up to fifty (50) square feet shall be allowed.
  - B. Monument signs shall not exceed five (5) feet in height, nor will they be placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front yard depth.
  - C. Wall signs shall not project above the roof line and may not project more than one (1) foot beyond the face of the building wall. Wall signs shall be attached to, and be parallel with, the wall of the building.
3. One (1) non-illuminated sign announcing a bed and breakfast establishment or similar use not-to-exceed two (2) square feet in area. The sign shall be attached flat against the front wall of the building.

#### Section 3.3.2 - Nonresidential District Signs

The following signs shall be permitted in districts zoned for nonresidential use, including districts zoned B-2, B-3, RT, RV, AG, F, WM, CT, C-MU2, C-MU4, and C-L.

- A. **Wall Signs**
  1. **Number**

- a. One (1) or more on-premises wall signs, directly or indirectly illuminated.
- b. One (1) sign per side of building having individual means of customer access shall be permitted.

2. **Size**

- a. Surface display area not to exceed two (2) square feet per lineal foot or 25% of the surface area of the exposed wall surface (whichever is less) fronting a public street, alley, or parking area.
- b. No such sign shall exceed one hundred (100) square feet.
- c. For common public entranceway, such as in the case of shopping mall or multistory office building a common wall sign shall not exceed two (2) square feet in area for each tenant listed or one hundred (100) square feet in area for all tenants listed, whichever is more restrictive.

3. **Location:** Shall be located on-premises.

Wall signs under this subsection shall not be interpreted to apply to businesses initially providing individual customer access points to the exterior subsequently enclosed by means of enclosed sidewalks or similar enclosure designed to provide climatic control.

B. **Window Signs**

1. **Location:** Shall be located on-premises.

C. **Free Standing Signs**

1. **Number:** One (1) on-premises free standing sign shall be permitted for a premises.

2. **Size**

- a. A premises with a minimum of seventy (70) feet of road frontage shall not exceed twenty (20) feet in height or one hundred square feet in surface display area per face.
- b. A premises with less than seventy (70) feet of road frontage shall not exceed eight (8) feet in height and shall not exceed twenty (20) square feet display area per face.

3. **Location**

- a. Signs shall not be placed closer than twenty-five (25) feet to any residential district or other free-standing sign.
- b. Signs shall not be placed in the existing road right-of-way nor shall they be placed closer than ten (10) feet from any other lot line.

D. **Shared Signs:** Businesses may apply for and obtain a joint permit for a sign structure that advertises two or more contiguous premises.

1. **Number**

- a. No more than one (1) free standing sign shall be permitted.
- b. Monument signs may be substituted for an equal number of free-standing signs.

2. **Size**

- a. Shall not exceed a height of six (6) feet.
- b. A monument sign may be increased by a size of twenty percent (20%) over that allowed for free standing signs.

3. **Location:** Shall not be placed closer than the edge of the nearest road right-of-way.

F. **Awning and Canopy Signs**

1. **Number:** One or more awning and/or canopy signs.

2. **Size**

- a. Shall not exceed two (2) square feet per lineal foot of exposed exterior wall surface fronting a major street, alley, road, or parking area.
- b. No such sign shall exceed fifty (50) square feet.
- c. A minimum clearance of seven (7) feet shall be maintained above the sidewalk by all awning/canopy structures.
- d. All awning/canopies shall wherever possible match established clearance height and projection of awnings/canopies which exist on abutting parcels.

3. **Location:** Shall not extend more than eight (8) feet over the public road right-of-way nor be closer than three (3) feet to the curb line.

G. **Free Standing Sandwich Board Signs**

1. **Number:** A business during hours of operation shall be allowed one (1) nonilluminated freestanding sandwich board sign.

2. **Size**

- a. Shall not exceed two (2) feet in width.



b. Shall not exceed six (6) square feet in surface area per face.

### 3. Location

- a. Shall be allowed on-premises or within the sidewalk portion of the road right-of-way immediately adjacent to the premises.
- b. Shall be located as to not obstruct clear vision of any form of traffic and so as to not pose a safety hazard to users of the sidewalk and/or right-of-way.

## H. Monument Signs

1. **Location:** Shall be placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front setback of the given district.
2. **Size:** Shall not exceed six (6') feet in height.

## I. Types of Signs

1. Signs may contain fixed sign copy or be a Changeable Message Sign.
2. In the, B-2, and WB-3, C-T, C-MU2, C-MU4, and C-L districts, signs may also include Electronic Moving Message Signs, subject to the following provisions:
  - a. **Electronic Changeable Copy Signs**
    - i. **Number:** No more than one Electronic Moving Message Sign per parcel shall be allowed.
    - ii. **Size**
      - (a) Shall contain no more than twenty-five (25%) percent of the allowable surface display area, based on the type of sign proposed. (wall sign, window sign or freestanding sign)
      - (b) Shall not exceed five (5) feet in height.
    - iii. **Location:** Shall be placed no closer to the street right-of-way line than one-third (1/3) the minimum authorized front setback of the given district.
  - iv. **Regulatory**
    - (a) Electronic Moving Message sign shall be equipped with a default mechanism that will stop the messaging or freeze the image in one position when a malfunction occurs.
    - (b) Glare shall be controlled in such a manner as to maintain an appropriate level of contrast during the day and an automatic dimmer shall be required to control brightness a half hour before sunset, reduce driver distraction and light trespass into residential areas. A photometric plan which identifies the proposed illumination levels (in foot-candles) shall be provided. Illumination levels shall not exceed .5 foot-candles at the property line, measured five (5) feet above the ground.
- b. **Video Display Sign**
  - i. **Number:** Video display as a wall sign (allowed one (1) sign per side of building) shall be permitted.
  - ii. **Size**
    - a. Video display as a window sign shall not exceed twenty (20) percent of the glass surface display area.
    - b. Video display as a wall sign shall not have a surface display area to exceed two (2) square feet per lineal foot or 25% of the surface area of the exposed wall surface (whichever is less) fronting a major street.
    - c. Video display as a wall sign shall not exceed one hundred (100) square feet.
    - d. Video display as a wall sign in common public entranceway, such as in the case of shopping mall or multistory office building a common wall sign shall not exceed two (2) square feet in area for each tenant listed or one hundred (100) square feet in area for all tenants listed, whichever is more restrictive.

Video displays as wall signs under this subsection shall not be interpreted to apply to businesses initially providing individual customer access points to the exterior subsequently enclosed by means of enclosed sidewalks or similar enclosure designed to provide climatic control.

(Ord. of 6-21-2021)

## Section 3.3.3 - All Districts

### A. Development Entry Sign

1. **Number:** Shall not exceed one (1) directly or indirectly illuminated or non-illuminated sign per premises.

2. **Size**

- a. Shall not exceed one hundred (100) square foot of sign face or twenty (20) feet in height when located on a major street.
- b. Shall not exceed six (6) feet in height and shall not exceed (12) square feet when not located on a major street.

3. **Location**

- a. On-premises sign allowed at each entrance.
- b. Shall not be placed closer than the nearest edge of the road right-of-way.

**B. Off-premises Directional Signs**

1. **Number:** Shall not count towards the total number of signs permitted per use.

2. **Size**

- a. Shall not exceed six (6) square feet per non-profit civic organization.
- b. Shall not exceed twenty-four (24) square feet for non-profit civic organizations sharing the same sign structure.

3. **Regulatory**

- a. Will require a Special Land Use Permit in order to place off-premises advertising and directional signs.
- b. Directional signs shall front on parcels having direct access to a major street.

(Ord. of 6-21-2021)

## Section 3.4 - Sign Exceptions:

In order to allow greater flexibility in property and use signing, the Planning Commission may permit signs, by Special Use Permit, that:

In granting sign exceptions, the Planning Commission shall consider the impact of each sign on adjoining residential districts, scenic views, out of character skyline intrusions, and obstruction to signs or uses on adjoining properties. The purpose of the sign and its applicability to uses that serve tourists or passerby motorists, together with other criteria used in granting special use permits, shall be considered in granting or denying a sign exception.

(Ord. of 6-21-2021)

## Section 3.5 - Off-Premises (Billboards):

**Preamble:** This section has been prepared, pursuant to Act No. 106 of the Public Acts of 1972, as amended by Act No. 153 of the Public Acts of 1990. The Act authorizes a City, Village, Township or Charter Township to provide for the licensing, regulation, and control of outdoor advertising adjacent to US Federal Aid Highways; to promulgate rules; to provide penalties for violations; and to repeal certain acts and parts of acts, as amended by Act No. 153 of the Public Acts of 1990. A City, Village, Township or Charter Township may enact ordinance to regulate and control the size, lighting and spacing of signs and sign structures, but the ordinance shall not permit a sign or sign structure that is otherwise prohibited by this Act. A sign owner or applicant shall obtain a permit pursuant to Section 3.3.2 for each sign to be maintained or to be erected within the Township. Furthermore, this Article is being enacted for the purpose of promoting and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the township, according to the authority conferred by the Public Acts of the State of Michigan.

**A. Off-premises (Billboards)**1. **Size**

- a. Shall not exceed 300 square feet.
- b. Shall not exceed four (4) times the width.

2. **Height:** Shall not exceed twenty (20) feet in height from existing grade.

3. **Setback**

- a. Shall be a minimum of fifty (50) feet from all property lines.
- b. Shall be a minimum 100 feet from any residential-zoned or used property.

4. **Distance from Other Signs:** Shall be a minimum of 1,500 feet between off-premises advertising signs along a major street and a minimum of 1,000 feet between off-premises advertising signs along any other public road or highway.

5. **Location**

- a. Off-premises advertising signs shall not be located on or over the roofs of buildings.

6. **V-Type Billboards Off-Premise Signs:** Shall meet all requirements for off-premises (Billboards). Any faces shall not be separated by

more than four (4) feet and V-Type faces shall not exceed an inside angle of 45 degrees.

#### 7. Regulatory

- a. For all off-premises (Billboards) certified engineered drawings, copies of stress sheet and calculations showing the structure as designed for dead load and wind pressure must be provided.
- b. For greater flexibility in sign regulations reference Section 3.4 Sign Exceptions.

(Ord. of 6-21-2021)

#### Section 3.6 - Prohibited Billboards:

The following types of billboards shall not be permitted:

1. Billboards located on that portion of a road deemed to be a national scenic byway.
2. Billboards located such that they may be viewed from the Au Sable River.
3. Billboards located on the east side of US 23 in any area in which Lake Huron may be viewed.
4. **Removal of Nonconforming Billboards:** The Township may acquire, by purchase, condemnation, or otherwise private ownership interest in nonconforming billboards for purposes of removing any nonconforming billboard or billboard structure. The cost and expenses, or any portion thereof of acquiring the nonconforming billboards may be paid from general funds of the Township, assessments to a special district in accordance with applicable statutory provisions relating to the creation and operation of special assessment districts, or from revenues acquired through the administration of this Ordinance. If practical, feasible, or desirable, any nonconforming billboard acquired by the Township may be retained by the Township to generate revenues only for the purpose of self-amortization of said billboard and which billboard shall be immediately removed when the billboard generated revenues equal the cost of acquiring and removing said billboard and billboard structure.

(Ord. of 6-21-2021)

#### Section 3.6.1 - Violations

It shall be unlawful for any person, firm, corporation, or their agents to erect, enlarge, construct, maintain, alter, or move any sign in the Township, or cause or permit the same to be done on his/her property contrary to, or in violation of any of the provisions of this Ordinance. Any person, firm, corporation, or their agents violating provisions of this Ordinance shall be guilty of a municipal civil infraction and shall be subject to a fine of not more than five hundred dollars (\$500) and the cost of prosecution or, in default of the payment thereof, be subject to such penalties at the discretion of the court. In addition, the violator shall be responsible for the paying of all of the costs of removing the violation. For each day that a violation is permitted to exist shall constitute a separate offense. The paying of any fine or serving of any jail sentence shall not exempt the offender from meeting the requirements of this Ordinance.

(Ord. of 6-21-2021)

#### Section 3.6.2 - Other Permits

Issuance of a Sign Permit pursuant to this Article does not exempt the applicant from obtaining other federal, state, county, and locally required permits.

(Ord. of 6-21-2021)

#### Section 3.7 - Illumination:

- A. **General Requirements:** Signs shall be illuminated only by steady, stationary, shielded light sources directed solely at the sign or internal to it. Non-permanent signs shall not be illuminated. Permanent signs may be internally or externally illuminated except where prohibited in this Article.
- B. **Non-Glare, Shielded Lighting:** Use of glaring, undiffused lights or bulbs shall be prohibited. The source of illumination shall not be visible, shall be fully shielded, and shall cause no glare hazardous to pedestrians, motorists or adjacent residential uses or districts.
- C. **Bare Bulb Illumination:** Illumination by bare bulbs or flames is prohibited, except that bare bulbs are permitted on electronic changeable copy signs and approved marquees.

(Ord. of 6-21-2021)

## Section 3.7.1 - Illumination in Residential Districts

Illumination of signs shall be directed or shaded so as not to interfere with the vision of persons on adjacent highways or property. Under no circumstance shall light permeate off the premises. In no case shall any sign exceed a level of eight hundredths (0.08) footcandles and a luminary brightness of twenty-four hundred (2,400) foot-lamberts, when measured at the property line. For purposes of this Article, foot-lamberts shall be defined as the average "brightness" of any surface emitting or reflecting one (1) lumen per square foot.

(Ord. of 6-21-2021)

## Section 3.7.2 - Illumination in Nonresidential District

Illumination of signs shall be directed or shaded so as not to interfere with the vision of persons on adjacent highways or property. A photometric plan which identifies the proposed illumination levels (in foot-candles) shall be provided. In no case shall any sign exceed a level of eight hundredths (0.08) foot-candles and a luminary brightness of twenty-four hundred (2,400) foot-lamberts, when measured at the property line. For purposes of this Article, foot-lamberts shall be defined as the average "brightness" of any surface emitting or reflecting one (1) lumen per square foot.

(Ord. of 6-21-2021)

## Section 3.8 - Severability:

If any section, subsection, sentence, clause, phrase, or portion of this section is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions.

(Ord. of 6-21-2021)

## ARTICLE IV - ZONING ORDINANCE DISTRICTS, MAP, AND USE PROVISIONS

## Section 4.1 - Establishment of Districts:

For the purpose of promoting the public health, safety, morals, and general welfare of the residents of the Township, the geographic area is hereby divided into the following Zoning Districts:

R-1: Low Density Residential District

WR-1: Wurtsmith Low Density Residential District

R-2: Medium Density Residential District

WR-2: Wurtsmith Medium Density Residential District <sup>1</sup>

R-3: Mixed Residential District

WR-3: Wurtsmith Mixed Residential District

R-4: High Density Residential District

R-5: Mixed Mobile Home Residential District

MH: Mobile Home District

B-1: Central Business District

MU: Mixed Use <sup>11</sup>

B-2: General Business District

WB-3: Wurtsmith Business District

WI: Wurtsmith Industrial <sup>6</sup>

R-T: Residential Tourist District

RV: Recreational Vehicle District

E: Extractive District

WM: Waterfront Marina District

F: Forestry District

SD: Shoreline District (Overlay District)

I: Industrial District

AG: Agricultural District

P: Parking District

NR: Natural River District

WA: Wurtsmith Airport Overlay District

A-1: Airport Protection Zone 1 & 2 (Overlay District)

A-3: Airport Protection Zone 3 (Overlay District)

A-4: Airport Protection Zone 4 (Overlay District)

#### Section 4.2 - Zoning Districts Map:

The boundaries of these districts are hereby defined and established as shown on a map entitled, "Zoning Districts Map of the Township of Oscoda, Michigan", which accompanies this ordinance, and which, with all explanatory matter, is hereby made a part of this Ordinance.

The official Zoning Map shall be identified by the Signatures of the Township Supervisor and attested by the Township Clerk, and containing the following words; "This is to certify that this is the Official Zoning Map of the Charter Township of Oscoda adopted on this the 26 day of April, 1999.

If in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map. Such changes shall be made within three (3) normal working days after the effective date of the Ordinance amendment. Each change shall be accompanied by a reference number on the map which shall refer to the official legislative action. Two (2) official copies of the zoning map shall be maintained, one in the Zoning Ordinance Administrator's office and the other in the Township Clerk's office.

#### Section 4.3 - Interpretation of District Boundaries:

1. Boundaries indicated in following the streets, alleyways, highways, or other modes of conveyance, or their centerline, shall be deemed to follow the centerlines of such right-of-way.
2. Boundaries which are indicated as approximately following lot lines or boundary lines shall be construed as following such legally placed lines.
3. Boundaries following the shoreline of a stream, lake, or other body of water shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the centerline of streams, rivers, canals, or other bodies of water shall be construed to follow such center lines.
4. Where the application of the aforesaid rules leaves a reasonable doubt as to the boundaries of a district, the regulations of the more restrictive district shall govern the parcel in question, unless otherwise determined by the Zoning Board of Appeals.
5. Where, due to the scale, lack of detail, or illegibility of the Zoning Map, there is a reasonable question as to the placement of the district boundaries, interpretation of the boundary lines shall be made by the Zoning Board of Appeals upon written application to, or upon its own motion.
6. Whenever any street, alley or other public way, within the Charter Township of Oscoda shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same zoning district as the property to which it attaches.

#### Section 4.4 - R-1, Low Density Residential District:

1. **Intent and Purpose:** To encourage the development of an open low density single family residence area in keeping with the environment.

2. **Principal Uses:**

- A. One-Family Dwelling Units.
- B. Family Day Care Homes.
- C. Adult Foster Care Small Group Homes.
- D. State Licensed Residential Facility <sup>10</sup> (See Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.

3. **Special Permit Uses:**

- A. Golf Courses and Country Clubs.
- B. Bed and Breakfast Establishments.
- C. Places of Worship.
- D. Day Care Centers.
- E. Schools (Public, Private, Parochial).
- F. Publicly-owned and operated Parks, Parkways and other Outdoor Recreational Facilities.
- G. Alternative energy generation, private.
- H. Planned Unit Developments (See Article V).
- I. Group Day Care Homes.
- J. Community Use Facility, Private.

4. **Accessory Uses and Temporary Structures:** <sup>10</sup>

- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related. (Refer to Section 2.2, definition of Use, Accessory)
- B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts. (Refer also to Section 2.2, definition of Structure, Temporary)

5. **Lot, Building, Yard Requirements:**

- A. **Lot:** Area, nine thousand six hundred (9,600) SF minimum; width, eighty (80) feet minimum; coverage, thirty-five (35) percent maximum.
- B. **Principal Building:** Height, thirty-five (35) feet maximum <sup>1</sup>; stories, two (2) maximum; area, one thousand fifty (1,050) SF minimum.
- C. **Yard:** Front, twenty-five (25) feet FLL minimum (also, see Special Notes "B" & "C" Below) <sup>2</sup>; side ten (10) feet minimum; rear, thirty-five (35) feet minimum.

6. **Special Notes:**

- A. Antennas: TV, CB, satellite dish and similar antennas and their towers are limited to an overall height of sixty-five (65) feet. They shall be attached to a building or if free standing it shall be placed in the rear yard (side yard on corner lots) and shall be set back from all lot lines one (1) foot for each foot of height. <sup>2</sup> See also Section 6.25.
- B. Roadside setback along US-23, F-41 and M-65 shall be thirty-five (35) feet as measured from the highway right-of-way. <sup>2</sup>
- C. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
- D. Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>
- E. Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) foot for the principal or accessory use structures. <sup>6</sup>

Section 4.5 - WR-1 Wurtsmith Low Density Residential District:

- 1. **Intent and Purpose:** To encourage the development of an open low density single-family residence area in keeping with the environment at the former Wurtsmith Air Force Base.
- 2. **Principal Uses:**

- A. One-Family Dwelling Units.
- B. Family Day Care Home.
- C. State Licensed Residential Facility <sup>10</sup> (See Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.

3. **Special Permit Uses:**

- A. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
- B. Alternative energy generation, private.
- C. Places of Worship.
- D. Day Care Centers.
- E. Schools.
- F. Group Day Care Home.
- G. Community Use Facility, Private.

4. **Accessory Uses and Temporary Structures:** <sup>10</sup>

- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of "Use, Accessory").
- B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of "Structure, Temporary").

5. **Lot, Building, Yard Requirements:** As existing, coverage-new construction will not cause total coverage to exceed thirty-five (35) percent <sup>3</sup> (see Special Note C.).

6. **Special Notes:**

- A. Fence: Not more than six (6) feet in height except as required for swimming pools.
- B. Antennas: Same as for R-1. <sup>2</sup> See also Section 6.25.
- C. All new development sites <sup>2</sup>, (lots that do not have any structures as of the date of this amendment) must meet rear setback restriction of ten (10) feet minimum for any attached structure and must meet other standards for the R-1, Low Density Residential District, as to Lot, Building and Yard requirements.
- D. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
- E. Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>
- F. Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) feet for the principal or accessory use structures. <sup>6</sup>

Section 4.6 - R-2, Medium Density Residential District:

1. **Intent and Purpose:** To encourage the development of a medium density neighborhood adjacent to more intensively developed areas of the community.
2. **Principal Uses:**
  - A. One-Family Dwelling Units.
  - B. Family Day Care Homes.
  - C. Adult Foster Care Small Group Homes.
  - D. State Licensed Residential Facility <sup>10</sup> (See Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.

3. **Special Permit Uses:**

- A. Golf Courses and Country Clubs.
  - B. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
  - C. Bed and Breakfast Establishments.
  - D. Day Care Centers.
  - E. Places of Worship.
  - F. Schools (Public, Private, Parochial).
  - G. Planned Unit Developments (See Article V).
  - H. Alternative energy generation, Private.
  - I. Group Day Care Homes.
  - J. Community Use Facility, Private.
4. **Accessory Uses and Temporary Structures:** <sup>10</sup>
- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of "Use, Accessory").
  - B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of "Structure, Temporary").
5. **Lot, Building, Yard Requirements:**
- A. **Lot:** Area, nine thousand six hundred (9,600) SF minimum; width, sixty-five (65) feet minimum; coverage, thirty-five (35) percent maximum.
  - B. **Principal Building:** Height, thirty-five (35) feet maximum <sup>2</sup>; stories, two (2) maximum; area, seven hundred fifty (750) SF minimum.
  - C. **Yard:** Front, twenty-five (25) feet FLL minimum (Also, see Special Notes "B" and "C" Below) <sup>2</sup>; side, ten (10) feet minimum <sup>2</sup>; rear, thirty-five (35) feet minimum.
6. **Special Notes:**
- A. Antennas: TV, CB, satellite dish and similar antennas and their towers are limited to an overall height of sixty-five (65) feet. They shall be attached to a building or if free standing it shall be placed in the rear yard (side yard on corner lots) and shall be set back from all lot lines one (1) foot for each foot of height. <sup>2</sup> See also Section 6.25.
  - B. Road side setback along US-23, F-41 and M-65 shall be thirty-five (35) feet measured from the highway right-of-way. <sup>3</sup>
  - C. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
  - D. Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>
  - E. Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) feet for the principal or accessory use structures.

Section 4.7 - WR-2 Wurtsmith Medium Density Residential District:

1. **Intent and Purpose:** To encourage the development of a medium density single-family residence area in keeping with the environment at the former Wurtsmith Air Force Base.
2. **Principal Uses:**
  - A. One-Family Dwelling Units.
  - B. Family Day Care Home.
  - C. State Licensed Residential Facility <sup>10</sup> (See Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.
3. **Special Permit Uses:**
  - A. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
  - B. Alternative energy generation, private.



- C. Places of Worship.
  - D. Day Care Centers.
  - E. Schools.
  - F. Group Day Care Home.
  - G. Community Use Facility, Private.
4. **Accessory Uses and Temporary Structures:** <sup>10</sup>
- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of "Use, Accessory").
  - B. Some dwelling units share a detached two-car garage which is divided equally down the middle by the property line, thus creating a partitioned single-car garage for each home.
  - C. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of "Structure, Temporary").
5. **Lot, Building, Yard Requirements:** As existing (also, see Exception Note C.).
- A. Lot: As existing; coverage, thirty-five (35) percent maximum.
  - B. Principal Building: Height, thirty-five (35) feet <sup>2</sup> max; Stories, two (2) max; Area, seven hundred fifty (750) SF min.
  - C. Yard: Front, ten (10) feet FLL min; Side ten (10) feet <sup>2</sup> (Exception: For shared garage units attached at the property line, the side setback is zero (0) feet); Rear ten (10) feet minimum.
6. **Special Notes:**
- A. Fence: Not more than six (6) feet in height except and as required for swimming pools.
  - B. Antennas: Same as for R-1. <sup>3</sup> See also Section 6.25.
  - C. All new construction sites <sup>2</sup> (lots that do not have any structures as of the date of this amendment) must meet the rear setback restriction of ten (10) feet minimum and must meet all other standards for the R-2, Medium Density Residential District, as to Lot, Building and Yard requirements.
  - D. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
  - E. Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>
  - F. Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) feet for the principal or accessory use structures. <sup>6</sup>

Section 4.8 - R-3 Mixed Residential District:

- 1. **Intent and Purpose:** To encourage the development of a mixture of single-family and two-family dwellings and to recognize existing housing developments and lot dimensions.
- 2. **Principal Uses:**
  - A. One-Family Dwelling Units.
  - B. Two-Family Dwelling Units.
  - C. Family Day Care Homes.
  - D. Adult Foster Care Small Group Homes.
  - E. State Licensed Residential Facility <sup>10</sup> (See Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.
- 3. **Special Permit Uses:**
  - A. Golf Courses and Country Clubs.
  - B. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
  - C. Bed and Breakfast Establishments.

- D. Day Care Centers.
  - E. Planned Unit Developments (See Article V).
  - F. Group Day Care Homes.
  - G. Home for the Aged, Nursing Homes and Convalescent Centers.
  - H. Alternative energy generation, private.
  - I. Schools (Public, Private, Parochial).
  - J. Multiple Family Dwellings. <sup>9</sup>
  - K. Places of Worship.
  - L. Community Use Facility, Private.
4. **Accessory Uses and Temporary Structures:** <sup>10</sup>
- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of "Use, Accessory").
  - B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of "Structure, Temporary").
5. **Lot, Building, Yard Requirements:**
- A. **Lot:** Area, six thousand (6,000) SF minimum; width, sixty-five (65) feet minimum; coverage, thirty-five (35) percent maximum.
  - B. **Principal Building:** Building Height, thirty-five (35) feet maximum <sup>2</sup>; Stories, two (2) maximum; floor area, seven hundred fifty (750) SF minimum except for two-family dwelling units and townhouse dwellings which shall have a seven hundred fifty (750) SF minimum per dwelling unit.
  - C. **Yard:** Front—twenty-five (25) FLL minimum (also, see Special Notes "B" and "C" Below) <sup>2</sup>; side—ten (10) feet minimum <sup>2</sup>; rear—thirty-five (35) feet minimum.
6. **Special Notes:**
- A. Antennas: Same as for R-1. See also Section 6.25.
  - B. Road side setback along US-23, F-41, and M-65 shall be thirty-five (35) feet as measured from the highway right-of-way.
  - C. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
  - D. Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>
  - E. Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) feet for the principal or accessory use structures. <sup>6</sup>

Section 4.9 - WR-3 Wurtsmith Mixed Residential District:

1. **Intent and Purpose:** To encourage the development of a mixture of single-family, two-family dwellings, and multiple family dwellings and to recognize housing developments and lot dimensions at the former Wurtsmith Air Force Base.
2. **Principal Uses:**
  - A. One-Family Dwelling Units.
  - B. Two-Family Dwelling Units. <sup>6</sup>
  - C. Schools.
  - D. Multiple Family Dwellings. <sup>9</sup>
  - E. Family Day Care Homes.
  - F. Emergency Temporary Housing.
  - G. State Licensed Residential Facility <sup>10</sup> (see Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.

**3. Special Permit Uses:**

- A. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
- B. Alternative energy generation, private.
- C. Day Care Centers.
- D. Places of Worship.
- E. Group Day Care Home.
- F. Community Use Facility, Private.

**4. Accessory Uses and Temporary Structures:** <sup>10</sup>

- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of "Use, Accessory").
- B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of "Structure, Temporary").

**5. Lot, Building, Yard Requirements:**

- A. As existing, (see Special Note "C" and "D").
- B. Lot coverage is not to exceed forty (40) percent. <sup>5</sup>

**6. Special Notes:**

- A. Fence: Not more than six (6) feet in height except and as required for swimming pools.
- B. Antennas: Same as for R-1. <sup>2</sup> See also Section 6.25.
- C. Front setback is restricted to five (5) feet minimum, rear setback is restricted to ten (10) feet minimum, and side setbacks are restricted to zero (0) feet at the lot line that divides attached dwelling unit property and two (2) feet minimum from all other side lot lines.
- D. All new construction sites (lots that do not have any structures as of the date of this amendment) shall meet the lot, building and yard requirements of the R-3 (Mixed Residential) District. <sup>2</sup>
- E. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. <sup>2</sup>

## Section 4.10 - R-4 High Density Residential District:

1. **Intent and Purpose:** To provide for the development of multiple family dwellings of two or more units in a single structure; to be located adjacent to services and shopping facilities; to permit and encourage pedestrian movement to and from such areas and generally serve as a zone of transition between the nonresidential districts and lower density single-family districts.
2. **Principal Uses:**
  - A. Nursing Homes and Convalescent Centers.
  - B. Adult Foster Care Large Group Homes.
  - C. One-Family Dwelling Units.
  - D. Two-Family Dwelling Units.
  - G. Family Day Care Homes.
  - H. Housing for the Elderly.
  - I. Home for the Aged.
  - J. Adult Foster Care Small Group Homes.
  - K. State Licensed Residential Facility <sup>10</sup> (see Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.

**3. Special Permit Uses:**

- A. Multiple-Family Dwellings. Three thousand (3,000) s.f. Lot Area/three-bdrm. unit. Two thousand five hundred (2,500) s.f. Lot Area/two-bdrm. unit. Two thousand (2,000) s.f. Lot Area/one-bdrm. unit. One thousand seven hundred fifty (1,750) s.f. Lot Area/Efficiency Unit. <sup>6</sup>
- B. Reserved. <sup>6,9</sup>
- C. Golf Courses and Country Clubs.

- D. Publicly-owned and operated Parks, Parkways, and other Outdoor Recreational Facilities.
  - E. Bed and Breakfast Establishments.
  - F. Day Care Centers.
  - G. Schools (Public, Private, Parochial).
  - H. Planned Unit Developments (see Article V).
  - I. Motels, Hotels, and Resorts.
  - J. Alternative energy generation, private.
  - K. Places of Worship.
  - L. Group Day Care Homes.
  - M. Community Use Facility, Private.
4. **Accessory Uses and Temporary Structures:** <sup>10</sup>
- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of "Use, Accessory").
  - B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of "Structure, Temporary").
5. **Lot, Building, Yard Requirements:**
- A. **Lot:** Area, six thousand (6,000) SF minimum; width, sixty-five (65) feet minimum; coverage thirty-five (35) percent maximum.
  - B. **Principal Building:** Building Height, one-family dwelling units, two-family dwelling units, and multiple-family dwelling units shall not exceed 35 feet maximum <sup>2</sup>; floor area, seven hundred fifty (750) SF minimum except for two-family dwelling units and townhouse dwellings, which shall have a seven hundred fifty (750) SF minimum floor area per dwelling unit; multiple-family dwelling units, seven hundred fifty (750) SF minimum per dwelling unit.
  - C. **Yard:** Front, twenty-five (25) feet FLL minimum (also, see Special Notes "B" and "C" below); side, ten (10) feet minimum <sup>2</sup>; rear, thirty-five (35) feet minimum.
6. **Special Notes:**
- A. Antennas: Same as for R-1. See also Section 6.25.
  - B. Road side setback along US-23, F-41 and M-65 shall be thirty-five (35) feet as measured from the highway right-of-way. <sup>3</sup>
  - C. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
  - D. Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>
  - E. Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) feet for the principal or accessory use structures. <sup>6</sup>

Section 4.11 - R-5 Mixed Mobile Home Residential District:

1. **Intent and Purpose:** To provide for the development of mixed mobile home and single family- multiple-family areas.
2. **Principal Uses:**
  - A. One-Family Dwelling Units.
  - B. Two-Family Dwelling Units.
  - C. Mobile Homes.
  - D. Family Day Care Homes.
  - E. Adult Foster Care Small Group Homes.
  - F. State Licensed Residential Facility <sup>10</sup> (see Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.

3. **Special Permit Uses:**

- A. Bed and Breakfast Establishments.
  - B. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
  - C. Alternative energy generation, private.
  - D. Schools (Public, Private, Parochial).
  - E. Day Care Centers.
  - F. Places of Worship.
  - G. Group Day Care Homes.
  - H. Community Use Facility, Private.
4. **Accessory Uses and Temporary Structures:** <sup>10</sup>
- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of "Use, Accessory").
  - B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of "Structure, Temporary").
5. **Lot, Building, Yard Requirements:**
- A. **Lot:** Area, six thousand (6,000) SF minimum; width, sixty-five (65) feet minimum; coverage, thirty-five (35) percent maximum.
  - B. **Principal Building:** Building Height: Mobile homes, fifteen (15) feet maximum; one-family dwelling units and two-family dwelling units, twenty-five (25) feet maximum; Stories, mobile homes one (1) maximum; one-family dwelling unit and two-family dwelling units two (2) maximum; floor area seven hundred twenty (720) SF minimum per dwelling unit except for two-family dwelling units which shall have a seven hundred twenty (720) SF minimum per dwelling unit.
  - C. **Yard:** Front, twenty-five (25) feet FLL minimum (also, see Special Notes "B" and "D" below); side, ten (10) feet <sup>2</sup>; rear, twenty-five (25) feet minimum.
6. **Special Notes:**
- A. Antennas: Same as for R-1. See also Section 6.25.
  - B. Prohibits Mobile Homes older than fifteen (15) years. <sup>10</sup>
  - C. Road side setback along US-23, F-41 and M-65 shall be thirty-five (35) feet as measured from the highway right-of-way. <sup>3</sup>
  - D. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
  - E. Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>
  - F. Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) feet for the principal or accessory use structures. <sup>6</sup>

Section 4.12 - MH Mobile Home District:

1. **Intent and Purpose:** To provide for the development of a residential neighborhood for a placement of mobile homes on individual lots or sites. The District's main purpose is to provide permanent sites for mobile homes similar in character to a high density residential district while providing for the special needs of such developments. In addition, this district is designed to provide for state regulated mobile home sites.
2. **Principal Uses:**
  - A. Mobile Home Parks, in accordance with the requirements of the Mobile Home Commission Act, Act 96 of 1987, as may be amended and Section 6.9 of this Ordinance.
  - B. Family Day Care Homes.
  - C. Adult Foster Care Small Group Homes.
  - D. Mobile Homes.
  - E. State Licensed Residential Facility <sup>10</sup> (see Definition).

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.

**3. Special Permit Uses:**

- A. Alternative energy generation, private.
- B. Publicly-owned and operated Parks, Parkways, and other Outdoor Recreational Facilities.
- C. Schools (Public, Private, Parochial).
- D. Day Care Center.
- E. Group Day Care Homes.
- F. Places of Worship.
- G. Community Use Facility, Private.

**4. Accessory Uses and Temporary Structures:** <sup>10</sup>

- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of "Use, Accessory").
- B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of "Structure, Temporary").

**5. Lot, Building, Yard Requirements:**

- A. Yard: Front, twenty-five (25) feet FLL minimum (also, see Special Note "B" below); side, ten (10) feet minimum <sup>2</sup>; rear, twenty-five (25) feet minimum.
- B. Mobile Home Parks shall be constructed in accordance to the requirements of the Mobile Home Commission Act, Act 96 of 1987, as may be amended, and Section 6.9 of this Ordinance.

**6. Special Notes:**

- A. Antennas: Same as for R-1. See also Section 6.25.
- B. Road side setback along US-23, F-41 and M-65 shall be thirty-five (35) feet as measured from the highway right-of-way. <sup>3</sup>
- C. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
- D. Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>
- E. Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) feet for the principal or accessory use structures. <sup>6</sup>

Section 4.13 - State Street Business and Neighborhood District (SSBN):

Section 4.13.1 - Intent

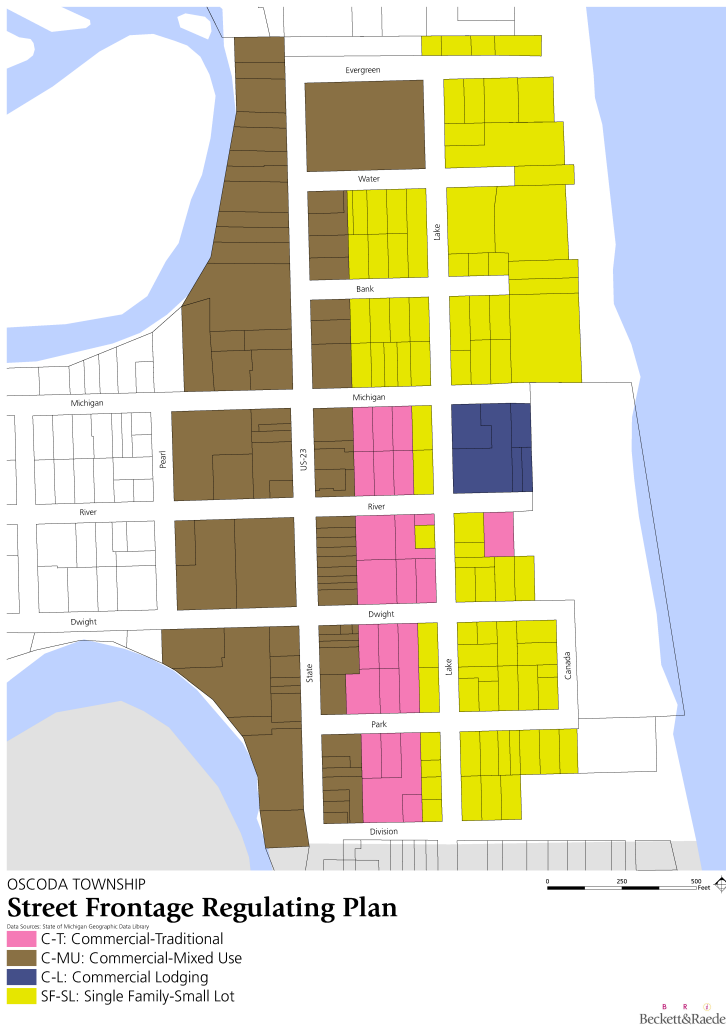
The State Street Business and Neighborhood District dates back to late the 1800's when the southeast corner of Oscoda Township was platted as a traditional village business and residential neighborhood. The 1895 Sanborn-Perris Map Company map for this area graphically delineated a well-defined grid pattern of streets fronted with narrow building lots with structures built adjacent to the public right-of-way.

The State Street Business and Neighborhood District zoning is a departure from traditional zoning in that it focuses less on the use of a parcel and more on how to integrate private and public spaces. The State Street Business and Neighborhood District (SSBN) zoning intends to merge public infrastructure standards with private development regulations to create a viable business district that is equally shared between cars and pedestrians. Key elements include better land use balance, expanding the uses permitted by right, expediting the review process, bringing buildings closer to the street to facilitate walkability, and increasing density of residential dwelling units.

The context of the SSBN District is to create a high density commercial and mixed-use district along State Street (US-23), focused on pedestrians, both resident and tourist. The scope of development envisioned for the SSBN will necessitate the continuation of on-street parking on streets perpendicular to State Street (US-23) and along Lake Street. Off-street parking, although needed, is not as critical as the building mass. The mass and density of buildings is the highest along the State Street (US-23) corridor and subsequently reduces in scale from west to east.

The SSBN also extends along Lake Street and the side streets that connect with State Street (US-23) between Division and Evergreen Streets. The rationale for inclusion in the SSBN is to integrate the adjacent residential neighborhoods with the commercial district and create a walkable connection between the commercial district and Lake Huron.

**Section 4.13.1.2 Street Frontage Regulating Plan**



(Amd. of 1-27-2020; Amd. of 9-9-2021)

**Section 4.13.2 - Regulated Uses, General Standards, Special Use Permit Standards, and Splicing**

**4.13.2.1 Purpose**

The purpose of the State Street Business and Neighborhood District (SSBN) is to create a memorable, walkable, vibrant, and economically viable business district which accommodates residents and tourists, and pedestrians and vehicles. The SSBN specifically addresses one (1) of the goals in the Oscoda Township Strategic Plan: Create an environment where residents, development, and businesses can be successful.

The text and diagrams for the State Street Business District (SSBN) address the location and extent of land uses that implement the vision articulated by the community through several public sessions focused on strategic planning and downtown revitalization.

**4.13.2.2 Regulated Uses**

Regulated uses are identified for each zone either as a Permitted Use (P) or a use requiring a Special Land Use Permit (SUP). All SUP uses must address the General Standards listed below. If the SUP has additional standards over and above the General Standards, the special provision column references that specific section of the Zoning Ordinance. Otherwise, SUP uses must meet the General Standards below. All uses will require the submission of a site plan pursuant to Article X, and Section 10.5 of the Zoning Ordinance.

**4.13.2.3 General Standards for Special Land Use Permits**

The Planning Commission shall review each application for the purpose of determining that each proposed use meets the following standards, and in addition, shall find adequate evidence that each use on the proposed location will:

- a. Be designed, constructed, operated, and maintained so as to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity.
- b. Protect the natural environment and conserve natural resources and energy to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- c. Be designed to protect natural resources, the health, safety, and welfare and the social and economic wellbeing of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
- d. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
- e. Be necessary to meet the intent and purpose of the zoning ordinance, be related to the standards established in the ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
- f. Meet the standards of other governmental agencies where applicable, and that the approval of these agencies has been obtained or is assured. The applicant shall have the plan reviewed and approved by the Oscoda Township Fire Department prior to the review by the Planning Commission.
- g. Meets the intent to establish interconnected, walkable and a mixed-use neighborhood.

**4.13.2.4 Splicing**

The State Street Business District (SSBD) focuses attention on the development and form of public and private properties and spaces within the area designated on the Regulating Plan referenced in [Section 4.13.1](#). Requirements regarding site development standards such as parking, lighting, and encroachments included in this Ordinance will take precedence over the requirements in the Oscoda Township Zoning Ordinance.

The State Street Business and Neighborhood District (SSBN) will replace [Section 4.13](#) Central Business District of the Oscoda Township Zoning Ordinance.

All other provisions of the Oscoda Township Zoning Ordinance remain intact and valid.

**4.13.2.5 Properties Currently Developed and Occupied**

- a. Occupied and vacant buildings that exist at the time of ordinance adoption do not need to comply with this Section until such time they are renovated.
- b. Occupied or vacant buildings that exist at the time of ordinance adoption that undergo renovation, exceeding one hundred (100) percent of the taxable valuation in the year of the renovation, shall comply with all provisions of the ordinance except Section 4.13.5.2.
- c. Buildings that are demolished and newly constructed shall comply with all provisions of this Section.

(Amd. of 1-27-2020; Amd. of 9-9-2021)

Section 4.13.3 - Regulating Plan Categories



C-T (Commercial-Traditional)



|                                |  |
|--------------------------------|--|
| Intent                         | To provide for a traditional commercial development that respects the historic development pattern noted on the 1895 Sanborn-Perris Map Co. maps for the district.   |
| Distinguishing Characteristics | Variety of 1 story commercial buildings for retail and professional offices. Buildings would be constructed with durable and traditional building materials close to the right-of-way with parking in the rear of the building or adjacent public parking lots. Residential uses are prohibited on the first floor adjacent to any public right-of-way. Residential uses may be allowed on the first floor in the rear of the structure. Use of dryvit/EIFS is prohibited. |
| General Character              | Predominantly attached and detached buildings with wide sidewalks and pedestrian scale lighting.   |
| Desired Form                   | Commercial/Storefronts   |
| Building Placement             | Shallow to medium front built adjacent to the public sidewalk.   |
| Frontage Types                 | Universally accessible; recessed doorways; covered entries   |
| Typical Building Heights       | 1 to 1½ story  |



|                                   |   |
|-----------------------------------|---|
| <b>CMU (Commercial-Mixed Use)</b> |   |
| Intent                            | To provide for a flexible mixture of retail, office, commercial, residential and institutional uses within walkable and connected neighborhoods. The objective is to create an environment where residents can live, work and shop for day-to-day amenities in the same area.   |
| Distinguishing Characteristics    | Retail, workplace and civic activities mixed with attached housing types such as lofts and apartments all developed at a community scale. Commercial and office uses are allowed on the first floor and upper stories of the structure. Residential uses are prohibited on the first floor adjacent to any public right-of-way. Residential uses may be allowed on the first floor in the rear of the structure. Buildings would be constructed with durable and traditional building materials close to the right-of-way with parking in the rear of the building or adjacent public parking lots. Use of dryvit/EIFS can be used only on upper stories, and shall not exceed 30% of the exterior surface. |
| General Character                 | Predominantly attached buildings, landscaping within the public right-of-way, substantial pedestrian activity.  |

|                          |   |
|--------------------------|---|
| Desired Form             | Mixed Use.  |
| Building Placement       | Small or no setbacks, buildings oriented to street with placement and character defining a street wall. |
| Frontage Types           | Commercial uses front onto thoroughfare.  |
| Typical Building Heights | 1 to 4 stories on the west and east side of State Street (US-23).                                       |



|                                 |   |
|---------------------------------|---|
| <b>C-L (Commercial-Lodging)</b> |   |
| Intent                          | To provide for lodging and dining accommodations which complement the scale of surrounding properties and take advantage of adjacent natural and recreational amenities.  |
| Distinguishing Characteristics  | Typically, a single, multi-story structure with ample outdoor amenities such as large porches, decks, plazas, and seating areas.  |
| General Character               | Predominantly single building using durable building materials such as brick, limestone, scored CMU's, wood, and fiber-cement siding. Use of dryvit/EIFS can be used only on upper stories, and shall not exceed 30% of the exterior surface. |
| Desired Form                    | Single Building.  |
| Building Placement              | Small or no setbacks. Placement on the property to encourage views of Lake Huron and adjacent open spaces.  |
| Frontage Types                  | Not Applicable. Site specific.  |
| Typical Building Heights        | 3 to 4 stories.   |



|  |
|--|
| <b>SF-SL (Single Family-Small Lot)</b> |
|--|

|                                |  |
|--------------------------------|--|
| Intent                         | To provide for lodging and dining accommodations which complement the scale of surrounding properties and take advantage of adjacent natural and recreational amenities. |
| Distinguishing Characteristics | Typically a single, multi-story structure with ample outdoor amenities such as large porches, decks, plazas, and seating areas.  |
| General Character              | Predominantly single building using durable building materials such as brick, limestone, scored CMU's, wood, and fiber-cement siding. Use of dryvit/EIFS is prohibited.  |
| Desired Form                   | Single structure designed and occupied as a single family residence, duplex, or triplex. Detached or attached townhouses.  |
| Building Placement             | Small or no setbacks. Placement on the property to encourage views of Lake Huron and adjacent open spaces.   |
| Frontage Types                 | Residential uses with front porches, fences, naturalistic tree plantings, and garages in the rear yards.   |
| Typical Building Heights       | 1 to 2 stories.  |

(Amd. of 1-27-2020; Amd. of 9-9-2021)

Section 4.13.4 - Land Use Table

**4.13.4.1 Regulated Uses**

Regulated uses are identified either as a Permitted Use (P) or a use requiring a Special Use Permit (SUP). If a use is blank with no designation or not listed, it means it is not permitted in that zone. All uses requiring a Special Use Permit must address the General Standards in 6.6.2.3. If the SUP has additional standards over and above the General Standards the special provision column references that specific section of the Zoning Ordinance.

| Land Use Table                                       |    |     |     |       |
|--|----|-----|-----|-------|
| Type   | CT | CMU | C-L | SF-SL |
| Public and Private                                   |    |     |     |       |
| Outdoor Public Owned Parks and Recreation Facilities | P  | SUP |     | P     |
| Public and Private Schools                           |    |     |     |       |
| Public Uses: Critical, Supporting and Essential      | P  | P   | P   | P     |
| Churches with and without Assembly Halls             |    |     |     | P     |
| Transportation/Utilities                             |    |     |     |       |

|   |     |     |     |   |
|---|-----|-----|-----|---|
| Parking (Public or Private)   | P   | P   | P   | P |
| Wireless Telecommunication Facilities (not in R.O.W.)               |     |     |     |   |
| Public Transit Stop or Station                                      | P   | P   | P   |   |
| Office  |     |     |     |   |
| Professional Offices  | P   | P   |     |   |
| Medical/Dental Offices  | P   | P   |     |   |
| Medical Urgent Care Facilities                                      | P   |     |     |   |
| Veterinary Clinic   | P   |     |     |   |
| Commercial  |     |     |     |   |
| Mixed Use with Residential above the 1st floor                      | P   | P   | P   |   |
| Bar/Tavern  | P   | P   | SUP |   |
| Child Care Facilities   | P   | P   |     |   |
| Drug Stores   | P   | P   |     |   |
| General Retail; except with the following features                  | P   | P   |     |   |
| a. Alcoholic beverages  | SUP | SUP |     |   |
| b. Floor area over 10,000 sq. ft.                                   | SUP | P   |     |   |
| c. On-site production of items sold in or out of store locations    | SUP | P   |     |   |
| d. Operating hours between 10 pm and 7 am                           | SUP | SUP |     |   |
| e. Outdoor sales and storage of cars, boats, trucks and RV's        |     |     |     |   |
| Fraternal Clubs and Organizations                                   | P   | P   |     |   |
| Funeral Homes   |     |     |     |   |
| Restaurant, cafe and coffee shop except with the following features | P   | P   | P   | P |
| a. Drive-thru facilities  |     |     |     |   |
| b. Drive-In facilities  |     |     |     |   |
| Micro brewery, Small Winery and Distillery                          | P   | P   |     |   |
| Movie & Performance Theaters  | P   | P   |     |   |

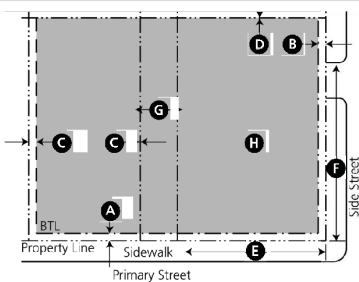
|   |     |     |     |   |
|---|-----|-----|-----|---|
| Convenience market less than 3,500 sq. ft.              | P   | P   |     |   |
| Personal Services (Salons)                              | P   | P   |     |   |
| Farmers Market  | P   | P   |     |   |
| Banks and Financial; except with the following features | P   | P   |     |   |
| a. Drive-thru facilities                                | P   |     |     |   |
| Shopping Centers  |     |     |     |   |
| Grocery Stores; except with the following features      | P   | P   |     |   |
| a. Floor area over 10,000 sq. ft                        | SUP | SUP |     |   |
| b. Gasoline Service Station                             |     |     |     |   |
| Gasoline Service Station                                |     |     |     |   |
| Automotive Supply & Parts                               | P   |     |     |   |
| Automotive Service                                      |     |     |     |   |
| Lodging   |     |     |     |   |
| Hotel; except with the following features               |     | P   | P   |   |
| a. Greater than 120 rooms                               | SUP | SUP | SUP |   |
| b. Conference and convention facilities                 | SUP | SUP | P   |   |
| Residential   |     |     |     |   |
| Single Family   |     |     |     | P |
| Single Family Attached Townhome                         |     |     |     | P |
| Upper Story Residential Unit                            | P   | P   | SUP |   |
| Live/Work Units   | P   | P   |     | P |
| Duplex (Side-by-Side)                                   |     |     |     | P |
| Home Occupation 1-Person                                |     | P   |     | P |
| Home Occupation 2 or more                               |     | P   |     |   |
| Tourist Homes   |     |     |     | P |
| Short-Term Rentals                                      |     | P   |     | P |

(Amd. of 1-27-2020; Amd. of 9-9-2021)

Section 4.13.5 - Lot and Building Placement

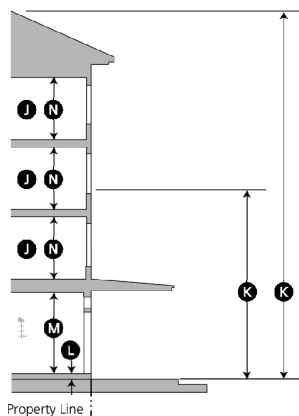
4.13.5.1 Terminology

| LOT AND BUILDING TERMINOLOGY                  |  |
|---|--|
| <b>Build-to-Line (BTL) A</b>                  | A line parallel to the property line where the facade of the building is required to be located.                                 |
| <b>Setback D</b>                              | The distance by which a building must be separated from the property line or ROW, typically defined, and regulated as a minimum. |
| <b>Primary Street built to BTL E</b>          | The percent of the building facade which must occupy the width of the lot adjacent to the Primary Street.                        |
| <b>Side Street, Corner Lot built to BTL F</b> | The percent of the building which must occupy the side lot line when the building is on a corner lot.                            |
| <b>Maximum Lot Width G</b>                    | The largest allowed distance between lot corners along the front ROW.  |
| <b>Minimum Lot Width G</b>                    | The smallest allowed distance between lot corners along the front ROW.   |
| <b>Lot Depth</b>                              | The minimum depth of lot expressed in feet.  |
| <b>Lot Coverage H</b>                         | The percent of the lot covered by buildings and accessory structures.  |



| Key                       |                    |
|---------------------------|--------------------|
| --- Property Line         | - - - Setback Line |
| - - - Build-to Line (BTL) | ■ Building Area    |

|  |   |
|--|---|
| <b>Impervious Coverage</b>                   | The percent of the lot covered by impervious surfaces including roofs, patios, driveways, and other hard surfaces which result in water runoff.                           |
| <b>Upper Story J</b>                         | Building level above first floor.   |
| <b>Minimum Building Height K</b>             | The shortest allowed vertical distance between the sidewalk and the top point of reference for a building facade along the front ROW.                                     |
| <b>Maximum Building Height K</b>             | The largest allowed vertical distance between the sidewalk and the top point of reference for a building.   |
| <b>Ground Floor Finished Level Height L</b>  | The vertical distance allowed between the sidewalk and the top of the finished floor on the ground level, regulated as a minimum. Threshold is subject to ADA compliance. |
| <b>Minimum Ground-Floor Ceiling Height M</b> | The smallest allowed vertical distance between the finished floor and ceiling on the ground floor of a building.  |
| <b>Minimum Upper-Floor Ceiling Height N</b>  | The smallest allowed vertical distance between the finished floor and ceiling on the upper story floor of a building.   |



4.13.5.2 Building Placement, Density and Parking

| Building Placement                                     |          | CT      | CMU     | C-L | SF-SL |
|--|----------|---------|---------|-----|-------|
| <b>Built-to Line (BTL) Distance from Property Line</b> |          |         |         |     |       |
| Front  | <b>A</b> | 10'—12' | 12'—15' | 20' | 20'   |
| Side Street, corner lot                                | <b>B</b> | 5'      | 5'      | 20' | 10'   |
| <b>Setbacks</b>  |          |         |         |     |       |
| Side   | <b>C</b> | NA      | 10'     | 10' | 5'    |
| Rear   | <b>D</b> | NA      | NA      | 25' | 15'   |
| Building front facade as a % of Lot Width (Min.)       | <b>E</b> | 100%    | 80%     | NA  | NA    |

|  |   |        |         |       |       |
|--|---|--------|---------|-------|-------|
| Side Street Facade as a % of Lot Depth (Min.)  | F   | 50%    | 50%     | NA    | NA    |
| <b>Building Form</b>   |   |        |         |       |       |
| Lot Width (minimum)  | G   | NA     | NA      | NA    | 50'   |
| Lot Width (maximum)  | G   | 100'   | NA      | NA    | 100'  |
| Lot Depth (maximum)  | H   | NA     | NA      | NA    | 125'  |
| Lot Coverage   |   | NA     | NA      | 70%   | 35%   |
| <b>Height</b>  |   |        |         |       |       |
| Building Maximum (Stories/Height)  | K   | 1/25'  | 4/55'   | 4/55' | 2/35' |
| Story Height difference between adjacent buildings   |   | NA     | 1       | NA    | NA    |
| Ground Floor Finish Level above site grade   | L   | 6"     | 6"      | 6"    | 6"    |
| First Floor ceiling height   | M   | 15'    | 15'     | 15'   | NA    |
| Upper Floor(s) ceiling height (not including span)   | N   | NA     | 10'     | 10'   | NA    |
| <b>Garage</b>  |   |        |         |       |       |
| Attached Garage  | <i>Attached garages allowed on side or behind dwelling</i>                      |        |         |       |       |
| Detached Garage  | <i>Detached garage allowed behind dwelling</i>                                  |        |         |       |       |
| <b>Impervious Coverage - Buildings and Pavements</b>   |   |        |         |       |       |
| Impervious Coverage  |   | 100%   | 100%    | 85%   | 40%   |
| <b>Walkway Width</b>   |   |        |         |       |       |
| Width of walkway (includes ROW and Private)  |   | 8'—10' | 10'—12' | 8'    | 4'    |
|  | <i>Walkways may be wider when outdoor dining and seating areas are provided</i> |        |         |       |       |
| <b>Density</b>   |   |        |         |       |       |
| Maximum Dwelling Units per acre  |   | 10     | 30      | NA    | 4     |
| <b>Parking</b>   |   |        |         |       |       |
| On-Street allowed to count toward guest parking  |   | Yes    | No      | Yes   | Yes   |
| <b>Notes</b>   |   |        |         |       |       |
| 1. All floors must have a primary ground-floor entrance that faces the primary side of the street. |   |        |         |       |       |

2. Residential uses with a primary ground-floor entrance must face the primary side of the street.
3. Any section along the BTL not defined by a building must be defined by a 3'6" high masonry screen wall setback back 5'0" from the BTL unless it is an existing parking lot and in that instance the screening wall can be located adjacent to the sidewalk. The area between the BTL and the setback shall be landscaped, if practical.
4. Buildable Density is determined by the sum of square footage or acreage used for building(s) and the amount of required parking or Effective Parking located within the maximum lot coverage area.
5. Rear-facing buildings, loading docks, overhead doors, and other service entries are prohibited on street-facing facades.
6. Air compressors, mechanical pumps, exterior water heaters, utility and telephone company transformers, meters or boxes, garbage cans / dumpsters, storage tanks, and similar equipment shall not be stored or located within any area adjacent to a street right-of-way.
7. Roof mounted equipment shall be placed behind and away from any required building line and be screened from view from the street.

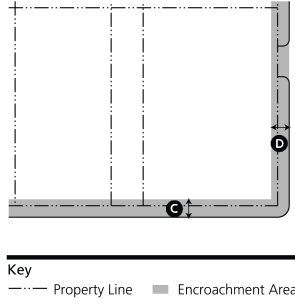
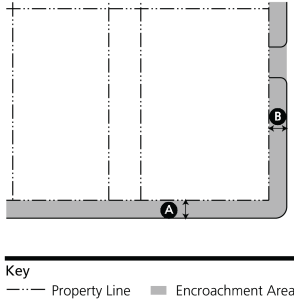
4.13.5.3 Land Use by Floor

| Land Use                         |   | CT        | CMU       | C-L | SF-SL |
|----------------------------------|---|-----------|-----------|-----|-------|
| Ground Floor                     | ● |           |           |     |       |
| a. Residential Uses              |   | Rear Only | Rear Only | Yes | Yes   |
| b. Public and Institutional Uses |   | Yes       | Yes       | No  | No    |
| c. Transportation/Utilities      |   | No        | Yes       | No  | No    |
| d. Office                        |   | Yes       | Yes       | No  | No    |
| e. Commercial                    |   | Yes       | Yes       | Yes | No    |
| f. Lodging                       |   | No        | Yes       | Yes | No    |
| Upper Floor(s)                   | ● |           |           |     |       |
| a. Residential Uses              |   | No        | Yes       | Yes | Yes   |
| b. Public and Institutional Uses |   | No        | Yes       | No  | No    |
| c. Transportation/Utilities      |   | No        | No        | No  | No    |
| d. Office                        |   | No        | Yes       | No  | No    |
| e. Commercial                    |   | No        | Yes       | No  | No    |
| f. Lodging                       |   | No        | Yes       | Yes | No    |



(Amd. of 1-27-2020; Amd. of 9-9-2021)

Section 4.13.6 - Special Provisions



|   |    |          |
|---|----|----------|
| <b>4.13.6.1 Encroachments</b>   |    |          |
| <b>Type 1: Not Located in Right-of-Way</b>  |    |          |
| Front   | 0' | <b>A</b> |
| Side Street   | 0' | <b>B</b> |
| <b>Type 2: Located in Right-of-Way</b>  |    |          |
| Front   | 5' | <b>C</b> |
| Side Street   | 5' | <b>D</b> |
| <b>4.13.6.2 Canopies and Awnings</b>  |    |          |
| Canopies and awnings can be required and may encroach over the BTL  |    |          |
| Front   | 5' | <b>E</b> |
| Side  | 5' | <b>F</b> |
| Rear  | 5' | <b>G</b> |
|   |    |          |
| <b>4.13.6.3 Site Lighting</b>   |    |          |
| Streetlights shall be a general type specified by the Township.   |    |          |
| Wall pack lighting shall only be used on the rear or side of the building to illuminate exits and loading facilities. |    |          |

|   |     |    |
|---|-----|----|
| Front facade illumination lighting may be used but will require the approval of the Planning Commission.  |     |    |
| Parking lot lighting pole height (including luminaire) shall not exceed the height of the building or 22 feet whichever is less.  |     |    |
| C-L and SF-SL: No lighting level measured at the BTL shall exceed   | 1.0 | fc |
| CT and CMU Zone: No lighting level measured at the BTL shall exceed   | 2.0 | fc |
| <b>4.13.6.4 Signs</b>   |     |    |
| Signs shall conform to Article 3 where a freestanding signs shall not exceed 6 feet in height.  |     |    |
| <b>4.13.6.5 Water Quality and Storm Water</b>   |     |    |
| All projects shall incorporate low impact development (LID) water quality technologies. Low impact development water quality technologies shall include, but are not limited to, rain gardens, rooftop gardens, vegetated swales, cisterns, permeable pavers, porous pavement, and filtered stormwater structures.  |     |    |
| <b>4.13.6.6 Facade Components and Materials (All Buildings Except 1st Floor Residential)</b>  |     |    |
| Windows and Transparency  |     |    |
| A minimum of 75% of the ground floor story front facade between 2 feet and 8 feet above the sidewalk must be comprised of transparent, non-reflective windows into the nonresidential space.  |     |    |
| A minimum of 30% of the upper story facade measured floor to floor shall have transparent, non-reflective, vertically oriented windows.   |     |    |
| Facade Ornamentation  |     |    |
| All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions will be required on larger buildings to break long uninterrupted building walls.   |     |    |
| Facade Massing  |     |    |
| Front facades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet.  |     |    |
| Roofs/Rooftops  |     |    |
| When flat roofs are used, parapet walls with three-dimensional cornice treatments shall be used to conceal the roof.  |     |    |
| Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to Flat Roofs.  |     |    |
| All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from public street, existing single family uses, and land zoned for residential and agricultural uses. |     |    |

Outdoor rooftop dining and lounges are allowed in the CT (Commercial-Traditional), and CMU (Commercial-Mixed Use) and C-L (Commercial-Lodging) categories subject to meeting applicable building and fire codes.

#### Customer Entrances

Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features:

- a) Canopies/porticos above the entrance;
- b) Roof overhangs above the entrance;
- c) Entry recesses/projections;
- d) Arcades that are physically integrated with the entrance;
- e) Raised corniced parapets above the entrance;
- f) Gabled roof forms or arches above the entrance;
- g) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- h) Display windows that are directly adjacent to the entrance; or
- i) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance.

#### Building Materials

Use of durable and traditional building materials shall be used.

Materials such as exterior insulation finish system (EIFS), fluted concrete masonry units, concrete panels, panel brick, and scored concrete masonry unit block are not considered durable and traditional building materials.

#### 4.13.6.7 Off-Street Parking

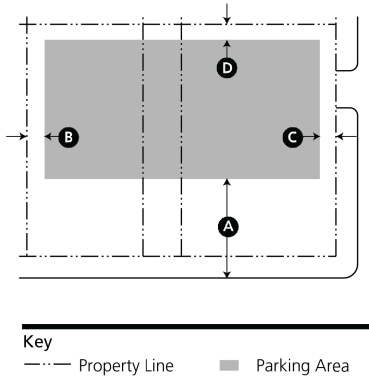
Off-street parking shall be required. However, there are some properties within the SSBN District, due to their limited width and square footage are exempt from providing on-site off-street parking.

Those properties exempt from the off-street parking requirements are noted on the graphic entitled, "**Off-Street Parking Exemption Area.**" Properties located within the dotted block are those properties exempt from the off-street parking requirements. In the event a property owner elects to provide off-street parking on their property they will be required to follow the provisions outlined in this section.

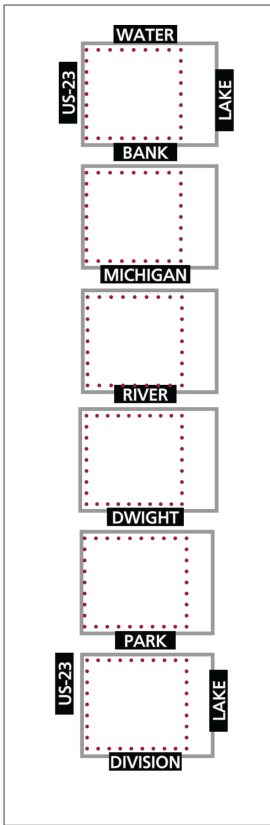
#### 4.13.6.8 Parking Setbacks

##### Location (Distance from Property Line)

|  |     |          |
|--|-----|----------|
| Front Setback (parking to be located behind the building)  |     |          |
| Front Setback (when adjacent to the building)  |     |          |
| - the setback would be measured from the front facade of the building  | 10' | <b>A</b> |
| Adjacent to a common Property Line   | 10' | <b>B</b> |
| Side Street Setback  |     |          |
| - when a masonry screen wall is installed  | 5'  | <b>C</b> |
| - landscape only   | 10' | <b>C</b> |
| Rear Setback   | 5'  | <b>D</b> |
| note: where a parking lot abuts an interior and/or common property line, the property owner shall provide a cross access easement for the purpose of connecting adjacent parking lots. |     |          |



Off-Street Parking Exemption Area Graphic



**4.13.6.9 Shared Parking**

Parking Calculations: The Shared parking Factor for two Functions, when divided into the sum of the two amounts as listed on the Required Parking table below produces the Effective Parking needed. For example, residential parking is calculated at 12 spaces and retail parking is calculated at 32. Summed they equal 44. Using the Shared Parking Table this amount is divided by 1.2 to derive an Effective Parking amount of 36.6 or 37 parking spaces.

|             | Function    |            |            |            |
|-------------|-------------|------------|------------|------------|
| Function    | Residential | Lodging    | Office     | Retail     |
| Residential | 1.0         | <u>1.1</u> | <u>1.4</u> | 1.2        |
| Lodging     | <u>1.1</u>  | 1.0        | 1.7        | <u>1.3</u> |
| Office      | <u>1.4</u>  | 1.7        | 1.0        | 1.2        |
| Retail      | 1.2         | <u>1.3</u> | 1.2        | 1.0        |

**4.13.6.10 Required Parking (Minimum and Maximum)**

Residential (per dwelling unit)

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

|  |            |  |
|--|------------|--|
| Single Family  | 2.0        |  |
| Duplex   | 2.0        |  |
| Multiple Family  | <u>1.5</u> |  |
| Live/Work Unit   | 2.0        |  |
| Residential above 1st Floor in Mixed Use buildings (C and CF Zones)  | <u>1.5</u> |  |
| Lodging (per bedroom/hotel room)   |            |  |
| Bed & Breakfast  | 1.2        |  |
| Inn  | 1.2        |  |
| Hotel/Motel  | 1.0        |  |
| Office (per 1,000 usable square feet)  |            |  |
| Individual enclosed offices  | 2.0        |  |
| Open office concept  | 3.0        |  |
| Retail (per 1,000 usable square feet)  |            |  |
| CT Zone Retail   | 2.0        |  |
| CMU Zone Retail  | 2.0        |  |
| Civic/Assembly - Determined by Section 6.7.2.D   |            |  |
| Parking Notes  |            |  |
| Parking shall conform to <u>Section 6.7</u> , except the provisions in 6.72 which refer to Parking Space Requirements.   |            |  |
| Parking may be shared using the shared parking method outlined in Shared Parking.  |            |  |
| <b>4.13.6.11 Site Amenities</b>  |            |  |
| Bicycle parking and loops/racks must be provided on site based on a ratio of 1 bicycle stall per 10 vehicular parking spaces. For those properties within the Off-Street Parking Exemption Area, the number of required bicycle parking stalls will be based on the number of parking spaces that would have been required if the property wasn't exempt based on Section 4.13.6.10. Parking stalls and loops can be located in a designated parking space in the right-of-way is allowed by the Township, in lieu of on-site. |            |  |
| Benches may be required at the discretion of the Planning Commission.  |            |  |

(Amd. of 1-27-2020; Amd. of 9-9-2021)

## Section 4.13A - MU, Mixed-Use (B-1 and B-2 Overlay District):

The following provisions permit a vertical mix of commercial and residential uses within the same building.

1. **Purposes:** The purposes of Mixed-Use are to:

- A. Accommodate mixed-use buildings with neighborhood-serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
- B. Encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets; and
- C. Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction.

2. **Definitions:** As used in this ordinance, the following words and terms shall have the meanings specified herein:

"**Floor Area Ratio**" means the ratio of a building's gross floor area to the area of the lot on which the building is located.

"**Gross Floor Area**" (*Building Footprint X Number of Floors*) is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use's minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, drive-up overhangs, carports, or inner courts.

"**Mixed-use Building**" means a building that contains at least one floor devoted to nonresidential uses and at least one floor devoted to residential uses.

(*See B-1, Central Business District, Principal Uses and Special Permit Uses.*)

- A. Artist Live/Work Space, ground floor.
  - B. Detached House.
  - C. Multiunit (3 + units) Residential.
  - D. Single-Room Occupancy.
  - E. Townhouse.
  - F. Condominium Units.
  - G. Apartment Units.
3. **Commercial Establishment Size Limits:** The gross floor area of commercial establishments in the B-1 district shall not exceed fifteen thousand (15,000) square feet.
4. **Indoor/Outdoor Operations:** All permitted uses in the B-1 district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.
5. **Floor-to-Floor Heights and Floor Area of Ground-floor Space:**
- A. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum finished floor-to-ceiling height of eleven (11) feet. (*For buildings constructed after the effective date of this change*)
  - B. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:
  - C. At least eight hundred (800) square feet or twenty-five (25) percent of the lot area (whichever is greater) on lots with street frontage of less than fifty (50) feet; or
  - D. At least twenty (20) percent of the lot area on lots with fifty (50) feet of street frontage or more.
6. **Lot Area per Unit (Density):** The minimum lot area per dwelling unit shall be one thousand (1,000) square feet for mixed-use buildings and one thousand five hundred (1,500) square feet for all other buildings.
7. **Transparency:**
- A. A minimum of sixty (60) to seventy-five (75) percent of the street-facing building facade between two (2) feet and eight (8) feet in height must be comprised of clear windows that allow views of indoor space or product display areas.
  - B. The bottom of any window or product display window used to satisfy the transparency standard of paragraph (A) above may not be more than three (3) to four and one-half (4.5) feet above the adjacent sidewalk.

C. Product display windows (windows displaying products for sale) used to satisfy these requirements must have a minimum height of four feet and must be internally lighted.

**8. Doors and Entrances:**

A. Buildings must have a primary entrance door facing a public sidewalk and/or the parking lot for the building. Entrances at building corners may be used to satisfy this requirement.

B. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

Section 4.14 - B-2, General Business District:

1. **Intent and Purpose:** To provide for convenient day-to-day shopping and personal services for the people of the community with minimum impact upon surrounding residential areas.

2. **Principal Uses:**

- A. Antique Shops;
- B. Arcades;
- C. Building Materials/Supplies;
- D. Bakeries;
- E. Barber and Beauty Shops including Spa/Massage Services; <sup>15</sup>
- F. Book Stores, Newsstands, Tobacconists;
- G. Drive-ins and Fast-food Restaurants;
- H. Retail, general;
  - I. Financial Institutions;
  - J. Business, general;
  - K. Furniture Repair and Upholstering;
  - L. Funeral Homes;
  - M. Motels, Hotels and Resorts;
  - N. Indoor Theaters;
  - O. Indoor Amusement and Recreation Services;
  - P. Small Engine Repair and Associated Sales;
  - Q. Truck and Trailer Rentals;
  - R. Restaurants;
  - S. Seasonal Goods;
  - T. Sign Companies;
  - U. Community Events;
  - V. Non-profit Community Theater;
  - W. Medical and Dental Clinics;
  - X. Fraternal Organizations and Clubs;
  - Y. Taxicab Establishments;
  - Z. Service Station;
- AA. Watercraft Sales and Service;
- BB. Convenient Stores;
- CC. Drug Store/Pharmacy;
- DD. Home and Garden Supplies;
- EE. Museums;
- FF. Nurseries, Wholesale and Retail (no production);
- GG. Child Day Care and/or Pre-School;
- HH. Pet Store - Retail and Pet Grooming Services; <sup>3</sup>



- II. Professional Services; <sup>6</sup>
- JJ. Advertising Firms; <sup>7</sup>
- KK. Catering Services; <sup>7</sup>
- LL. Mail Order Companies; <sup>7</sup>
- MM. Pool and Spa Sales; <sup>7</sup>
- NN. Printing Companies; <sup>7</sup>
- OO. Radio/TV Stations (No Towers); <sup>7</sup>
- PP. Recording Studios; <sup>7</sup>
- QQ. Saddlery and Harness Sales; <sup>7</sup>
- RR. Technical Services; <sup>7</sup>
- SS. Building Sales and Display; <sup>7</sup>
- TT. Contractor Services; <sup>7</sup>
- UU. Small Engine Repair, Parts, and Sales. <sup>7</sup>

**3. Special Permit Uses:**

- A. Alternative energy generation, private;
  - B. Resident Manager Quarters;
  - C. Recreational Vehicle Storage Facility;
  - D. Planned Unit Developments (See Article V);
  - E. Veterinary Clinics;
  - F. Mini-warehouses;
  - G. Vehicle Wash Establishments;
  - H. Public Facilities such as Administrative Offices, Police and Fire Stations, Libraries, Museums and Recreation Centers;
  - I. Hospitals;
  - J. Antique Restoring, repair;
  - K. Recreational Vehicle Sales and Service;
  - L. Taverns;
  - M. Places of Worship;
  - N. Malls/Shopping Centers;
  - O. Vending Machine Companies;
  - P. Bottled Gas Filling Stations;
  - Q. Motor Vehicle Sales and Service;
  - R. Motor Vehicle Repair, Body, Paint, Customizing, etc.;
  - S. Used Motor Vehicle Sales;
  - T. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities;
  - U. Community Use Facility, Private;
  - V. Multiple Family Dwellings; <sup>14</sup>
  - W. Tattoo Services; <sup>15</sup>
  - X. Parking Lots
  - Y. Marihuana Safety Compliance Facility.
  - Z. Marihuana Provisioning Center;
  - AA. Marihuana Recreational Retailer.
- 4. Accessory Uses and Temporary Structures:** See Section 2.2, "Use, Accessory," and "Structure, Temporary," for definitions and permitted uses.
- 5. Lot, Building, Yard Requirements:**
- A. **Lot:** Area, five thousand (5,000) SF minimum; width, fifty (50) feet minimum; coverage, eighty-five (85) percent maximum.

**B. Principal Building:**

1. Properties fronting on the west side of US-23 and south of F-41: Height, ninety (90) feet maximum; stories, six (6) maximum; area, six hundred (600) sf minimum.
2. All other areas: Height, fifty (50) feet maximum; stories, four (4) maximum; six hundred (600) sf minimum.

**6. Special Notes:**

- A. Businesses abutting residences shall provide opaque fencing or screening in accordance with Section 6.13.
- B. Off-street parking and loading/unloading areas must be provided in accordance with Section 6.7.
- C. Setbacks subject to site plan approval.

(Amd. of 7-12-2018; Amd. of 11-29-2018; Amd. of 8-7-2019; Ord. No. 2021-270, 8-12-2021)

## Section 4.15 - WB-3 Wurtsmith Business District (Outside Wurtsmith Airport Authority District):

1. **Intent and Purpose:** To provide for the adaptive reuse of existing structures and properties within the former Wurtsmith Air Force Base.

**2. Principal Uses:**

- A. Governmental, Non-Profit or Institutional Offices;
- B. Non-Profit Recreational Facilities;
- C. Nursing Homes;
- D. Convalescent Centers;
- E. Day Care Centers;
- F. Medical and Dental <sup>6</sup> (Offices Located Within the Former Wurtsmith Air Force Base Hospital);
- G. Non-Profit Community Theaters;
- H. Public Facilities;
- I. Youth or Adult Education and Training Centers, Including Schools (Public, Private and Parochial);
- J. Convention and Conference Centers;
- K. Reserved; <sup>6</sup>
- L. Research and Development;
- M. Reserved; <sup>6</sup>
- N. Reserved; <sup>6</sup>
- O. Places of Worship;
- P. Community Events;
- Q. Museums;
- R. Professional Services (greater than four thousand (4,000) square feet of interior floor space for each use); <sup>6</sup>
- S. Advertising Firms; <sup>7</sup>
- T. Catering Services; <sup>7</sup>
- U. Elderly Housing; <sup>7</sup>
- V. Mail Order Companies; <sup>7</sup>
- W. Pool and Spa Sales; <sup>7</sup>
- X. Printing Companies; <sup>7</sup>
- Y. Radio/TV Stations (No Towers); <sup>7</sup>
- Z. Recording Studios; <sup>7</sup>
- AA. Saddlery and Harness Sales; <sup>7</sup>
- BB. Technical Services; <sup>7</sup>
- CC. Wrecker/Towing Services.

**3. Special Permit Uses:**

- A. Alternative energy generation, private;
- B. Hospitals;

- C. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities;
  - D. Community Use Facility, Private;
  - E. Retail Sales that are accessory or incidental to one of the other principal or special permitted uses;<sup>6</sup>
  - F. Warehouse and Distribution Centers;<sup>14</sup>
  - G. Medical Marihuana Provisioning Center;
  - H. Medical Marihuana Safety Compliance Facility;
  - I. Marihuana Recreational Retailer
  - J. Marihuana Safety Compliance Facility
  - K. Aircraft Component Repair;
  - L. Light Manufacturing;
  - M. Vehicle repair and maintenance;
  - N. Tow Lot/Impound Yard;
  - O. Columbariums;
  - P. Multi-Family Dwellings;
  - Q. Apartments;
  - R. Condominiums;
  - S. Townhouses;
  - T. Site Condos;
  - U. Planned Unit Development;
  - V. Marihuana Provisioning Center.
4. **Accessory Uses and Temporary Structures:** Within the WB-3 District, wholesale and retail sales of products that have been manufactured, produced, or reconditioned on site is permitted when such sales activity is clearly incidental and accessory to the principal use of the property.<sup>6</sup> See [Section 2.2](#), "Use, Accessory" and "Structure, Temporary," for definitions and permitted uses.
5. **Lot, Building, Yard Requirements:** As currently configured for existing structures and for their future additions. All new construction on property that is vacant, or had an existing structure that is greater than fifty (50) percent destroyed, and construction is permitted, after the effective date of this ordinance amendment shall comply with the following requirements:
- A. **Lot:** Area, five thousand (5,000) SF minimum; width, fifty (50) feet minimum; coverage, eighty-five (85) percent maximum.
  - B. **Principal Building:** Height, fifty (50) feet<sup>2</sup> maximum; stories, four (4) maximum; area six hundred (600) SF minimum.
6. **Performance Standards:** All activities conducted within the WB-3 zoning district shall be subject to the performance standards set forth in [Section 4.15A](#), Paragraph 7, Special District Requirements.<sup>9</sup>
7. **Special Notes:**
- A. Businesses abutting residences shall provide opaque fencing or screening in accordance with [Section 6.13](#).
  - B. Off-street parking and loading/unloading areas must be provided in accordance with [Section 6.7](#).
  - C. Setbacks subject to site plan approval.

(Amd. of 7-26-2018; Amd of 8-7-2019; Amd. of 12-12-2019; Ord. No. 2021-270, 8-12-2021; Amd. of 10-18-2021)

Section 4.15A - WI, Wurtsmith Industrial:

1. **Intent and Purpose:** To provide for the adaptive reuse of existing structures and properties within the former Wurtsmith Air Force Base areas. This district is created to define locations and space for industrial operations that are recognized as being potentially intrusive upon other uses.
2. **Principal Uses:**
  - A. Manufacturing;
  - B. Large/Heavy Equipment Maintenance and Repair Operations;
  - C. Warehouse and Distribution Centers, Excluding Mini-Warehouses and Recreational Vehicle Storage;
  - D. Research and Development;
  - E. Recyclable Materials Collection Center;

- F. Publishing Center;
- G. Professional Services, utilizing greater than four thousand (4,000) square feet of interior space for each use;
- H. Sign Companies;
- I. Aircraft Repair, Service and Storage;
- J. Industrial Trades Education Center;
- K. Awning/Canopy Fabrication;
- L. Soft Drink, Beer, Ale, Wine, Brewer, Wholesale and Distribution;
- M. Crane Service;
- N. Excavation Services and Excavation Equipment;
- O. Nurseries, Greenhouses Wholesale Production;
- P. Vending Machine Companies;
- Q. Convention/Conference Center;
- R. Personnel and Cargo Ground or Air Transportation Services;
- S. Public Recreation Facilities.

3. **Special Permit Uses:**

- A. Bottled Gas/Bulk and Liquid Petroleum Bulk Storage;
- B. Blacksmith and Iron Works;
- C. Ethanol Production and Distillation;
- D. Fuel Oil Storage and Delivery Services;
- E. Truck Storage—Temporary;
- G. Retail Sales that are accessory or incidental to one of the other principal or special permitted uses;
- H. Asphalt Equipment, Plants and Storage;<sup>7</sup>
  - I. Aircraft Parts and Sales;<sup>7</sup>
  - J. Building Sales and Display;<sup>7</sup>
  - K. Casino;<sup>7</sup>
  - L. Contractor Services;<sup>7</sup>
  - M. Correctional Facility;<sup>7</sup>
  - N. Crematories;<sup>7</sup>
  - O. Indoor Farming;<sup>7</sup>
  - P. Pool and Spa Sales;<sup>7</sup>
  - Q. Recycling Centers, Recycling Collection Stations;<sup>252</sup>
  - R. Resident Manager Quarters;<sup>7</sup>
  - S. Small Arms Range (Indoor only);<sup>7</sup>
  - T. Small Engine Repair, Parts, and Sales;<sup>7</sup>
  - U. Technical Services;<sup>7</sup>
  - V. Tree Services;<sup>7</sup>
  - W. Truck Service;<sup>7</sup>
  - X. Truck Terminals;<sup>7</sup>
  - Y. Veterinary Clinics;<sup>7</sup>
  - Z. Museums;<sup>13</sup>
- AA. Medical Marihuana Grower Facility;
- BB. Medical Marihuana Processing Facility;
- CC. Medical Marihuana Secure Transporter Facility;
- DD. Medical Marihuana Provisioning Center;
- EE. Medical Marihuana Safety Compliance Facility;

- FF. Marihuana Grower Type A (Up to 100 plants);
  - GG. Marihuana Grower Type B (Up to 500 plants);
  - HH. Marihuana Grower Type C (Up to 2,000 plants);
    - II. Marihuana Secure Transporter;
    - JJ. Marihuana Processor;
  - KK. Marihuana Safety Compliance Facility;
  - LL. Marihuana Provisioning Center;
  - MM. Marihuana Recreational Retailer.
4. **Accessory Uses and Temporary Structures:** Within the WI District, wholesale and retail sales of products that have been manufactured, produced or reconditioned on site is permitted when such sales activity is clearly incidental and accessory to the authorized use of the property. See Section 2.2, "Use, Accessory" and "Structure, Temporary," for definitions and permitted uses.
5. **Lot, Building, Yard Requirements:** As currently exists. All new construction sites (lots that do not have any structures as of the effective date of Change #6) shall meet the lot building and yard requirements that are defined as follows:
- A. **Lot:** Area, thirty thousand (30,000) SF minimum; width, one hundred (100) feet minimum;
  - B. **Principal Building:** Height, fifty (50) feet maximum; stories, two (2) maximum; area, eight hundred fifty (850) SF minimum.
  - C. **Yard:** Front, twenty-five (25) feet FLL; side, ten (10) feet minimum; rear, twenty-five (25) feet minimum.
6. **Special Notes:**
- A. Fence and greenbelts shall be in accordance with Section 6.13.
  - B. Antenna: Same as for R-1 District. See also Section 6.25.
  - C. Incidental appurtenances such as mechanical equipment, stacks, and water towers are exempt from the height restrictions stipulated for this district, except that which might apply under the terms of the Oscoda-Wurtsmith Airport Zoning Manual.
  - D. Parking and loading area requirements in accordance with Section 6.7.
  - E. Reserved.<sup>9</sup>
7. **Special District Requirements:**
- Performance Standards for Industry:** It shall be unlawful to carry on or permit to be carried on any activity or operation or use of land, building, or equipment that produces irritants to the sensory perception of humans, and that may be hazardous to humans or human activity.
- (1) **Odor:** The emission of noxious odorous matter in such quantities as to be readily detectable at any point along lot lines so that it is a public nuisance or hazard beyond lot lines, is prohibited.
  - (2) **Gases:** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, except as required in the provision of essential services.
  - (3) **Glare and Heat:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operations from direct view from any point along the lot line, except during the period of construction of the facilities to be used or occupied.
  - (4) **Light:** Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as far as practical to reflect light away from any residential use.
  - (5) **Smoke, Dust, Dirt and Fly Ash:** All emissions shall comply with Michigan's Air Pollution Control Act, Act 348 of the Public Acts of 1965, as amended, and rules promulgated hereafter.
  - (6) **Drifted and Blown Material:** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.
  - (7) **Screening Devices:** Greenbelt, walls, fences, berm, or other screening devices in addition to those in Section 6.13 may be required by the Planning Commission.
  - (8) **Noise:** Any operation producing noise shall comply with Township Ordinance No. 148, passed August 7, 1978, as may be amended.

(Amd. of 7-26-2018; Ord. No. 2021-270, 8-12-2021)

Section 4.16 - R-T, Residential Tourist District:

- 1. **Intent and Purpose:** The R-T Residential Tourist District is designed to meet the unique needs of the area in terms of providing for tourist

related commercial facilities along major thoroughfares and/or natural waterfront areas that are also developed in single-family and cottage residential uses.

**2. Principal Uses:**

- A. Restaurants;
- B. Motels, Hotels, Resorts, Bed and Breakfast Establishments, and Other Lodging Places;  
Note: Up to sixty (60) feet in height (four (4) Stories) upon Site Plan approval;
- C. Reserved;
- D. One-Family Dwelling Units as permitted and regulated by Section 4.8<sup>15</sup> (R-3 District);
- E. Two-Family Dwelling Units;<sup>4</sup>
- F. Reserved;<sup>6</sup>
- G. Antique Shops;
- H. Community Events;
- I. Bait Shops;
- J. Reserved;
- K. State Licensed Residential Facility<sup>10</sup> (see Definition);

NOTE: This otherwise permitted use is not allowed for facilities licensed for care and treatment of persons released from or assigned to adult correctional institutions.

**3. Special Permit Uses:**

- A. Commercial Outdoor Recreation;
- B. Golf Courses and Country Clubs;
- C. Resident Manager Quarters;
- D. Service Stations;
- E. Recreational Vehicle Storage Facilities;
- F. Bottled Gas Filling Stations;
- G. Alternate energy generation, private;
- H. Community Event Center;
- I. Fish Cleaning Station;
- J. Multiple-Family Dwelling Units;<sup>6</sup>
- K. Convenience Stores;
- L. Publicly owned and operated Parks, Parkways, and other Publicly owned Outdoor Recreational Facilities.

**4. Accessory Uses and Temporary Structures:**<sup>10</sup>

- A. **Accessory Uses:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading), located on the same zoning lot as the principal use to which it is related (refer to Section 2.2, definition of Use, Accessory).
- B. **Temporary Structures:** Are strictly prohibited on properties in residential zoning districts (refer also to Section 2.2, definition of Structure, Temporary).

**5. Lot, Building, Yard Requirements:**

- A. **Lot:** Area, twelve thousand (12,000) SF minimum; width, one hundred (100) feet minimum; coverage, forty (40) percent maximum.
- B. **Principal Building:** Height, thirty-five (35) feet<sup>2</sup> maximum; stories, two (2) maximum; area, seven hundred fifty (750) SF minimum.
- C. **Yard:** Front, twenty-five (25) feet FLL minimum (also, see Special Notes "D" and "F" below); side, ten (10) feet minimum; rear, twenty-five (25) feet minimum.

**6. Special Notes:**

- A. Off-street parking to be provided as required in Section 6.7.<sup>2</sup>
- B. Antennas: Same as for R-1. See also Section 6.25.
- C. Businesses abutting residences shall provide opaque fencing or screening in accordance with Section 6.13.

- D. Accessory Structure requirements: Same as R-1.
- E. Road side setback along US-23, F-41 and M-65 shall be thirty-five (35) feet as measured from the highway right-of-way.<sup>3</sup>
- F. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district.<sup>2</sup>

(Amd. of 7-12-2018; Amd. of 3-28-2019)

Section 4.17 - RV, Recreational Vehicle District:

1. **Intent and Purpose:** To provide for development of parks catering to the recreational camping needs of the general public. To ensure spaces for the services for motor homes, tents, tent campers, and the like on specific and reserved sites.
2. **Principal Uses:**
  - A. Community Events.
  - B. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
  - C. RV Parks.
  - D. Horseback Riding Trails and Stables.
3. **Special Permit Uses:**
  - A. Commercial Outdoor Recreation.
  - B. Resident Manager Quarters.
  - C. Recreational Vehicle Storage Facilities.
  - D. Alternative energy generation, private.
  - E. Community Use Facility, Private.
  - F. Fish Cleaning Station.
4. **Accessory Uses and Temporary Structures:** See Section 2.2, "Use, Accessory" and "Structure, Temporary," for definitions and permitted uses.
5. **Lot, Building, Yard Requirements:**
  - A. **Lot:** Area, five (5) acres minimum; width, one hundred (100) feet; coverage, eighty (80) percent.<sup>9</sup>
  - B. **Principal Building:** Height, thirty (30) feet maximum; stories, two (2) maximum; area, eight hundred fifty (850) SF minimum.<sup>9</sup>
  - C. **Yard:** Front, twenty-five (25) feet FLL minimum; Side, twenty (20) minimum; rear, twenty-five (25) feet minimum.
6. **Special Notes:**
  - A. All principal and special uses may be developed either as private or public facilities.
  - B. Setbacks from shoreline shall be in accordance with state regulations.

Section 4.18 - E, Extractive District:

1. **Intent and Purpose:** To provide for the development of reservation of areas to provide necessary sand, gravel and other resources in support of development in the area while providing for safeguards for surrounding properties and restoration when closed.
2. **Special Permit Uses:**
  - A. Excavation.
  - B. Alternative energy generation, private.
3. **Accessory Uses and Temporary Structures:** See Section 2.2, "Use, Accessory" and "Structure, Temporary," for definitions and permitted uses.
4. **Lot, Building, Yard requirements:**
  - A. **Lot:** Area, five (5) acres minimum; width; coverage.
  - B. **Principal Building:** Height, twenty-five (25) feet maximum; stories, one (1) maximum.
  - C. **Yard:** Front, twenty-five (25) feet FLL minimum; side, twenty (20) feet minimum; rear, twenty-five (25) feet minimum.
5. **Special Notes:**
  - A. Incidental appurtenances, such as mechanical equipment, stacks and towers, are exempt from the height restrictions stipulated in this

district except that which might apply under the terms of the Oscoda-Wurtsmith Airport Zoning Manual.

- B. Safeguards and restoration requirements shall be in accordance with state laws.
- C. Fencing and greenbelt shall be in accordance with Section 6.13.
- D. Refer also to Section 6.19, Soil Removal; Excavation; Filling.

Section 4.19 - WM, Waterfront Marina District:

1. **Intent and Purpose:** To provide for the development of commercial and recreational boating facilities and services relating specifically to harbor and waterways improvements which facilitate navigation, commercial and recreational fishing development.
2. **Principal Uses:**
  - A. Bait Shops.
  - B. Watercraft Charters, Excursions, Rentals.
  - C. Watercraft Dockage and Storage.
  - D. Watercraft Equipment, Supplies, Fuel Sales and Service.
  - E. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
  - F. Ships Chandlers.
  - G. Fish Cleaning Facilities.
3. **Special Permit Uses:**
  - A. Commercial Outdoor Recreation.
  - B. Motels, Hotels, and Resorts.
  - C. Restaurants.
  - D. Resident Manager Quarters.
  - E. Alternative energy generation, private.
  - F. Convenient Stores.
  - G. Fish and Game Propagation.
  - H. Community Use Facility, Private.
4. **Accessory Uses and Temporary Structures:** See Section 2.2, "Use, Accessory" and "Structure, Temporary," for definitions and permitted uses.
5. **Lot, Building, Yard Requirements:**
  - A. **Lot:** Area, twelve thousand (12,000) SF minimum; width, one hundred (100) feet minimum; coverage, fifty (50) percent maximum.
  - B. **Principal Building:** Height, thirty (30) feet maximum; stories, two (2) maximum; area, six hundred (600) feet minimum.
  - C. **Yard:** Front; side, ten (10) feet minimum; rear, thirty-five (35) feet minimum.
6. **Special Notes:**
  - A. Fences and greenbelts shall be in accordance with Section 6.13.
  - B. Antennas: Same as for R-1 District. See also Section 4.25.

Section 4.20 - F, Forestry District:

1. **Intent and Purpose:** To promote the development of wooded areas of the Township in a manner which promotes small forestry operations, wildlife management, and other compatible uses.
2. **Principal Uses:**
  - A. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities;
  - B. Campgrounds;
  - C. Forest Industries Including Sawmills and Their Related Sales;
  - D. Forest Nurseries and Seed Gathering;
  - E. Forestry Services;
  - F. Seasonal Goods;
  - G. Community Events;



- H. Golf Courses and Country Clubs;
  - I. Cemeteries;
  - J. Hunting and Trapping Operations;
  - K. Nurseries, Greenhouses, Wholesale and Retail, production;
  - L. Horseback Riding Trails and Stables;
  - M. Tree Cutting Services;
  - N. One-Family Dwelling Units;
  - O. Kennels;
  - P. Private Garages;
  - Q. Outhouse (Privy);
  - R. Fish and Game Propagation (Hatcheries and Farms);
  - S. Cabins/Cottages. <sup>6</sup>
3. **Special Permit Uses:**
- A. Commercial Outdoor Recreation;
  - B. Communication Towers, except that which might apply under the terms of the Oscoda-Wurtsmith Airport Zoning Manual;
  - C. Sanitary Landfills;
  - D. Excavation;
  - E. Gunnery Ranges;
  - F. Outdoor Theaters;
  - G. Landscape Contractors and Suppliers;
  - H. Reserved; <sup>252</sup>
  - I. Fraternal Organizations and Clubs;
  - J. Alternative energy generation, private and commercial;
  - K. Veterinary Clinics;
  - L. RV Parks;
  - M. Landfills;
  - N. Hospitals;
  - O. Composting;
  - P. Community Use Facility, Private;
  - Q. Fish Cleaning Station;
  - R. Open Space Preservation; <sup>7</sup>
  - S. Bed and Breakfast Establishments; <sup>15</sup>
  - T. Multi-Family Dwellings;
  - U. Apartments;
  - V. Condominiums;
  - W. Townhouses;
  - X. Site Condos;
  - Y. Planned Unit Developments.
4. **Accessory Uses and Temporary Structures:** See Section 2.2, Use, Accessory and Structure, Temporary, for definitions and permitted uses.
5. **Lot, Building, Yard Requirements:**
- A. **Lot:** Area, five (5) acres minimum;
  - B. **Principal Building:** Height, thirty-five (35) feet maximum; stories, two (2) maximum; area, eight hundred fifty (850) SF minimum.
  - C. **Yard:** Front, twenty-five (25) feet FLL minimum; side, twenty (20) feet minimum; rear, twenty-five (25) feet minimum.
6. **Special Notes:**
- A. Fence and greenbelts shall be in accordance with Section 6.13.

- B. Antennas: Same as for R-1 District. See also Section 6.25.
- C. Road side setback along US-23, F-41 and M-65 shall be thirty-five (35) feet as measured from the highway right-of-way.<sup>3</sup>
- D. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district.<sup>2</sup>
- E. Cabins/Cottages may be built to a minimum of four hundred (400) square feet of floor area. Cabins/Cottages shall only be built upon a parcel that has a minimum land area of ten (10) acres. Cabins/Cottages shall be set back a minimum of three hundred (300) feet from all property lines. Cabins/Cottages shall only be built in accordance with the design standards that are described by Section 6.28.<sup>6</sup>
- F. Open Space Preservation.<sup>7</sup>
  - (1) Applicable to residential development only.
  - (2) New parcels created shall comply with P.A. 288 of 1967, as amended (Land Division Act).
  - (3) A maximum of fifty (50) percent of any parent parcel buildable area may be divided into new parcels equaling the total number of dwellings allowed for the entire parcel of land within this district. At least fifty (50) percent of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission. Example: Total parent parcel area is thirty (30) acres divided by five (5) acres per dwelling equals six (6) dwellings, which would allow six (6) parcels. When the requirements of Open Space Preservation are satisfied, six (6) parcels would be allowed on fifteen (15) acres or less.
- G. All non-conforming properties must meet all standards for the R-1, Low Density Residential District, as to lot, building, and yard requirements.

(Amd. of 3-28-2019)

#### Section 4.21 - SD, Shoreline District (Overlay District):

1. **Intent and Purpose:** To establish additional and special requirements in the development of specific permitted uses in a zoning district which, at a minimum, has one lot line adjoined by a lake, stream, river, flowage or other water body.
2. **Principal Uses:** Those uses permitted in the zone to which the SD is attached.
3. **Accessory Uses:** Those accessory uses that are permitted in the zone to which the SD is attached.
4. **Lot, Building, Yard Requirements:**
  - A. **Lot:** Area, width, coverage same as for the zone to which the SD is attached.
  - B. **Principal Building:** Maximum height and minimum area are to be the same as for the zone to which the SD is attached.
  - C. **Yard:**<sup>2</sup>
    - (1) **Commercial Building Placement:** Front - twenty-five (25) feet FLL minimum, Rear - thirty-five (35) feet minimum, Side - structures with a maximum height of thirty-five (35) feet shall maintain ten (10) feet minimum. Structures that will exceed a height of thirty-five (35) feet shall maintain one (1) foot of side setback for every foot of building height.
    - (2) **Residential Principal Building Placement:** Front - twenty-five (25) feet FLL minimum, Side - ten (10) feet minimum, Rear - thirty-five (35) feet minimum.
    - (3) **Accessory Structure Placement:**<sup>6</sup>
      - (a) **Side or Rear Yard Accessory Structures:** Accessory Structures that are greater than one hundred forty-five (145) square feet shall only be located in the side or rear yard. When the lot width is greater than 60', all structures shall maintain a minimum of ten (10) feet side setback. Lots that are 60' or less may be allowed to place structures to a 5' setback. Rear yard (roadside) setback shall be thirty-five (35) feet minimum within yards along US-23, F-41 and M-65. All other properties shall maintain a minimum of twenty-five (25) feet rear yard (roadside) setback.
      - (b) **Front Yard (water or view side) Accessory Structures:** Accessory Structures that are one hundred forty-five (145) square feet or less may be located in the front yard and shall be placed at a minimum of twenty-five (25) feet landward of the front lot line. Front yard Accessory Structures shall not exceed a maximum height of ten (10) feet. Lot widths greater than sixty (60) feet shall maintain a minimum of ten (10) feet side setback. Lots that are sixty (60) feet or less may place structures to a five-foot setback.
    - (4) **Deck Placement:** A free standing deck may be placed along the waters edge as long as ten (10) feet separation is maintained from all other permanent structures and ten (10) feet setback is maintained from other lot lines.<sup>2</sup>
5. **Special Notes:**

- A. SD Zoning designation is applied as a dual category zoning district to all property bordering on bodies of water as defined on the zoning dis
  - B. Building placement shall also satisfy State and Health Department regulations.
  - C. Property in SD may also be affected by floodplain insurance requirements.
  - D. See Section 6.6 for other detailed requirements.
  - E. Water Front Lots. The front lot line shall be on the water front side of the property.
  - F. Front Setback on Lake Huron properties shall be measured from the Front Lot Line (FLL) or the Ordinary High Water Line (OHWL) that has been established by Michigan Department of Environmental Quality. When the FLL is lakeward of the MDEQ established OHWL, the setback shall then be measured from the OHWL. <sup>6</sup>
6. **Septic System Placement:** All on-site septic systems shall be located at the setback distance as determined by the health department.
7. **Vegetation or Tree Cover:** The cutting of trees or removal of vegetation nearer than fifty (50) feet to the existing bluff line or shoreline is prohibited, except minimum thinning of existing cover and trees can be conducted to provide access and a view of the body of water. No more than twenty-five (25) percent of the vegetation and tree cover can be removed in the thinning process.
8. **Channeling, Filling and Dredging:** No alteration of the shoreline and area shall take place without the proper permit first being secured from the Michigan Department of Natural Resources.
9. **Shore Cover Preservation Provisions:** Regulation of vegetation removal along water courses and bodies is necessary to protect scenic beauty, control erosion, and protect stream banks. The provisions do not apply to the removal of dead or diseased trees or to the necessary trimming for tree growth and beauty or to improve scenic character.
- A. Tree cutting in a strip paralleling the shoreline and extending fifty (50) feet inland from all points along the Ordinary High Water Line (OHWL), shall be regulated as follows:
    - (1) No more than fifteen (15) percent of the length of this strip or any lot shall be clear-cut to the depth of the strip.
    - (2) This cutting shall not create a clear-cut opening greater than twenty (20) feet for every one hundred (100) foot of shoreline ( measured along OHWL).
    - (3) Stumps may be cut flush with the ground, but shall not be removed.
  - B. Natural shrubbery and vegetation shall be maintained where possible and if it is removed, it must be replaced by vegetation equally effective of controlling runoff and erosion.
  - C. Where it is deemed necessary by the owner to have greater latitude in cutting, because of special circumstances, relief shall be sought from the Township Zoning Board of Appeals, to be allowed greater latitude in cutting. In application for such relief, the owner must submit a sketch plan of the lot, including the following: structure location, parking and drive location, gradient of land, existing vegetation, proposed cutting and proposed replanting. The Board may grant such a permit only if it finds the following:
    - (1) The proposed action will not cause undue erosion or alter the general character of the area.
    - (2) The action will not adversely affect neighboring property owners and the lot owners guarantee completion of the proposed actions as noted on the site plan, as approved. Such an agreement shall be enforceable in court.
10. **Floodplain and Wetlands:** Floodplains and wetlands of the Township shall be governed by the applicable Township Ordinance, as amended, in addition to the rules governing the zoning district uses contained herein.

Section 4.22 - I, Industrial District:

1. **Intent and Purpose:** To provide a location and space for all types of wholesale, warehousing and manufacturing operations subject to restrictions on vibration, noise, emissions and odors. Since this District is of a specialized nature and to efficiently develop its intended use, most other uses are to be excluded from this district.
2. **Principal Uses:**
  - A. Antique Restoring and Repair.
  - B. Agricultural Equipment Sales, Supplies and Service.
  - C. Awning, Fabrication and Sales.
  - D. Beer, Ale, Wine Wholesale Brewers and Distributors.
  - E. Black smithing and Iron Work.
  - F. Boiler Sales, Repair, Manufacture.
  - G. Building Materials/supplies.

- H. Concrete Contractors.
- I. Crane Service.
- J. Home and Garden Supplies.
- K. Excavators and Excavation Equipment Sales and Service.
- L. Motor Vehicle Repair, Body, Paint, Customizing, etc.
- M. Fuel Oil Storage/Delivery Service.
- N. Fumigating Services.
- O. Furniture Repair and Upholstering.
- P. Bottled Gas/Bulk and Liquid Petroleum Bulk Sales and Service.
- Q. Heavy Equipment Sales and Service.
- R. Reserved.<sup>6</sup>
- S. Landscape Contractors.
- T. Publishing.
- U. Manufacturing Processes.
- V. Septic Tank Service.
- W. Tree Cutting Services.
- X. Warehouse and Distribution Centers.
- Y. Taxicab Establishments.
- Z. Public Facilities such as Administrative Offices, Police and Fire Stations, Libraries, Museums and Recreation Centers.
- AA. Professional Service Offices.<sup>6</sup>
- BB. Asphalt Equipment, Plants and Storage.<sup>7</sup>
- CC. Building Sales and Display.<sup>7</sup>
- DD. Contractor Services.<sup>7</sup>
- EE. Crematories.<sup>7</sup>
- FF. Small Engine Repair, Parts and Sales.<sup>7</sup>
- GG. Technical Services.<sup>7</sup>

### 3. Special Permit Uses:

- A. Recycling Centers, Recycling Collection Stations.<sup>252</sup>
- B. Salvage Yards (Junk Yards).
- C. Truck Terminals.
- D. Truck Stops.
- E. Communication Towers, except that which might apply under the terms of the Oscoda-Wurtsmith Airport Zoning Manual.
- F. Composting.
- G. Gunnery Ranges.
- H. Adult Entertainment Establishments.
- I. Sign Companies.
- J. Fraternal Organizations and Clubs.
- K. Business, general.
- L. Medical/Dental Clinics.
- M. Service Stations.
- N. Alternative energy generation, private.
- O. Indoor Amusement and Recreation.
- P. Truck and Trailer Rentals.
- Q. Recreational Vehicle Sales and Service.
- R. Vending Machine Companies.

- S. Mini-warehouses.
  - T. Community Use Facility, Private.
  - U. Kennels, Commercial. <sup>6</sup>
  - V. Marihuana Grower Type A (Up to 100 plants).
  - W. Marihuana Grower Type B (Up to 500 plants).
  - X. Marihuana Grower Type C (Up to 2,000 plants).
  - Y. Marihuana Secure Transporter.
  - Z. Marihuana Processor.
  - AA. Marihuana Safety Compliance Facility.
  - BB. Marihuana Provisioning Center.
  - CC. Marihuana Recreational Retailer.
4. **Accessory Uses and Temporary Structures:** See Section 2.2, "Use, Accessory" and "Structure, Temporary," for definitions and permitted uses.
5. **Lot, Building, Yard Requirements:**
- A. **Lot:** Area, thirty thousand (30,000) SF minimum; width, one hundred (100) feet minimum; coverage.
  - B. **Principal Building:** Height, forty (40) feet maximum; stories, two (2) maximum; area, eight hundred fifty (850) SF minimum.
  - C. **Yard:** Front, twenty-five (25) feet FLL; side, ten (10) feet minimum; rear, twenty-five (25) feet minimum.
6. **Special Notes:**
- A. Fence and greenbelt shall be in accordance with Section 6.13.
  - B. Antenna: Same as for R-1 District. See also Section 6.25.
  - C. Incidental appurtenances such as mechanical equipment, stacks, and water towers are exempt from the height restrictions stipulated for this district, except that which might apply under the terms of the Oscoda-Wurtsmith Airport Zoning Manual.
  - D. Parking and loading area requirements in accordance with Section 6.7.
  - E. Special district requirements in accordance with Section 4.18.
7. **Special District Requirements:**

**Performance Standards for Industry:** It shall be unlawful to carry on or permit to be carried on any activity or operation or use of land, building, or equipment that produces irritants to the sensory perception of humans, and that may be hazardous to humans or human activity.

- (1) **Odor:** The emission of noxious odorous matter in such quantities as to be readily detectable at any point along lot lines so that it is a public nuisance or hazard beyond lot lines, is prohibited.
- (2) **Gases:** The escape of or emission of any gas which is injurious or destructive or explosive shall be unlawful and may be summarily caused to be abated, except as required in the provision of essential services.
- (3) **Glare and Heat:** Any operation producing intense glare or heat shall be performed within an enclosure so as to completely obscure and shield such operations from direct view from any point along the lot line, except during the period of construction of the facilities to be used or occupied.
- (4) **Light:** Exterior lighting shall be so installed that the surface of the source of light shall not be visible from any bedroom window, and shall be so arranged as far as practical to reflect light away from any residential use.
- (5) **Smoke, Dust, Dirt and Fly Ash:** All emissions shall comply with Michigan's Air Pollution Control Act, Act 348 of the Public Acts of 1965, as amended, and rules promulgated hereafter.
- (6) **Drifted and Blown Material:** The drifting or airborne transmission beyond the lot line of dust, particles or debris from any open stockpile shall be unlawful and may be summarily caused to be abated.
- (7) **Screening Devices:** Greenbelt, walls, fences, berm, or other screening devices in addition to those in Section 6.13 may be required by the Planning Commission.
- (8) **Noise:** Any operation producing noise shall comply with Township Ordinance No. 148, passed August 7, 1978, as may be amended.

(Ord. No. 2021-270, 8-12-2021)

Section 4.23 - AG, Agricultural District:

1. **Intent and Purpose:** To promote the maintenance of agricultural lands and areas to prevent premature development of township lands which because of their character and location should be reserved to a future date; to enhance and preserve the natural characteristics which are the for the area's tourist economy.
2. **Principal Uses:**
  - A. Agricultural Production.
  - B. Agricultural Buildings.
  - C. Agricultural Equipment Sales, Supplies and Service.
  - D. Agricultural Cooperative.
  - E. Cemeteries.
  - F. Community Events.
  - G. Nurseries, Greenhouses, Including Wholesale and Retail Sales, production.
  - H. Horseback Riding Trails and Stables.
  - I. Veterinary Clinics.
  - J. Tree Cutting Services.
  - K. Landscape Contractors and Suppliers.
  - L. Kennels.
  - M. One-family Dwelling Units.
  - N. Outhouse (privy).
  - O. Seasonal Goods.
  - P. Garages, private.
  - Q. Fish and Game Propagation.
  - R. Methane Generators.
  - S. Ethanol Production and Distillation Equipment.
  - T. Campgrounds.
  - U. Hunting and Fishing Operations.
  - V. Fish and Game Propagation.
  - W. Public Facilities such as Administrative Offices, Police and Fire Stations, Libraries, Museums and Recreation Centers.
  - X. Publicly-owned and operated Parks, Parkways, and other Publicly-owned Outdoor Recreational Facilities.
  - Y. Blacksmithing and Iron Work.
3. **Special Permit Uses:**
  - A. Composting.
  - B. Sanitary Landfills.
  - C. Communication Towers, except that which might apply under the terms of the Oscoda-Wurtsmith Airport Zoning Manual.
  - D. Gunnery Ranges.
  - E. Excavation.
  - F. Hospitals.
  - G. Outdoor Theaters.
  - H. RV Parks.
  - I. Landfills.
  - J. Reserved. <sup>252</sup>
  - K. Fraternal Organizations and Clubs.
  - L. Alternative energy generation, private and commercial.
  - M. Community Use Facility, Private.
  - N. Fish Cleaning Station.
  - O. Open Space Preservation. <sup>7</sup>

- P. Marihuana Grower Type A (Up to 100 plants).
  - Q. Marihuana Grower Type B (Up to 500 plants).
  - R. Marihuana Grower Type C (Up to 2,000 plants).
4. **Accessory Uses and Temporary Structures:** See Section 2.2, "Use, Accessory" and "Structure, Temporary," for definitions and permitted uses.
5. **Lot, Building, Yard Requirements:**
- A. **Lot:** Area, five (5) acres minimum; width; coverage.
  - B. **Principal Building:** Height, forty (40) feet maximum; Stories, two (2) maximum; Area, Dwelling Unit, Single-Family, seven hundred fifty (750) square feet minimum.
  - C. **Yard:** Front, twenty-five (25) feet FLL minimum (see also Special Note C below); side, ten (10) feet minimum; rear, twenty-five (25) feet minimum.
6. **Special Notes:**
- A. Fence and greenbelt shall be in accordance with Section 6.13.
  - B. Antennas: Same as for R-1 District. See also Section 6.25.
  - C. Road side setbacks along US-23, F-41 and M-65 shall be thirty-five (35) feet as measured from the highway right-of-way. <sup>3</sup>
  - D. At a minimum, front yard setback requirements shall be met for any property that adjoins a road. Any structure to be constructed on a front, rear or side yard, that abuts a road, shall allow for a setback from said road with a minimum distance of the relevant front yard setback for that district. <sup>2</sup>
  - E. Open Space Preservation. <sup>7</sup>
    - (1) Applicable to residential development only.
    - (2) New parcels created shall comply with P.A. 288 of 1967, as amended (Land Division Act).
    - (3) A maximum of fifty (50) percent of any parent parcel buildable area may be divided into new parcels equaling the total number of dwellings allowed for the entire parcel of land within this district. At least fifty (50) percent of the parent parcel shall be kept as open space in perpetuity by conservation easement, plat dedication, restrictive covenant, or other legal means acceptable to the Planning Commission. Example: Total parent parcel area is thirty (30) acres divided by five (5) acres per dwelling equals six (6) dwellings, which would allow six (6) parcels. When the requirements of Open Space Preservation are satisfied, six (6) parcels would be allowed on fifteen (15) acres or less.
  - F. All non-conforming properties must meet all standards for the R-1, Low Density Residential District, as to lot, building, and yard requirements.

(Amd. of 5-11-2017; Ord. No. 2021-270, 8-12-2021)

Section 4.24 - P, Parking District:

1. **Intent and Purpose:** Parking Districts are designed to encourage the provision of off-street parking for those non-residential uses which are not able to provide adequate space within their own district boundaries.
2. **Principal Uses:** Premises in such districts shall be used only for an off-street vehicular parking area, except for existing dwellings, and shall be developed and maintained subject to such regulations as follows:
  - A. The parking area shall be accessory to, and for use in connection with, one or more businesses or industrial establishments, or in connection with one or more existing professional or institutional office buildings or institutions.
  - B. Parking area shall be used solely for parking of private passenger vehicles, for periods of less than one (1) day.
  - C. No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
  - D. No building other than those for shelter of attendants shall be erected upon premises and they shall not exceed fifteen (15) feet in height.
  - E. Such parking lots shall be contiguous to an R-4, B-1, B-2, B-3, RT or I District and in all cases shall be adjacent successive lots from the above mentioned use districts, or the adjacent successive lots from either end of a block where lots front on a street parallel to and at the rear of a business or industrial block. There may be a private driveway or public street or public alley between such P Districts and such R-4, B-1, B-2, B-3, RT or I Districts.
  - F. Adequate entrance and exit for vehicles to premises used as a parking area shall be provided and shall be by means of streets or alleys adjacent to or extending through R-4, B-1, B-2, B-3, RT or I Districts, or by means or private roadways and shall be surfaced in a manner

at least equivalent with that which is hereinafter provided for the parking area. Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any residential district.

- G. Where the P District is contiguous to side lot lines of premises within a residentially zoned district, the required wall shall have a side yard setback equal to the minimum required side yard in the abutting residential district. Where the P District is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of fifteen (15) feet or whichever is the greater. The required wall shall be located on the minimum set back line.
- H. The parking area shall be screened in accordance with the requirements of 6.13.2.
- I. The parking area shall be provided with a permanent, durable, and dustless surface and shall be graded and drained so as to dispose of all surface water accumulated within the area. The parking area shall be improved within one (1) year of occupancy of the use it is to serve if it is for a new use, and within six (6) months of the effective date of rezoning for P Parking use if the parking area is to serve an existing use or uses.
- J. Where lighting facilities are provided, they shall be so arranged as to reflect the light away from all residential district.
- K. The Zoning Board of Appeals, upon application by the property owner of the parking area, may modify the yard and wall requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this Section, or where the abutting residential property owners concur with same.
- L. In all cases where a wall extends to an alley which is a means of ingress and egress to a parking area, 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 area.

#### Section 4.25 - NR, Natural River District:

1. **Intent and Purpose:** To implement public objectives embodied in the Au Sable River Natural River Management Plan adopted by the Natural Resources Commission, and endorsed by the Township of Oscoda. These public objectives seek to preserve and enhance the values of the Au Sable River area as well as to promote the public health, safety and general welfare of this community and the state as a whole. These objectives/purposes are sought to be achieved through zoning of this unique scenic natural river area and are as follows:
  - A. To maintain water quality consistent with the designated classification of the river and adhere to the concept of non degradation of water quality;
  - B. To prohibit development or activity which may damage the ecologic, aesthetic or historic values of the river and adjacent land;
  - C. To ensure that any development which may occur shall be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream;
  - D. To ensure that recreational uses which occur, be done in an orderly manner consistent with the natural environment and aesthetic qualities of the stream, and that a quality recreation experience is maintained.
2. **Relation to Other Statutes, etc.:** It is further declared that within the area affected by this district, the provisions that follow are:
  - A. The minimum necessary to ensure protection and enhancement of the values of the natural river area and the purposes stated above;
  - B. Not intended to repeal, abrogate or impair any existing covenants or deed restrictions;
  - C. Not intended to permit actions prohibited by other statutes or ordinances;
  - D. Not intended to remove or replace responsibility for a property owner or his designee to obtain any other permit, review or approval for construction or use of any land or water required by another statute or ordinance; and,
  - E. To be interpreted, in the event of conflict with another statute or ordinance, in favor of the provision(s) which maximize the objectives of this ordinance.
3. **Area Affected:** These regulations apply to that area comprising the Au Sable River and its designated tributaries, its flood plain and all lands lying between the river's edge and a line, each point of which is four hundred (400) feet horizontal from the perpendicular to the ordinary high water mark. This area encompasses all islands and lands on each side of the river, and is as shown on the official Charter Township of Oscoda Zoning Map, which is a part of this ordinance. A copy of the official zoning map depicting the area affected by this Ordinance and a copy of the text of this Ordinance shall be filed in the offices of the Charter Township of Oscoda Clerk, the Iosco County Equalization Department, with the State Tax Commission, and with the Charter Township of Oscoda Assessor.
4. **General Provisions:** Any land or structure in the area affected by this district shall also comply with the requirements of this section as follows:
  - A. **Relationship to Existing Lots.** Within the area affected by this district, all lots and/or buildings shall be established and used for only those purposes permitted by this Ordinance, and in accord with the requirements of this ordinance. Nonconforming lots of record or



nonconforming lots described in a deed or land contract executed and delivered prior to the effective date of this amendment to this Ordinance shall be used pursuant to the requirements of Section 6.1. No lot existing on the effective date of this Ordinance or amendment thereto, may be subdivided, or reduced in dimension or area below the minimum requirements of this Ordinance. Lots created after the effective date of this Ordinance shall meet at least the minimum requirements of this ordinance; except as provided in B, below.

- B. **Relationship to Existing Subdivisions.** Upon the effective date of the adoption or amendment of this ordinance, proposed lots for which preliminary plat approval has been granted pursuant to the Subdivision Control Act, Public Act 288 of 1967, as amended, and which do not meet the minimum area and dimensional requirements of this ordinance shall upon final plat approval, be permitted to be used as non conforming lots of record in accord with the requirements of Section 6.1.
- C. **Water Supply and Waste Disposal.** No permanent principal structure shall be erected or occupied without a permit from the District 2 Health Department certifying that said structure has a potable water supply and sanitary waste disposal system that complies with all District 2 Health Department requirements. No well or septic tank and tile field shall be permitted closer to the river than the riverfront setback line. Septic tanks and tile fields shall be at least four (4) feet above the mean annual high water table, and shall not be nearer than one hundred (100) feet to any subsoil drainage system, such as footing drains, emptying directly into the river. Where steep slopes, impermeable soils, bedrock or a high ground water table prevent use of an approved septic system, where no sanitary sewer system is available and where the District 2 Health Department will issue a permit authorizing use of another waste disposal system that will pose no threat to surface or subsurface water quality, to the public health, or to the inhabitants of a proposed structure, said alternative system may be utilized as long as its use and location are landward of the riverfront setback line and in all other respects is in compliance with the terms of this ordinance.
- D. **Access.** All motor vehicles and utility access to lands and lots bounded or crossed by the Au Sable River and its tributaries shall be from public roads or approved private drives at no point closer than two hundred fifty (250) feet landward from the river's edge; except where the Zoning Board of Appeals determines it is necessary to provide other access to a permitted building or use. Wherever possible, motor vehicle access should serve multiple lots. Utility access to individual lots shall be buried underground wherever the character and values of the natural river area are thereby preserved or enhanced. No trails for use by motorized vehicles shall be built or maintained closer than two hundred fifty (250) feet landward from the river's edge.
- E. **Flood Plain Restrictions.** No principal structure shall be permitted in the flood plain of the natural river area of the Au Sable River and its designated tributaries and no land filling is permitted in the flood plain unless the Zoning Board of Appeals shall find a variance is necessary to permit a reasonable use of property in the flood plain in accord with the requirements of Section 8.3.3.
- F. **Natural Vegetation Strip.** To minimize erosion, stabilize the riverbank, protect water quality, keep nutrients out of the water, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen man-made structures, and also to preserve aesthetic values of the natural river area, a natural vegetation strip shall be maintained on each parcel or lot between the river's edge and a line, each point of which is one hundred fifty (150) feet horizontal from the perpendicular to the river's edge on publicly held lands and seventy-five (75) feet on privately owned land. Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed to achieve a filtered view of the river from the principal structure and for reasonable private access to the river. Said pruning and removal activities: (1) shall ensure a live root system stays intact to provide for stream bank stabilization and erosion control, and (2) shall ensure that any path to the river is no greater than four (4) feet in width, shall meander down to the river's edge in a manner which protects the soil and vegetation from erosion while also screening the principal structure and vehicles from a direct river view. Dead, diseased, unsafe or fallen trees and noxious plants and shrubs, including poison ivy, poison sumac and poison oak, and other plants regarded as a common nuisance in Section 2, Public Act 359 of 1941, as amended, may be removed. Planting of perennial native species in the natural vegetation strip is encouraged, especially where exposed soil and steep slopes exist, and in reforestation efforts.
- G. **Removal of Logs and Debris from the River.** A riverfront owner may clean dead fall logs and other debris from the river to maintain a safe, clean, and free-flowing river when after consultation with a Department of Natural Resource's fisheries biologist, removal is undertaken in a manner which will least disrupt fish and wildlife habitat, riverside vegetation and limit sediment disruption on the river bottom.
- H. **Height Restrictions.** No structure, except public utility transmission and distribution lines regulated in accord with Department of Natural Resources' administrative rules entitled "Utilities and Publicly Provided Facilities in Natural River Areas", in excess of a height of twenty-five (25) vertical feet, shall be permitted on any location within the district.
- I. **Use of Natural Building Materials.** It is encouraged that natural materials such as wood and stone and natural muted colors indigenous to the local summertime vegetation and soils be used in the erection of alteration of the exterior of all structures, whether temporary or permanent, and especially in docks and riverbank stabilization structures.
- J. **Use of Pesticides, Herbicides, Fertilizers.** Because of the potentially severe adverse effects on riverfront vegetation, fish, wildlife and

water quality from improper use of even small amounts of pesticides, herbicides and fertilizers, their use of lands within the natural river area is strongly discouraged except when utilized in accord with the advice and supervision of qualified specialists.

**5. Minimum Dimensional and Lot Area Requirements:**

- A. **Minimum Lot Size in Square Feet Per Principal Structure.** The minimum lot size per principal structure shall be fifty thousand (50,000) square feet on the Au Sable River and on any of its tributaries within the district.
- B. **Minimum Lot Width in Feet Per Principal Structure.** The minimum lot width per principal structure shall be two hundred (200) feet on the Au Sable River and one hundred fifty (150) feet on its tributaries within the district as measured along the riverfront.
- C. **Maximum Percentage of Lot Area Covered.** The maximum percentage of lot area covered by all structures (principal and accessory) on the lot shall not exceed thirty-five (35) percent of the total lot area.
- D. **Minimum Principal Structure Setbacks.**
  - (1) The minimum principal structure setbacks per lot shall be: Fifty (50) feet from a side lot line. Twenty-five (25) feet from the street or road access right-of-way or front lot line. Two hundred (200) feet from the ordinary high water mark on the Au Sable River. One hundred (100) feet from the ordinary high water mark on the tributaries.
  - (2) Any permitted accessory structure in excess of seven hundred fifty (750) feet shall conform to all minimum setback lines for principal structures.
  - (3) The setback may be decreased one foot for every one foot rise in bank height to a minimum of one hundred fifty (150) feet from the ordinary high water mark on the Au Sable River and to a minimum of seventy-five (75) feet on any tributaries. No building shall take place on land that is subject to flooding.
  - (4) Structures and appurtenances must be setback at least twenty-five (25) feet from the top of a bluff on the non cutting edge of the stream and at least fifty (50) feet from the top of the bluff on the cutting edge of a stream.
  - (5) All structures or uses of land for other than single family dwelling use that abut a platted subdivision or developed single family lot shall maintain an additional thirty-foot structural setback from an abutting residential lot line.

**6. Accessory Structures:** Attached and detached garages, water wells, septic tanks and tile fields are permitted accessory structures landward of the riverfront setback line. The following accessory structures are permitted on a lot when in compliance with the conditions stated below and all other requirements of this ordinance:

- A. **Pumphouse.** One pumphouse to house a pump used for pumping water out of the river is permitted when it is setback at least ten (10) feet from the river's edge, has a ground coverage not exceeding nine (9) square feet, and has a height not exceeding three (3) feet.
- B. **Docks.** A single dock per lot is permitted when it does not exceed twelve (12) feet in length, four (4) feet in width, and projects no more than four (4) feet over the water as measured from the river's edge. Permanent docks may be erected only by permit issued by the Department of Natural Resources in accordance with the Inland Lakes and Streams Act of 1972, as amended.
- C. **Bank Protection Structures.** Bank protection structures are permitted provided they are designed and installed in accord with a valid permit issued by the Department of Natural Resources in accord with the Inland Lakes and Streams Act of 1972, as amended.
- D. **Bridges.** Bridges are permitted only by grant of a variance by the Zoning Board of Appeals to provide motor vehicle access to nonconforming lots established prior to the effective date of this ordinance or for which no reasonable use of the property can be made without access by bridge to the property which is severed by the river. Further, all bridges must meet the requirements of the Inland Lakes and Streams Act of 1972, as amended.
- E. **Signs.** Only those signs necessary for identification, direction, resource information, regulation of use and related to permitted uses, shall be permitted in the district. Signs must not be illuminated and shall not be attached to any tree or shrub. Signs may not be larger than one (1) square foot and posted no more than one (1) per one hundred (100) feet or one (1) sign posted at upstream and downstream corner of lot. However, one (1) temporary real estate "For Sale" sign per parcel of land not-to-exceed four (4) square feet in area shall be allowed but not within the natural vegetation strip. Signs posted by public agencies must be kept to a minimum, of rustic design, no larger than ten (10) square feet in area and placed so as to best meet the objectives of the Natural River Act.
- F. **Fences.** Fences may be erected no closer to the river than the landward edge of the natural vegetation strip. Fences shall be no greater than four (4) feet in height.
- G. **Parking of Motor Vehicles.** Motor vehicle parking or storage is permitted landward of the riverfront setback line.
- H. **Parking, Storage or Use of Major Recreational Equipment.** No major recreational equipment, including but not limited to boats and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, and tent trailers shall be used for permanent living or housekeeping purposes when parked or stored on a lot.

**7. Principal Uses:** The following principal structures and uses of land are permitted when developed in accord with all requirements of this

ordinance and all other applicable local, state and federal regulations. Permitted uses do not imply right of public access or trespass upon private properties for such uses. Uses of land and structures not otherwise permitted are prohibited. Permitted principal structures and uses of land are:

- A. One single-family dwelling per lot.
  - B. One seasonal cottage or cabin per lot.
  - C. Office or studio of a professional or service person residing in a single family dwelling which is clearly accessory and incidental to the use of the dwelling for living purposes, does not change the character of the dwelling, and does not involve any non-family member employees.
  - D. Non-motorized trails and pathways.
  - E. Gardening, landward of the natural vegetation strip.
  - F. Harvesting of any native or wild crop permitted by law such as wild rice, marsh hay, berries and seeds.
  - G. Harvesting of trees or cutting of other vegetation landward of the natural vegetation strip.
  - H. Parks, picnic areas and interpretive nature centers.
  - I. Noncommercial camping and other recreational activities which do not require the construction of permanent facilities.
  - J. Wildlife preserves.
  - K. Fishing, trapping, and hunting in compliance with current laws and regulations.
  - L. Hunting and conservation clubs; noncommercial archery, rifle and shooting ranges are permitted landward of the natural vegetation strip where adequate protection is given to ensure adjacent properties and river users are free from harm.
  - M. Operation of watercraft subject to limitations and ordinances adopted pursuant to Public Act 303 of 1967, as amended.
  - N. Operation of licensed motor vehicles on public roads and drives providing direct access to a lot, and off-road operations of emergency and public utility maintenance vehicles is permitted; all other motorized off-road vehicle use is prohibited.
  - O. Underground gas and utility lines, landward of the natural vegetation strip.
  - P. Fish and wildlife habitat improvement projects when conducted by the Department of Natural Resources or in accord with a DNR approved improvement plan.
  - Q. Reforestation.
  - R. Cemeteries and places of worship.
  - S. Historic sites and structures.
  - T. Swimming facilities, beaches and fishing docks in accord with the provisions of the Inland Lakes and Streams Act, Act 346 of 1972, as amended.
  - U. Agricultural pasture land, livestock raising, crop land and cultivated tree farms landward of the natural vegetation strip.
  - V. Nurseries and greenhouses where adequate measures are taken to ensure excess nutrients and fertilizers do not flow into the river.
  - W. Private resorts, recreational camps, lodges and clubs, provided they comply with all District No. 2 Health Department requirements and are established with a minimum lot size of three (3) square feet for each square foot of main lodge, eating, recreational and/or group meeting facility. The lot size in any event shall be no less than 50,000 square feet. All structures shall be landward to the riverfront setback line.
  - X. Site or route location, construction or enlargement of:
    - (1) Utility transmission lines;
    - (2) Publicly provided recreational facilities, access sites, highways, roads, bridges, or other structures; and,
    - (3) Publicly developed water management projects are permitted only with Natural Resources Commission approval pursuant to administrative rules adopted to implement Section 15 of Public Act 231 of 1970 and entitled "Utilities and Publicly Provided Facilities in Natural River Areas."
8. **Permitted Special Uses:** The following uses of land and structures are permitted in this district as special uses upon review and approval in accordance with the requirements of Article IX:
- A. Commercial outdoor recreation in accord with section 12501 of Public Act 368 of 1978, as amended are permitted. All campsites shall be located landward of the riverfront setback line.
  - B. Canoe and boat liveries.
9. **Notification of Department of Natural Resources:** A copy of each application for variance, amendment, special use permit, or request

regarding a nonconforming use shall be forwarded to the Chief of the Land and Water Management Division, Department of Natural Resources for review at least fourteen (14) days before a hearing by either the Zoning Board of Appeals or the Charter Township of Oscoda Planning Commission.

Section 4.26 - Wurtsmith Airport Authority Overlay District:

An Ordinance establishing airport zoning regulations, including the height of structures, buildings and antenna and objects of natural growth, and otherwise regulating the use of property on and in the vicinity of the Oscoda-Wurtsmith Airport has been established pursuant to the authority conferred by the provisions of Act No. 23 of the Public Acts of the State of Michigan for the year 1950 (extra revision) and as amended by Act No. 158 of the Public Acts of the State of Michigan for the year 1976. Property identified on the Zoning Districts Map as the Wurtsmith Airport Authority District is regulated by the Oscoda-Wurtsmith Airport Authority. All development proposed for property within the Wurtsmith Airport Authority District shall be forwarded to the attention of the airport manager for processing and review.

Section 4.27 - Airport Protection Zones Overlay District:

Airport protection zones have been established to designate areas wherein certain types of land uses are not recommended due to undesirable effects that may be caused due to the operation of aircraft within such zones. The use of land within the areas shown on the Zoning Districts Map as Airport Protection Zones shall be restricted, by prohibiting certain land uses within each zone so identified according to the following prohibited use lists. Refer to the Oscoda Township Zoning Districts Map for the location of the Airport Protection Zones.

| Protection Zone No. 1 - Prohibited Use List |                                     |
|---|-------------------------------------|
| 1. Places of Worship                        | 26. Office Building                 |
| 2. Convent - Monastery - Rectory            | 27. Public Buildings                |
| 3. Dormitory - Resident Halls               | 28. Railroad Terminals - Passengers |
| 4. Hospitals                                | 29. Restaurants                     |
| 5. Low Density Housing (One Acre or More)   | 30. Retail Stores                   |
| 6. Mobile Homes                             | 31. Shopping Centers                |
| 7. Multi-Family Apartments or Dwellings     | 32. Theaters                        |
| 8. Orphanages                               | 33. Athletic Fields                 |
| 9. Retirement Homes                         | 34. Bowling Alleys                  |
| 10. Schools                                 | 35. Fairgrounds                     |
| 11. Single Family House - Subdivision       | 36. Golf Courses                    |
| 12. Universities                            | 37. Marinas                         |
| 13. Factories - Scientific Instrument       | 38. Outdoor Theaters                |
| 14. Research Laboratories                   | 39. Playgrounds                     |
| 15. Factories - Soft Goods - Food           | 40. Race Tracks                     |
| 16. Aircraft Sales                          | 41. Riding Academies & Trails       |
| 17. Aircraft Repair Service                 | 42. Stadiums                        |
| 18. Air Terminals - Passenger               | 43. Swimming Pools - Public         |
| 19. Aviation Schools                        | 44. Tennis Courts - Public          |
| 20. Aviation Services - Photo, etc.         | 45. Dairy Farming                   |
| 21. Auditoriums - Exhibit Halls             | 46. Landscape Nurseries             |
| 22. Banks                                   | 47. Poultry Farming                 |
| 23. Bus Terminals - Passengers              | 48. Stock Farming                   |
| 24. Motels & Hotels                         | 49. Stock Yards                     |
| 25. Marine Terminals - Passengers           | 50. Retail Businesses               |

| Protection Zone No. 2 - Prohibited Use List |                                   |
|---|-----------------------------------|
| 1. Places of Worship                        | 19. Motels & Hotels               |
| 2. Convents - Monastery - Rectory           | 20. Marine Terminals - Passengers |
| 3. Dormitory - Resident Halls               | 21. Office Building               |
| 4. Hospitals                                | 22. Public Buildings              |
| 5. Low Density Housing                      | 23. Railroad Terminal -Passengers |
| 6. Mobile Homes                             | 24. Restaurants                   |
| 7. Multi-Family Apartments or Dwellings     | 25. Retail Stores                 |
| 8. Orphanages                               | 26. Shopping Centers              |
| 9. Retirement Homes                         | 27. Theaters                      |
| 10. Schools                                 | 28. Athletic Fields               |
| 11. Single Family House - Subdivision       | 29. Bowling Alleys                |
| 12. Universities                            | 30. Fairgrounds                   |
| 13. Factories - Scientific Instrument       | 31. Outdoor Theaters              |
| 14. Research Laboratories                   | 32. Playgrounds                   |
| 15. Air Terminals - Passenger               | 33. Race Tracks                   |
| 16. Auditoriums - Exhibit Halls             | 34. Stadiums                      |
| 17. Banks                                   | 35. Poultry Farms                 |
| 18. Bus Terminals - Passengers              | 36. Retail Businesses             |

| Protection Zone No. 3 - Prohibited Use List |                         |
|---|-------------------------|
| 1. Convent - Monastery - Rectory            | 6. Single Family Houses |
| 2. Dormitory - Resident Halls               | 7. Theaters             |
| 3. Hospitals                                | 8. Outdoor Theaters     |
| 4. Mobile Homes                             | 9. Poultry Farms        |
| 5. Orphanages                               | 10. Retail Businesses   |

| Protection Zone No. 4 - Prohibited Use List |  |
|---|--|
| 1. Places of Worship                        |  |
| 2. Convent - Monastery - Rectory            |  |
| 3. Dormitory - Resident Halls               |  |
| 4. Single Family House - Subdivision        |  |
| 5. Mobile Homes                             |  |
| 6. Orphanages                               |  |
| 7. Poultry Farms                            |  |
| 8. Retail Businesses                        |  |

## Section 4.28 - Summary Schedules Limiting Height, Bulk, Density and Area by Zoning District:

The following tables specifying regulations for height, bulk, density and area shall apply within the Zoning Districts as indicated. No principal building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the District in which such building is located. No portion of a lot used in complying with the provisions of this Ordinance for yards, courts, lot area occupancy, in connection with an existing or projected building or structure, shall again be used to qualify or justify any other building or structure existing or intended to exist at the same time.

| Schedule of Regulations for Residential Districts |                           |                               |                                |                           |                   |                 |      |      |  |
|---|---------------------------|-------------------------------|--------------------------------|---------------------------|-------------------|-----------------|------|------|--|
| District  | Principal Building Sq.Ft. | Lot Width (ft) <sup>(a)</sup> | Lot Area Sq.Ft. <sup>(a)</sup> | Principal Building Height |                   | Setbacks (feet) |      |      | Percent Lot Coverage by Principal & Accessory Building |
|   |                           |                               |                                | Stories                   | Feet              | Front           | Side | Rear |  |
| R-1   | 1,050                     | 80                            | 9,600                          | 2                         | 35                | 25              | 10   | 35   | 35   |
| R-2   | 750                       | 65 <sup>6</sup>               | 9,600                          | 2                         | 35                | 25              | 10   | 35   | 35   |
| R-3   | 750                       | 65 <sup>6</sup>               | 6,000                          | 2                         | 35                | 25              | 10   | 35   | 35   |
| R-4   | 750                       | 65 <sup>6</sup>               | 6,000                          | 2                         | 35                | 25              | 10   | 35   | 35   |
| R-5   | 750                       | 65 <sup>6</sup>               | 6,000                          | 2                         | 35 <sup>(b)</sup> | 25              | 10   | 25   | 35   |
| WR-1  | See Note (c)              | See Note (c)                  | See Note (c)                   | See Note (c)              | See Note (c)      | 25              | 10   | 10   | 35   |
| WR-2  | See Note (d)              | See Note (d)                  | See Note (d)                   | See Note (d)              | See Note (d)      | 10              | 10   | 10   | 35   |
| WR-3  | See Note (e)              | See Note (e)                  | See Note (e)                   | See Note (e)              | See Note (e)      | 5               | 0/2  | 10   | 35   |

## Notes

- (a) Residential lots not available to be connected to a public water and a public sewer system shall not be less than sixty-five (65) feet in width and twelve thousand (12,000) sq. ft. in area for newly created subdivision lots.
- (b) The maximum permitted height in the R-5 District for mobile homes is fifteen (15) feet.
- (c) As currently exists. New construction sites (lots that do not have existing structures as of the date of this amendment) shall satisfy the requirements of the R-1 district.
- (d) As currently exists. New construction sites (lots that do not have existing structures as of the date of this amendment) shall satisfy the requirements of the R-2 district.
- (e) As currently exists. New construction sites (lots that do not have existing structures as of the date of this amendment) shall satisfy the requirements of the R-3 district.
- (f) Residential lots that are not served with public water or have a principal structure(s) that is/are not connected to the public sewer system shall not be created with less width than sixty-five (65) feet and/or twelve thousand (12,000) square feet in lot area. <sup>6</sup>

(g) Residential lots that are no wider than sixty (60) feet, as of the effective date of Change #6, shall be allowed to develop to a side setback of five (5) feet for the principal or accessory use structures. <sup>6</sup>

(h) All measurements will be taken up to the nearest overhang.

**Overhang**—the farthest extension out past the exterior wall being occupied or unoccupied.

| Schedule of Regulations for Non-Residential Districts |                            |                  |                           |                           |                  |                  |                  |                  |  |
|---|----------------------------|------------------|---------------------------|---------------------------|------------------|------------------|------------------|------------------|--|
| District  | Principal Building Sq. Ft. | Lot Width (ft)   | Lot Area Sq. Ft. or Acres | Principal Building Height |                  | Setbacks (feet)  |                  |                  | Percent Lot Coverage by Principal & Accessory Building |
|   |                            |                  |                           | Stories                   | Feet             | Front            | Side             | Rear             |  |
| B-1   | N/A                        | N/A              | N/A                       | See <u>§4.13</u>          | See <u>§4.13</u> | (a)              | (a)              | (a)              | N/A  |
| MU  | See <u>§4.13</u>           | See <u>§4.13</u> | See <u>§4.13</u>          | See <u>§4.13</u>          | See <u>§4.13</u> | See <u>§4.13</u> | See <u>§4.13</u> | See <u>§4.13</u> | See <u>§4.13</u>                                       |
| B-2   | 600                        | 50               | 5,000                     | See <u>§4.13</u>          | See <u>§4.13</u> | (a)              | (a)              | (a)              | 85   |
| WB-3 <sup>(b)2</sup>                                  | 600                        | 50               | 5,000                     | 4                         | 50               | > (a)            | > (a)            | > (a)            | > (a)  |
| RT  | 750                        | 100              | 12,000                    | 2                         | 35 <sup>2</sup>  | 25               | 10               | 25               | 40   |
| RV  | 850                        | N/A              | 5 ac.                     | 1                         | 30               | 25               | 20               | 25               | N/A  |
| E   | N/A                        | N/A              | 5 ac.                     | 1                         | 30               | 25               | 20               | 25               | N/A  |
| WM  | 600                        | 100              | 12,000                    | 2                         | 30               | N/A              | 10               | 35               | 50   |
| F   | 850                        | N/A              | 5 ac.                     | 2                         | 35               | 25               | 20               | 25               | N/A  |
| SD <sup>(c)</sup>                                     | -                          | -                | -                         | -                         | -                | -                | -                | -                | -  |
| I   | 850                        | 100              | 30,000                    | 2                         | 40               | 25               | 10               | 25               | N/A  |
| WI  | 850                        | 100              | 30,000                    | 2                         | 50               | 25               | 10               | 25               |  |
| AG  | 750 <sup>(d)</sup>         | N/A              | 5 ac.                     | 2                         | 40               | 25               | 10               | 25               | N/A  |
| P   | -                          | -                | -                         | -                         | 15               | -                | -                | -                | -  |
| NR  | -                          | 200<br>150       | 50,000                    | -                         | -                | -                | -                | -                | -  |

Notes

(a) Subject to site plan approval

- (b) Based on use regulations only
- (c) See Section 4.18
- (d) For dwelling unit only
- (e) See Section 4.22, 5
- (f) For accessory structures and uses in the NR District, see Section 4.22.6.

(Ord. of 3-2-2020)

## ARTICLE V - PLANNED UNIT DEVELOPMENT (PUD) REQUIREMENTS

### Section 5.1 - General Intent:

A Planned Unit Development (PUD) is intended to comprehensively correlate the provisions of this and other ordinances of the Township, to permit development which will provide a desirable and stable environment in harmony with that of the surrounding area; to permit flexibility that will encourage a more creative approach in the development of land that will result in a more efficient, aesthetic use of open area; to permit flexibility in design, placement of buildings, use of open spaces, circulation facilities, and off-street parking areas; and to utilize best the potentials of sites characterized by special features of geography, topography, size or shape.

"Planned Unit Development" includes such terms as *cluster zoning*, *planned development*, *community unit plan*, and *planned residential development* and other terminology denoting zoning requirements designed to accomplish the objectives of this Ordinance through a land development review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.<sup>10</sup>

### Section 5.2 - Application:

The regulations set forth in this Article shall apply to Districts R-1, R-2, R-3, R-4, WR-1, WR-3 and B-2 except as provided elsewhere in this Ordinance.

#### Section 5.2.1 - Notification Requirements

Following receipt of a request to approve a planned unit development, the Planning Commission shall hold at least one (1) public hearing on the request. Notification of the public hearing shall be given in the same manner as required under Section 7.9 of this ordinance.

### Section 5.3 - Standards Governing Project Approval:

The Planning Commission and Township Board shall consider the proposed Planned Unit Development Plan from the point of view of the standards and purposes of the regulations governing the Planned Unit Development zone so as to achieve a maximum of coordination between the proposed development and the surrounding uses, the conservation of woodland and the protection of water courses from erosion, silt and pollution, and a maximum of safety, convenience and amenity for the residents of the development. To these ends the Planning Commission and Township Board shall consider the location of buildings, parking areas and other features with respect to the topography of the area and existing features such as streams and large tree; the efficiency, adequacy and safety of the proposed layout of internal streets and driveways; the adequacy and location of green area provided; the adequacy, location and screening of the parking area; if the planned development is consistent with the comprehensive plan; if the planned development can be planned and developed to harmonize with any existing or proposed development in the area surrounding the project site, and such other matters as the Planning Commission and Township Board may find to have a material bearing upon the stated standards and objectives of the Planned Unit Development Zone regulations.

#### Section 5.3.1 - Minimum Project Area

The minimum project area permitted in a Planned Unit Development shall contain a gross area of not less than five (5) acres. However, an area bounded on all sides by a public street, railroad, or other external barriers shall be considered for a Planned Unit Development regardless of the minimum acreage. The minimum project area shall be adaptable to unified development and shall have within or through the area no major thoroughfare or other physical feature which will tend to harm the neighborhood or community character.



For use in Article V (PUD), net project area shall include all land within the area intended for residential use, residential parking space, interior street, and usable and common open space areas. Areas reserved for large regional parks or parkways, land subject to recurring flood, swamp or marsh land, and non-residential uses shall be excluded in computing the net project area.

#### Section 5.3.2 - Lot Area Requirement

The lot area required for the PUD as a whole, and not the lot area required for each particular structure placed in such a Development (For calculation of the lot area required, refer to Sec. 5.5).

#### Section 5.4 - Uses Permitted:

No building, structure, or land shall be used; and no building or structure shall hereafter erected, structurally altered, enlarged, or maintained, except for one or more of the uses specifically specified in Sections 5.4.1 and 5.4.2.

#### Section 5.4.1 - Residential Uses Permitted

1. **Planned Unit Developments in District R-1:** The following residential uses are permitted:
  - A. Single-family detached dwellings.
  - B. Two-family dwellings.
  - C. Townhouses only when they are designed to integrate harmoniously with existing units in the neighborhood.
2. **Planned Unit Development in Districts R-2, R-3, R-4 and B-2:** The following residential uses are permitted:
  - A. Single-family detached dwellings.
  - B. Two-family dwellings.
  - C. Townhouses.
  - D. Apartment buildings.
  - E. Condominiums.

#### Section 5.4.2 - Non Residential Uses Permitted

Nonresidential uses of a religious, educational, commercial, or recreational character to the extent that they are to be designed or intended for the use of the residents of the PUD. The burden shall be on the landowner to show that the non-residential uses of a commercial character are intended to serve principally the residents of the Development. The non-residential permitted uses shall be allowed only to the extent that the Planning Commission finds them to be designed to serve primarily the residents of the PUD; and compatibly and harmoniously incorporated into the unitary design of the Development. Buildings designed or intended to be used, in part or in whole, for non-residential uses shall be constructed according to the following:

1. If the Planned Unit Development contains from one (1) to fifty (50) dwelling units, seventy-five (75) percent of said dwelling units shall be physically constructed prior to any non-residential use construction.
2. If the PUD contains fifty (50) or more dwelling units, fifty (50) percent of said dwelling units shall be physically constructed prior to any non-residential use construction.
3. The only non-residential uses permitted within a PUD are:
  - A. Bakery and dairy products, retail sales only.
  - B. Barber and beauty shops.
  - C. Book, stationery, and newspaper stores.
  - D. Drug stores.
  - E. Groceries, foodstuffs, and meat markets.
  - F. Laundromats.
  - G. Shoe repair shops.
  - H. Tailor and dressmaker shops.
  - I. Schools, public or private.
  - J. Places of worship.
  - K. Public parks, forest preserves, and recreational areas.

- L. Airports, golf courses, club houses, and swimming pools.
  - M. Real estate office only in conjunction with a new Planned Unit Development, limited to selling or renting of units in such development.
  - N. Community Use Facility, Private.
4. All nonresidential permitted uses in this section are intended for the exclusive use and convenience of occupants and their guests of the PUD and all such uses shall be located within a dwelling or a building providing community facilities.
  5. In all PUDs, the convenience commercial uses shall be limited to the ratio of one thousand (1000) square feet of gross floor area of each type of non-residential use per one hundred (100) dwelling units.

**Non-Residential Uses:** For use in Article V (PUD), uses which are of a religious, cultural, or convenient commercial character to the extent that they are designed and intended primarily to serve only the convenience of the residents of the Planned Unit Development, provided that the non-residential uses shall conform to the requirements herein-after set forth elsewhere in this ordinance.

**Usable Open Space for use in Article V, PUD:** That required portion of a lot at ground level, unoccupied by principal or Accessory Structures and available to all occupants of the building. This space or minimum prescribed dimensions shall be unobstructed to the sky and shall not be devoted to serve driveways or off-street parking space and/or loading berths but shall be usable for greenery, drying yards, recreational space and other leisure activities normally carried on outdoors.

#### Section 5.5 - Minimum Lot Area Requirements:

The minimum lot area requirements for the total new project area of a Planned Unit Development for use in this Article, and this Article only, shall not be less than the following:

1. District R-1 - PUD - ten thousand eight hundred (10,800) square feet of lot area for each dwelling unit, except as provided in [Section 5.6](#).
2. District R-2 - PUD - eight thousand six hundred forty (8,640) square feet of lot area for each dwelling unit, except as provided in [Section 5.6](#).
3. District R-3 - PUD - seven thousand two hundred (7,200) square feet of lot area for each dwelling unit, except as provided in [Section 5.6](#).
4. District R-4 - PUD - three thousand one hundred fifty (3,150) through one thousand eight hundred (1,800) square feet of lot area for each dwelling unit based upon bedroom counts per dwelling unit, except as provided in [Section 5.6](#).
5. District R-5 - PUD - seven thousand two hundred (7,200) square feet of lot area for each dwelling unit, except as provided in [Section 5.6](#).
6. District B-2 - PUD - one thousand five hundred (1,500) square feet of lot area for each dwelling unit, except as provided in [Section 5.6](#).

#### Section 5.6 - Lot Area Reduction:

1. The net project area shall not be reduced by more than ten (10) percent of that permitted in the zoning district in which the Planned Unit Development is located, except as provided in [Section 5.6.2](#).
2. The Planning Commission may further authorize a partial reduction in the lot area requirements in the Planned Unit Development net project area according to the following:
  - A. For undeveloped common open space, a maximum reduction of five (5) percent; except where design solutions and land title instruments will preserve natural areas in perpetuity, a maximum reduction of fifteen (15) percent may be allowed.
  - B. For the removal of deteriorating residential structures occupying the Planned Unit Development site, a maximum reduction of fifteen (15) percent may be allowed.
  - C. Where the dedication of usable open space to a public entity or nonprofit land or nature conservancy occurs, or space is provided for other public uses that clearly address a need in the community, a maximum reduction of fifteen (15) percent may be allowed.
  - D. For increasing or enhancing the public use and enjoyment of scenic areas, waterfronts, natural areas, or other significant environmental areas, a maximum reduction of fifteen (15) percent may be allowed.
3. If the Planning Commission finds that any of the following conditions would be created by a reduction of the lot area requirement permitted by this section, it may either prohibit any reduction in lot area, or limit the reduction in lot area by an amount which is sufficient to avoid the creation of any of these conditions.
  - A. Inconvenient or unsafe access to the planned development.
  - B. Traffic congestion in the streets which adjoin the planned development.
  - C. An excessive burden on public parks, recreational areas, schools, and other public facilities which serve or are proposed to serve the

planned development, and

D. A development which will be incompatible to the intent of Section 5.1.

4. To control what may be included on a plat for the purpose of the average net lot area requirement, the Planning Commission, at its discretion, may exclude from such average any lot or lots which by reason of size, shape, or location or for other good cause, are not reasonably suited for residential development or the Planning Commission may require re-platting of such lots.

#### Section 5.6.1 - Calculation of Project Densities

The Planning Commission shall determine the number of dwelling units which may be constructed within the PUD by dividing the net project area by the required lot area per dwelling unit which is required in the district in which the Development is located, or as modified by any reductions in the lot area requirement permitted under Section 5.6 of this Zoning Ordinance.

#### Section 5.6.2 - Planned Unit Development in More Than One Zoning District

Where a PUD is to be located in more than one (1) zoning district, the lot size and the number of allowable dwelling units must be separately calculated and separately distributed in each individual zone in the Development.

#### Section 5.7 - Perimeter Setback Requirements:

For a PUD that abuts property that permits land uses of less intensity than permitted by Development, a peripheral transition area shall be incorporated in the Development. The Planning Commission shall recommend the extent and development of the transition area, and in doing so shall take into consideration the surrounding area, topography, existing vegetation, established screening, height and length of the proposed buildings or any other use which may have a detrimental impact upon abutting land uses.

#### Section 5.8 - Conveyance and Maintenance of Common Open Space:

All land shown on the final development plan as common open space must be conveyed to trustees provided in an indenture establishing an association or similar organization for the maintenance of the PUD. The common open space must be conveyed to the trustees subject to covenants to be approved by the Planning Commission which restricts the common open space to the uses specified on the final development plan, and which provides for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

No common open space may be put in any use not specified in the final development plan unless the final development plan has been amended to permit that use under Section 5.12 of this Ordinance. However, no change of use authorized under Section 5.12 may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.

#### Section 5.8.1 - Usable Open Space Requirements

In residential zones, usable open space shall be provided in whole or in part to any residential use, as set forth below and conveniently located to all residents of the PUD. Such usable open space provided on the ground level shall be in a compact area of no less than two hundred (200) square feet and having no dimension less than ten (10) feet and having no slope greater than ten (10) percent.

1. District R-1 - Usable open space of not less than one thousand seven hundred fifty (1,750) sq. ft. per dwelling unit.
2. District R-2 - Usable open space of not less than nine hundred (900) sq. ft. per dwelling unit.
3. District R-3 - Usable open space of not less than three hundred fifty (350) sq. ft. per dwelling unit.
4. District R-4 - Usable open space of not less than two hundred (200) sq. ft. per dwelling unit.
5. District R-5 - usable open space of not less than three hundred fifty (350) sq. ft. per dwelling unit. In a commercial zone, usable open space shall be provided on each lot, devoted in whole or in part to any residential use as set forth in each zoning district. Such usable open space provided on the ground level shall be in a compact area of not less than two hundred (200) sq. ft. and having no dimension less than ten (10) feet and having no slope greater than ten (10) percent.
6. District B-2 - usable open space of not less than one hundred fifty (150) sq. ft. for each lodging room, efficiency unit or bedroom unit.

#### Section 5.9 - Accessibility of Site:

Any streets, alleys and driveways proposed shall be adequate to serve the residents, occupants, visitors other anticipated traffic or the proposed Planned Unit Development, but may be designed so as to discourage outside through traffic from traversing the development. The entrance points or locations of Planned Unit Development streets, alleys and driveways upon previously existing public roadways shall be subject to the approval of the County Road Commission. Traffic controls on public roadways within or adjacent to the Planned Unit Development will be provided by the County as and where determined necessary by the County Road Commission. Traffic control device installations shall be done in accordance with installation schedules and to standards as ordinarily applied to public streets.

#### Section 5.9.1 - Off Street Parking

Parking shall be conveniently accessible to all dwelling units and other uses and shall be provided pursuant to the minimum requirements of [Section 6.7](#) of the Zoning Ordinance. Where appropriate, common driveways, parking areas, walks and steps shall be provided, maintained, and lighted for night use. Screening of parking and service areas shall be required through ample use of trees, shrubs, hedges and screening walls as required in [Section 6.13](#).

#### Section 5.9.2 - Pedestrian Circulation

The pedestrian walkways shall be insulated as completely and as reasonable as possible from the street system in order to provide separation of pedestrian and vehicular movement.

#### Section 5.10 - Facilities:

Whenever reasonably possible, the PUD shall provide for underground installation of utilities (including electricity and telephone) in both public ways and private extensions thereof. Provisions shall be made for acceptable design and construction of storm sewer facilities including grading, gutter, piping and treatment of turf to handle storm waters, prevent erosion and the formation of dust. Utilities and maintenance of facilities shall be in accordance with the requirements and regulation of the Charter Township of Oscoda. A PUD application shall not be approved unless adequate assurance is given that Township water and sanitary sewer service will be available, except that upon application by the developer and good cause shown, the Planning Commission may modify or waive this requirement provided such action is consistent with the spirit and intent of this Section.

#### Section 5.11 - Development Plan Review and Approval:

The review and approval procedure are intended to explicitly state the requirement at each stage of the process. However, each applicant shall have the option to submit an application for approval of the PUD at either the outline of final development plan stage, if the requirements are fulfilled according to this Ordinance.

#### Section 5.11.1 - Outline Development Plan

An applicant shall make application for the approval of a PUD to the Township of Oscoda Zoning Administrator with payment of a fee, as set by the Township Board, and shall be accompanied with an outline development plan as specified in this Section.

1. An outline development plan must include both maps and a written statement and must show enough of the area surrounding the proposed PUD to demonstrate the relationship of the Development to adjoining uses, both existing and proposed.
2. The maps which are part of the outline development plan may be in general schematic form, at a scale of fifty (50) feet to one (1) inch and shall contain the following information:
  - A. The existing topographic character of the land with contours shown at intervals not greater than five (5) foot intervals;
  - B. Existing and proposed land uses and the approximate location of buildings and other accessory structures;
  - C. The Character, type, number and density of dwelling units proposed;
  - D. The approximate location of major streets;
  - E. The location and tabulation of all public uses, including schools, parks, playgrounds, common open spaces, and usable open spaces, and,
  - F. The approximate location of existing and proposed utility systems of sanitary sewer, storm sewer, water, gas, electric, and telephone lines.
3. The written statement to accompany the outline development plan shall contain the following information:
  - A. An explanation of the character of the Planned Unit Development and the manner in which it has been planned to take advantage of the Planned Unit Development regulations;

- B. A statement and legal description of the present ownership of all of the land included within the PUD and,
  - C. A general indication of the expected schedule and/or phase of development.
4. A complete rezoning application form.

#### Section 5.11.2 - Approval of Outline Development Plan

1. Within a maximum of ninety (90) days after the filing of the outline development plan the Planning Commission, after a public hearing, shall forward said plan to the Township Board with a written report recommending that the plan and rezoning application be approved, disapproved or approved with modification and giving the reason for these recommendations.
2. The Township Board shall give notice of the Plan and Ordinance Amendment at a public hearing to be held on the plan, before the Township Board; the hearing to be held not more than sixty (60) days after the receipt of the Planning Commission's report. The staff report must be made publicly available at least fifteen (15) days before the public hearing. After the hearing, the Township Board shall disapprove or approve the outline development plan with modifications and always subject to the submission of a final development plan as required by Section 5.11.3 and approved by the Planning Commission.
3. If the outline development plan is approved subject to modifications, the Township Board shall not amend the zoning map and no building permits may be issued on land within the PUD until the final development plans for the total project area have been approved by the Planning Commission under the procedures required by Section 5.11.3.

#### Section 5.11.3 - Approval of Final Development Plan

1. Within a maximum of six (6) months following the approval of the outline development plan, the applicant shall file with the Planning Commission a final development plan containing in final detailed form the following information and including the information required in Article X. At its discretion and for good cause, the Planning Commission may extend for six (6) months the period for filing of the final development plan.
  - A. A map showing the entire street system of arterioles, collectors, and local streets and their proposed construction standards and if they are publicly dedicated or privately owned streets and the pedestrian circulation system and its related walkways.
  - B. A map showing the entire location of the utility system of sanitary sewer, storm sewer, water, gas, electric, and telephone lines.
  - C. Statistical calculations for areas dedicated as common and usable open space and all areas proposed to be conveyed, dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
  - D. A plot plan and statistical tabulation for the entire Planned Unit Development of all the land uses proposed and showing the approximate size and location of all lot lines, buildings, structures, parking areas, and improvements both existing and proposed.
  - E. A map indicating the areas allocated for common open spaces and allocated for usable open spaces per building at grade level or above grade, whichever applies.
  - F. Preliminary elevation and/or perspective drawings of typical structures and improvements. These drawings must indicate substantially the architectural intent, but need not show final decisions or details. A development model of the entire project area may be substituted for any elevation and/or perspective drawings.
  - G. A development schedule indicating:
    - (1) The approximate date when construction of the project can be expected to begin;
    - (2) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
    - (3) The anticipated rate of development;
    - (4) The approximate dates when the development of each of the stages in the development will be completed; and,
    - (5) The area and location of common open space that will be provided at each stage.
  - H. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common and usable open space areas.
2. Any additional statements, plans and diagram may be required, in so far as the Planning Commission finds that the PUD creates special problems of traffic, parking, landscaping or any other factors; and
3. The Planning Commission, at its discretion, may give notice and provide an opportunity to be heard on the final development plan to any person who is on record as having appeared at the hearing on the outline development plan, and any other person who has indicated to the Planning Commission in writing that he wishes to be notified.
4. An additional public hearing may be called on the Planned Unit Development at this time if the Planning Commission considers that the final

development plan is not in substantial compliance with the submitted an approved outline development plan. The final development plan shall be deemed in substantial compliance with the approved outline plan provided any modification by the applicant of the PUD does not involve a change of one or more of the following:

- A. Violate any provision of this Article;
  - B. Vary the lot area requirements by more than ten (10) percent;
  - C. Involve a reduction of more than ten (10) percent of the area reserved for the common open space and/or usable open space; and,
  - D. Increase the floor area proposed for nonresidential use by more than ten (10) percent, and increase the total ground area covered by buildings by more than five (5) percent.
5. The Planning Commission shall review the final development plan, and shall approve the final development plan if it is in substantial compliance with the outline development plan. The Clerk of the Township shall record the final development plan.
  6. The Planning Commission shall delay final approval for a specified period of time until the applicant has taken title to or executed a binding sales contract for all the property so that the acquisition of title to the land can then be coordinated with the approval of project stages.
  7. Prior to the approval of any PUD, the Planning Commission may recommend, the Township Board may adopt, such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the Planned Unit Development as the Township Board deems necessary for the protection of the public interest and to secure compliance with the criteria specified in this Ordinance. The Planning Commission may require a performance bond to be furnished and filed with the Township Clerk for private improvements. An escrow agreement and account approved by the Township Attorney and Planning Commission as to form and content shall be required in the amount of one hundred twenty-five (125) percent of the estimated engineering and construction costs. These funds may be disbursed upon certification by the County Road Commission and its Engineer. Said escrow shall accompany the request for final approval to insure completion of all public site improvements, streets, parking areas, utilities, landscaping, plantings, screening, etc.

#### Section 5.12 - Control of Planned Unit Development Following Final Approval:

1. The Planning Commission shall issue a certificate certifying the approval of the PUD, and the Clerk of the Township shall note the issuance of the certificate on the recorded final development plan.
2. After the certificate of approval has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the Planned Unit Development will be governed by the approved final development plan rather than by any other provisions of this Ordinance.
3. After the certificate of final approval has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below:
  - A. Any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan. No change authorized by this Section may increase the cube content of any building or structure by more than ten (10) percent.
  - B. Any uses not authorized by the approved final plan, but allowable in the Planned Unit Development as a permitted use in [Section 5.4.1](#) and [Section 5.4.2](#) may be substituted to the final development plan.
  - C. Any building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan unless an amendment to the final development plan is approved following the procedures in Section 5.12.3(E).
  - D. Changes in the use of common open space may be authorized by an amendment to the final development plan following the procedures in Section 5.12.3(E).
  - E. All other changes in the final development plan must be made by the Township Board under the procedures authorized by this Ordinance for the amendment of the zoning map. No changes may be made in the final development plan unless they are required for the continued successful functioning of the PUD, or unless they are required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community.
4. No changes in the final development plan which are approved under this Section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures and improvements within the area of the Planned Unit Development and all rights to enforce these covenants against any changes permitted by this Ordinance are expressly reserved.
5. In any case where construction has not yet begun on a PUD within one (1) year after the date of granting approval thereof, or after a one (1) year extension granted by the Township Board upon showing of cause, or upon written notification by the applicant that the proposed Planned Unit Development will not be constructed then without further action by the Township Board, the Planned Unit Development authorization shall be null and void.

## Section 5.13 - Subdivision and Resale:

1. If the subdivision or re-subdivision of an approved PUD will create a new plot line, the applicant shall make application to the Planning Commission for the approval of the subdivision or re-subdivision plat. The Planning Commission shall approve the subdivision or re-subdivision if each section of the subdivided or re-subdivided Planned Unit Development meets the provisions of this Ordinance governing density, common and usable open space, and dimensional requirements and if it is in compliance with the requirements contained within the Michigan State Plat Act.
2. All lots of a subdivided or re-subdivided PUD are to be controlled by the final development plan rather than by the provisions of the Zoning Ordinance that otherwise would be applicable. The provisions of Section 5.12 governing changes in the final development plan, will apply.
3. The owners or lessees of a subdivided or re-subdivided PUD may jointly make application under Section 5.12 of this Ordinance for a conditional use or for an amendment to the final development plan.

## Section 5.14 - Issuance of Building Permit:

The Building Inspector, prior to the issuance of a building permit for any structure or improvement in a Planned Unit Development, shall require the following:

1. A final development plan approved by the Planning Commission and Township Board and duly recorded according to the procedures in Section 5.11.3.
2. Four (4) copies of a detailed set of working drawings for the proposed structure or improvement in a PUD submitted by the applicant desiring a building permit.
3. Written approval of the proposed structure or improvement in the PUD by the County Road Commission and the Township Zoning Administrator. However, if no reply is submitted by these departments within thirty (30) days upon receipt of said plans, the Building Inspector shall grant the permit as long as said structure or improvements is in compliance with other applicable codes of the Township. If approval is not recommended in writing and stating reasons and suggested modifications by either of these departments, the Building Inspector shall notify said applicant of the recommended modifications and applicant shall comply with said recommendations prior to the issuance of any building permit.

## ARTICLE VI - GENERAL PROVISIONS

## Section 6.1 - Nonconforming Uses, Structures, and Lots:

## Section 6.1.1 - Intent and Purposes

It is the intent of this Ordinance to permit the continuance of a lawful use of any structure or land existing at the effective date of this Ordinance. It is the purpose of this Ordinance not to encourage the survival of nonconforming uses and structures. Further, it is the intent of this Ordinance that nonconforming principal structures shall not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses that would be prohibited elsewhere in the same district. A limited exception to a non-conformance may be permitted to allow some nonconforming enlargement, expansion or extensions as follows:

1. Such additions shall be extended along the existing building line(s) so as not to be any closer to the lot line(s), and the area added shall not exceed fifty (50) percent of the area of the principal structure.
2. As an example, a principal structure that extends into the side yard setback may be permitted to be extended parallel to the side lot line as long as the extension does not infringe any closer to the side lot line than the existing nonconformity.  
(Note: These limited exceptions shall be strictly applied to existing non-conforming principal structures and shall not be construed as grounds for gaining other exceptions to this or any other ordinance of Charter Township of Oscoda.)
3. Nonconformities associated with accessory structures shall not be enlarged upon, expanded, or extended.

(Amd. of 2-9-2017)

## Section 6.1.2 - Nonconforming Lots

1. A lot lawfully existing at the effective date of this Ordinance, or affecting amendment, and which fails to meet the area and/or dimensional requirements of the zoning district in which it is located.

- (a) A non-conforming lot can be made to conform by the combination of an adjoining lot.
- (b) A conforming lot cannot be split to make either lot non-conforming.

(Amd. of 2-9-2017)

#### Section 6.1.3 - Nonconforming Uses of Land

Where, at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

1. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;
2. 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 at the effective date of adoption or amendment of this Ordinance.
3. If such nonconformity ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use shall conform or shall be made to conform to the regulations specified by this Ordinance for the district in which such land is located. <sup>6</sup>
4. When a single-family residence exists within a district that does not permit the new construction of single-family dwellings, such residence shall be permitted to be enlarged or extended in accordance with the Lot, Building and yard requirements of the nearest residential zone. When said existing single-family dwelling is damaged or destroyed by an act that is not caused by the property owner or is not at the direction of the property owner, <sup>3</sup> the structure may be restored or reconstructed for use as a single-family dwelling if application for rebuilding has been made within one (1) year from the date of damage or demolition. <sup>2</sup>

(Amd. of 2-9-2017)

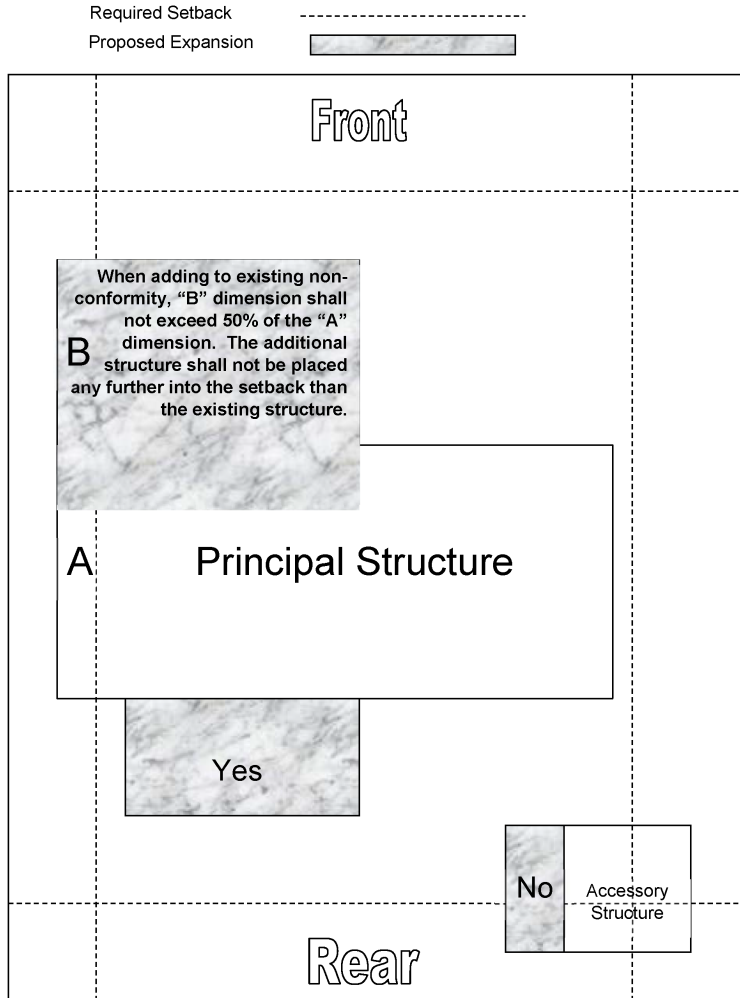
#### Section 6.1.4 - Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Ordinance that could not be built under the terms of this Ordinance by reason of restrictions on lot area, lot coverage, building height, setbacks, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such structure may be enlarged or altered in a way that increases its nonconformity.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its square footage, exclusive of foundation, it may be reconstructed only in conformity with the provisions of this Ordinance. Exception: Nonconforming single-family dwellings are allowed to be reconstructed as previously configured if the damage or destruction was not caused by a deliberate act of the property owner or was not at the direction of the property owner. Application for rebuilding shall be made within one (1) year from the date of damage or destruction. When such damage is intentionally caused by the owner or at the direction of the owner, the structure shall be reconstructed only in conformance with the provisions of this Ordinance. <sup>3</sup>
3. Should such structure be moved any distance for any reason whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.



### Expansion of Nonconforming Structures



(Amd. of 2-9-2017)

#### Section 6.1.5 - Nonconforming Uses of Land and Structures

If a lawful use of a structure, or of land and structure in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be permitted in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. 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 in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
3. Any structure, or land and structure 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.
4. If such nonconformity ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use shall conform or shall be made to conform to the regulations specified by this Ordinance for the district in which such land is located. <sup>6</sup>
5. Where nonconforming use status applies to land and structure in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
6. Where at the effective date of adoption of this amendment (Change #2) a single-family residence exists within a district that does not permit the new construction of single-family dwellings, such residence shall be permitted to be enlarged or extended in accordance with the Lot, Building and Yard requirements of the nearest residential zone. When said existing single-family dwelling is damaged or

destroyed by an act that is not caused by a deliberate act of the property owner or is not at the direction of the property owner<sup>3</sup>, the structure may be restored or reconstructed for use as a single-family dwelling if application for rebuilding has been made within one (1) year from the date of damage or demolition.<sup>2,9</sup>

(Amd. of 2-9-2017)

#### Section 6.1.6 - Repairs and Maintenance

1. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

(Amd. of 2-9-2017)

#### Section 6.1.7 - Elimination of Nonconforming Uses and Structures

The Township Board may acquire, by purchase, condemnation, or otherwise, private property or an interest in private property for the removal of nonconforming uses and structures. The Township Board may provide that the cost and expense of acquiring private property may be paid from general funds. It may also be assessed to a special district in accordance with the applicable statutory provisions relating to the creation and operation of special assessment districts or public improvements in local units of government.

The elimination of the nonconforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The Township Board may institute proceedings for condemnation of nonconforming uses and structures under 1911 PA 149, MCL 213.21 to 213.25.

Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals, or legislative body of any local unit of government made under this section may obtain a review in the circuit court for the county in which the property is located. The review shall be in accordance with Section 8.5 of this Ordinance.

Any person required to be given notice under Section 8.3.3 of this Ordinance of the appeal of any order, determination, or decision made under Section 8.5 of this Ordinance shall be a proper party to any action for review under this section.

(Amd. of 2-9-2017)

#### Section 6.1.8 - Special Land Uses Are Not Nonconforming Uses

Any special land use which is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use.

(Amd. of 2-9-2017)

#### Section 6.1.9 - Change of Tenancy or Ownership

The tenancy, ownership or management of any existing nonconforming uses of land, structures, or land and structures in combination may be transferred or changed.

(Amd. of 2-9-2017)

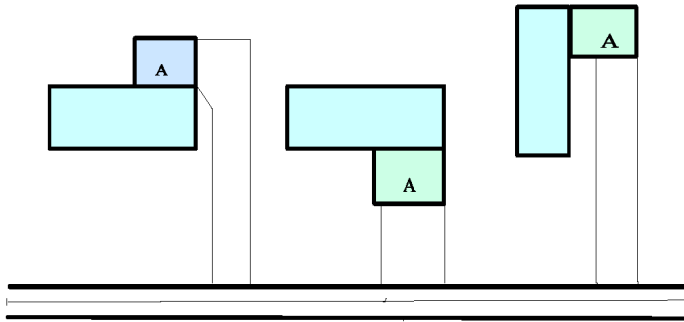
#### Section 6.1.10 - Preferred Class of Nonconforming Use

1. Notwithstanding the above enumerated provisions, certain existing nonconforming uses may be entitled to the status of "Preferred Class of Nonconforming Use" subject to the following conditions (The intent of this section is to deal with use of historical and cultural value to the community):
  - A. The use does not adversely affect the public health, safety, and welfare.
  - B. The use does not adversely affect the intent of the district in which it is located.
  - C. No useful purpose would be served by the strict application of the provision or requirements of this Ordinance with which the use does not conform.
2. A property owner shall seek approval of "preferred" status of the use of the structure from the Planning Commission. The property owner, upon approval of preferred status, shall submit a site plan pursuant to requirements in Article X, Site Plan Review Procedures.

(Amd. of 2-9-2017)

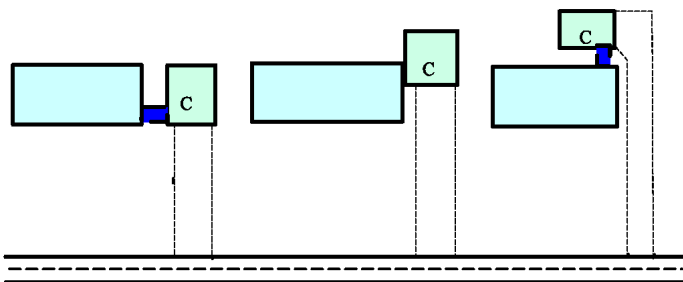
## Section 6.2 - Accessory Structure:

## Section 6.2.1. - Accessory Structure Classifications and Requirements



1. "Attached Accessory Structures" are defined as being a garage or other accessory use structure that is physically constructed as part of the principal structure by sharing at least seventy-five (75) percent <sup>8</sup> of one (1) wall of either the principal structure or that of the garage/accessory structure. Additional requirements in order to be classified as an "Attached Accessory Structure" are as follows:
  - a. May be located in the front, side or rear yard as long as the same setback requirements and lot coverage regulations of the Principal Structure are also satisfied by the Attached Accessory Structure.
  - b. Shall have the same roof pitch as the Principal Structure or as required by Iosco County Building Department.
  - c. Shall not exceed the maximum roof line height of the Principal Structure.
  - d. Shall not exceed a 2:1 ratio as it relates to length versus width of the structure.
  - e. Shall not exceed one thousand two hundred (1,200) square feet or an area dimension that is seventy-five (75) percent of the footprint (ground floor) dimension of the Principal Structure, whichever is greater.

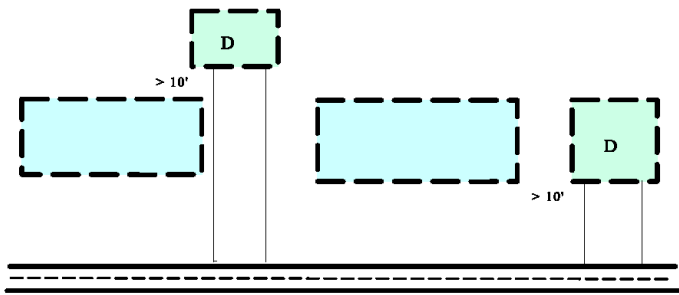
NOTE: Provisions b through e, above, are not applicable to Agricultural Buildings, as defined in this Ordinance, in AG Zoning Districts. <sup>10</sup>



2. "Connected Accessory Structures" are defined as a garage or other accessory structure that is connected to the Principal Structure by less than seventy-five (75) percent <sup>8</sup> of a wall of one (1) or both of the structures. Such connections may be made with a totally enclosed breezeway. Additional requirements for a "Connected Accessory Structure" are as follows:
  - a. When connected by a breezeway, the nearest part of the Accessory Structure's foundations shall not exceed a distance of ten (10) feet from the Principal Building's foundation.
  - b. Shall be located only in the side or rear yard. Setbacks and lot coverage regulations of the Principal Structure shall be maintained.
  - c. Will not exceed a maximum height of seventeen (17) feet, or seventy-five (75) percent of the height of the home, whichever is greater. <sup>7</sup>
  - d. Shall have the same roof pitch as the Principal Structure or as required by Iosco County Building Department.
  - e. Shall not exceed a 2:1 ratio as it relates to length versus width of the structure.
  - f. Shall not exceed one thousand two hundred (1,200) square feet or an area dimension that is seventy-five (75) percent of the footprint (ground floor) dimension of the Principal Structure, whichever is greater.
  - g. One (1) additional foot of side setback will be required for every foot of height over seventeen (17) feet. <sup>7</sup>

NOTE: Provisions c through g, above, are not applicable to Agricultural Buildings, as defined in this Ordinance, in AG Zoning Districts. <sup>10</sup>

- h. Shall have at least six (6) inches of overhang. <sup>7</sup>



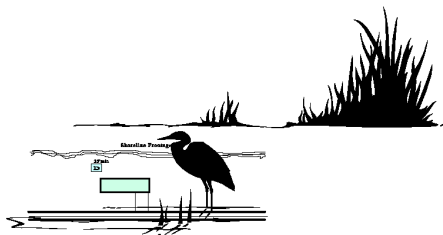
3. "Detached Accessory Structures" are defined as a free standing garage or other accessory structure that has no physical connection to the Principal Structure. Except in the Industrial (I), Forestry (F), and Agricultural (AG) zoning districts, detached accessory structures shall not be constructed or located on a vacant lot. Yard setbacks and other regulations applicable to accessory structures shall be as set forth in the zoning district regulations in this Ordinance. <sup>11</sup>

Additional requirements for a "Detached Accessory Structure" are as follows:

- a. There shall be a minimum distance of ten (10) feet between the new accessory structure and any other structure, whether principal or accessory. Measurements are to be made from roof overhangs.
- b. Shall be located only in the side or rear yard and shall be setback ten (10) feet from side or rear lot lines when the lot width is greater than sixty (60) feet. When the lot width is no greater than sixty (60) feet a Detached Accessory Structure may be placed as close as five (5) feet from a side or rear lot line. Measurements are to be made from roof overhangs.
- c. Will not exceed a maximum height of twenty (20) feet <sup>14</sup>, or seventy-five (75) percent of the height of the home, whichever is greater. <sup>7</sup> One additional foot of side setback will be required for every foot of height over 17 feet.
- d. Shall not exceed a 3:1 ratio <sup>14</sup> as it relates to length versus width of the structure.
- e. All detached accessory structures shall not exceed one thousand six hundred (1,600) square feet <sup>14</sup> or an area dimension that is seventy-five (75) percent of the foot print (ground floor) dimension of the Principal Structure, whichever is greater.
- f. Shall not occupy more than sixty (60) percent of the rear yard.

NOTE: The above provisions are not applicable to Agricultural Buildings as defined in this Ordinance in AG Zoning Districts. <sup>10</sup>

- g. Shall have at least one (1)foot of overhang on each side of any Detached Accessory Structure over six hundred (600) square feet. <sup>7, 14, 15</sup>
- h. Accessory Structures associated with the keeping of poultry shall need Site Plan approval from the Oscoda Township Planning Commission.



(Amd. of 12-12-2019; Amd. of 10-12-2020)

Section 6.2.2. - Reserved

**Editor's note**— Former § 6.2.2 pertained to Accessory Structure Setbacks.

Section 6.2.3. - Reserved

**Editor's note**— Former § 6.2.3 pertained to Accessory Structure Dimensions.

Section 6.2.4. - Reserved.

**Editor's note**— An amendment of October 12, 2020, amended the Zoning Ordinance by repealing former § 6.2.4, which pertained to accessory structure construction, and derived from the original Zoning Ordinance, and was amended by amendments of December 12, 2019 and December 26, 2019.

## Section 6.2.5 - Accessory Structure Number Limitation

In all districts (with the exception of AG) there shall not be more than two (2) detached Accessory Structures on a single lot, <sup>2</sup> unless said lot is one (1) acre or more. A lot in excess of one (1) acre shall be allowed one (1) additional Accessory Structure.

(Amd. of 2-9-2017)

## Section 6.2.6 - Accessory Structures on Vacant Lots

The Township recognizes that occupants of waterfront properties commonly have boats, trailers, other recreational vehicles and other items that require storage on at least a seasonal basis, often in open yard areas, and also recognizing that waterfront lots are often small in size, which limits the placement of traditional storage structures in accordance with the other provisions of this Section. The Township also recognizes that the outdoor storage of such items may have a blighting effect on the surrounding neighborhood. Therefore, the owner of a waterfront property which contains a residence may acquire a vacant lot on the opposite of the street or road and construct an accessory structure on it, subject to Special Land Use permit approval, as specified in Article IX of this Ordinance, and in accordance with the provisions below.

1. The majority of the frontage of the vacant lot to be used for the accessory structure shall be located directly across the street or road from the waterfront lot containing the owner's residence.
2. The accessory structure shall not contain a residence or dwelling unit, nor shall any part of the accessory building be used for human habitation at any time.
3. The accessory structure and the yard areas surrounding it shall not be used for any commercial or business use, including the storage of materials, vehicles or other items used for commercial or business purposes.
4. No bathroom facilities shall be provided in the accessory structure.
5. The accessory structure shall not be used to house or support animals of any type.
6. The placement of the accessory structure on the lot shall maintain sufficient space to also allow for the subsequent construction of a dwelling unit which would comply with the minimum dwelling unit size and setback requirements of the applicable zoning district.
7. The accessory structure shall not exceed one thousand six hundred (1,600) square feet in area or twenty (20) feet in height, and be in compliance with the requirements under 6.2.3(b), (d), (e), and (i) of "Detached Accessory Structures".
8. The accessory structure shall be constructed in compliance with Section 6.2.4.
9. The opposing lot with the accessory structure shall not contain more than one (1) detached accessory structure.
10. When applying for a Special Land Use permit to construct the accessory structure, the applicant shall provide to the Planning Commission copies of a proposed restrictive covenant to be applied to both lots which would restrict the use of the accessory structure and lot for only the private storage needs of the owner of the waterfront lot and specifying that the two (2) lots shall not be sold or mortgaged separately unless such sale is first approved by the Township in accordance with paragraph 11 below. If a Special Land Use permit is approved, the owner shall execute and duly record the restrictive covenants with the County Register of Deeds, and shall provide copies of the executed and recorded documents to the Township Zoning Administrator before any actual construction permit(s) may be issued.
11. The Zoning Administrator shall approve a request to sell one (1) of the two (2) lots if one (1) of the following requirements is met:
  - (a) The existing or prospective owner of the accessory structure obtains a demolition permit and removes the accessory structure within six (6) months;
  - (b) The prospective owner of the accessory structure lot obtains a permit to construct a new dwelling unit on the lot, initiates construction within six (6) months and completes construction of the dwelling within one (1) year; or
  - (c) The prospective owner of the accessory structure lot owns and occupies a dwelling on an adjacent lot and legally combines the two (2) lots.

## Section 6.2.7 - Reserved

## Section 6.2.8 - Carports

1. Carports can be either free standing or attached to the side of a house. Carports shall not be considered accessory structures, and will be subject to all set back and requirements for the zoning district in which it is built. Carports:
  - (a) May be constructed of wood or metal, (canvas, tarp, plastic will not be permitted).
  - (b) Must have a permanent foundation as defined by the Iosco County Building Department.

- (c) May not be taller than twenty (20) feet.
  - (d) Only one (1) allowed per parcel.
  - (e) Are only allowed on a property with a residence, unless the property is a conforming lot in the Forestry, Industrial, or Agricultural Zoning Districts.
  - (f) Are not permitted in the B-1, B-2 or WB-3 zoning districts.
  - (g) Will be included in the total percentage of lot coverage allowed.
  - (h) May not be larger than one thousand six hundred (1,600) square feet, including overhangs.
    - (i) Front, side, and rear setbacks for the appropriate zoning district apply.
    - (j) May not have more than two (2) enclosed sides.
  - (k) May only be used for the storage of motor vehicles, watercraft, RVs, Utility trailers and ORVs.
    - (l) The storing of garbage, or other items other than legally registered and insured motor vehicles, water craft, RVs, utility trailers and ORVs is a violation of the Township Code of Ordinances.
  - (m) Ten-foot setbacks are required between the carport and any accessory structure, as measured from the roof overhangs.
  - (n) No set backs are required between the carport and the principal structure.
  - (o) Are allowed in side or rear yards, in a driveway, or forward of the home in the side yard.
  - (p) Carports on waterfront properties are allowed. see 6.2.8.2 below.
2. Carports in front yards (water side) of waterfront properties follow all of the regulations of carports, with the following restrictions:
- (a) Maximum height is twelve (12) feet.
  - (b) Maximum eight hundred (800) square feet including overhangs.
- Note: Decorative ornaments may add an additional four (4) feet by four (4) feet by four (4) feet in height. See the definition in "Building Height" in [Section 2.2](#).

(Amd. of 12-26-2019)

#### Section 6.3 - Screening of Trash Storage Areas:

All uses other than single-family detached dwelling units established or placed in operation in any zoning district after the effective date of this zoning ordinance having outdoor trash storage areas shall comply with the following limitations:

1. Any such area shall be limited to normal refuse which is collected on a regular basis and shall be maintained in a neat, orderly, and sanitary condition.
2. In no instance shall any such refuse be visible above or through the required screening.
3. A wall, six (6) feet in height, shall enclose three (3) sides of the storage area. Such walls shall be constructed of materials approved by the Zoning Administrator to be durable, weather resistant and obscuring. Bollards and/or other protective devices shall be installed at the opening and in the interior to the rear of any storage area to prevent damage to the screening walls. The surface under any such storage area shall be constructed of concrete which complies with local building requirements.
4. Any such storage area shall be located in a rear yard and/or be so located and arranged as to minimize its visibility from adjacent streets and uses. The Planning Commission may require an obscuring gate when the visibility of such a storage area, from a public street or adjacent use, is deemed to render an adverse influence. In no instance shall any such area be located in a front yard.

#### Section 6.4 - Swimming Pools:

1. For permanent above or below ground swimming pools, and for portable pools with a diameter exceeding twelve (12) feet or an area exceeding one hundred (100) square feet, a building permit must be obtained for its alteration, erection, and construction. Before a permit is issued an application shall be approved by the enforcing official (Zoning Administrator or authorized representative). An application is not required for a wading pool. An application for a permit shall provide the following information: name of the owner, plot plan specifying dimensions, site location of the pool, as well as nearby fences, buildings, gates, septic tanks, tile fields, public utilities, and easements. The application for a below ground pool must include plans and specifications to scale of the pool walls, slope, bottom, walkway, diving boards, type and rating of auxiliary equipment, piping, and valve layout.
2. Rear and side lot line setbacks shall not be less than ten (10) feet between the pool outside wall and the side or rear property line, and not less than ten (10) feet between pool wall and any building on the lot.

3. Overhead electrical or telephone wires shall be not less than ten (10) feet horizontally from the waters edge. Under no circumstances shall wire kind cross over the water surface.
4. A swimming pool shall not be nearer than twenty-five (25) feet horizontally to any water well, unless a shorter distance is approved by the county health department.
5. A distance of at least three (3) feet horizontally must be maintained from a permanent pool to any sewer. There shall be maintained no less than ten (10) feet horizontally to a septic tank and tile field or other treatment facility.
6. A distance of three (3) feet shall be provided from any portion of the pool to any underground water, electrical, telephone, gas, or other pipes and conduits, except for parts of the swimming pool system.
7. No yard containing a swimming pool shall be constructed or maintained unless such swimming pool is entirely enclosed by a building, wall, and/or fence. The minimum height of all parts of the fence or wall, including gates, shall be six (6) feet in height, measured from grade. The fence shall be designed and constructed so as to make the pool inaccessible to children by climbing or entering through the fence openings. Fences not structurally a part of the pool structure must be no closer than five (5) feet to the waters edge. All openings in any such fence or building shall be equipped with a self-closing, self-latching gate or door which shall be securely locked with a tamper-proof lock when the pool is not in use.
8. A private swimming pool shall be located only in the rear yard except on corner lots when they may be placed in the corner lot's side yard. <sup>2</sup>
9. The provisions contained herein are not intended to cover farm ponds or water storage areas constructed for consumption purposes.

#### Section 6.5 - Guest House Design Standards:

1. All guest houses shall conform to all development standards of the underlying land use district.
2. There shall be no more than one (1) guest house on any lot.
3. The floor area of the guest house shall not exceed five hundred (500) square feet.
4. A guest house is an Accessory Structure and shall satisfy the setback requirements for Accessory Structures and shall not exceed a maximum height of twenty (20) feet. <sup>8</sup>
5. A guest house shall be used only by the occupants of the main dwelling, their nonpaying guests, or domestic employees. The guest house shall not be rented and a visitor's stay is limited to no greater than sixty (60) continuous days. <sup>2</sup>

(Amd. of 3-28-2019)

#### Section 6.6 - Lot Area Can Be Allocated Once:

No portion of a lot can be used more than once in complying with the provision for lot area and yard dimensions for the construction of a proposed or the alteration of an existing building.

#### Section 6.7 - Off-Street Parking and Loading:

##### Section 6.7.1 - Intent of Parking Provisions and General Standards

Except the Central Business District (B-1) <sup>2</sup>, it is the intent of this Ordinance that in all other commercial zoning districts that parking spaces shall be provided and adequately maintained by each property owner. Off-street storage of motor vehicles for the use of occupants, employees and patrons of each building and premise constructed, altered or enlarged under the provisions of this Ordinance shall be provided as follows.

1. **Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) parking space.
2. **Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. The Planning Commission shall make this determination and a record of the rationale applied documented in a file established for that purpose. An appeal may be taken to the Zoning Board of Appeals.
3. **Use of Parking Areas:** No commercial repair work, servicing or selling of any kind shall be conducted in any parking area or parking garage. Parking spaces shall be used only for the parking of vehicles used to service the establishment to which it is accessory and by its patrons.
4. **Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in floor area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained

in the proper ratio to the increased floor area or capacity.

5. **Joint Use of Parking Areas:** The joint use of parking facilities by two (2) or more uses may be granted by the Planning Commission whenever such use is practical and satisfactory to each of the uses intended to be served, and when all requirements for location, design, and construction are met.
- A. **Computing Capacities:** In computing capacities of any joint use, the total space requirement is the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
- B. **Record of Agreement:** A copy of an agreement between joint users shall be filed with the application for a land use permit, the building permit, and recorded with the Register of Deeds of the County. The agreement shall include a guarantee for continued use of the parking facility by each party.

#### Section 6.7.2 - Parking Space Requirements

The number of required off-street parking spaces in accordance with the following standards:

| Type of Use   | Required Number of Spaces   |
|---|---|
| A. Single and Two-Family Dwellings  | Two (2) spaces for each dwelling unit.  |
| B. Multiple-Family Dwellings  | Two (2) spaces for each multiple-family dwelling unit, plus one space per five (5) units for guest parking.   |
| C. Adult Foster Care Facilities   | One (1) space per employee on the largest work shift, plus the spaces required for the dwelling unit.   |
| D. Auditoriums (incidental to schools), Churches, Stadiums, Gyms, Theaters, Buildings of similar use with fixed seats | One (1) space for each four (4) seats, plus one (1) space for each two (2) employees.   |
| E. Automobile Service and Repair Stations   | Two (2) spaces for each repair and service stall (a service stall is not considered a parking space), plus one space for each two (2) employees.          |
| F. Barber Shops and Beauty Parlors  | Two (2) spaces for each beauty and/or barber chair.   |
| G. Boarding and Lodging Houses  | One (1) space for each bedroom or each two (2) occupants of the structure, whichever is greater, plus one (1) additional space for the owner or operator. |
| H. Bowling Alleys   | Two (2) spaces for each alley, plus one (1) space for each employee on the largest shift.   |
| I. Clinics  | Two (2) spaces for each examination or treatment room, plus one (1) space for each doctor or dentist and other employees.                                 |
| J. Commercial and Institutional Recreational Facilities   | One space per three (3) patrons to the maximum capacity of the facility.  |
| K. Convalescent Homes or Similar Uses   | One (1) space for each six (6) beds, plus one (1) space for each employee on the largest working shift.   |



|  |   |
|--|---|
| L. Dance Halls, Pool and Billiard Rooms                                | One (1) space for each three (3) persons allowed within maximum capacity load.  |
| M. Day care facilities   | One (1) space for each employee, plus a paved, unobstructed stacking space for pick-up and drop-off, plus one (1) space per eight (8) children of licensed capacity.  |
| N. Drive-In Banks, Cleaners, Car Laundries, and Similar Businesses     | Stacking space for five (5) cars between the sidewalk area and the drive-up window and one (1) space for each employee on the largest shift.  |
| O. Drive-in Restaurants or Fast-Food Restaurants                       | One (1) space for each four (4) seats, plus one (1) space for each employee on the largest shift; plus sufficient area for eight (8) stacking spaces for drive-in windows.  |
| P. Elderly Housing <sup>10</sup>                                       | One (1) space per employee on the largest work shift, plus the spaces required for the dwelling unit.   |
| Q. Elementary and Middle Schools                                       | One (1) space for each two (2) employees, plus one (1) space for each four (4) seats where the school contains an auditorium and/or stadium or gym.   |
| R. Funeral Homes and Mortuaries  | One (1) space for each twenty-five (25) square feet of gross floor area of chapels and assembly rooms.  |
| S. Golf Clubs, Swimming Pool Clubs, Tennis Clubs or Other similar Uses | Four (4) spaces for each green, plus one (1) space for every two (2) employees on the largest shift, plus fifty (50) percent of the spaces otherwise required for any accessory uses (e.g. restaurant, pro shop, etc.).   |
| T. High Schools and Colleges   | One (1) space for each employee, plus one (1) space for each five (5) students (based on the capacity of the facility as determined by the fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym. |
| U. Hospitals, Sanitariums  | One (1) space for each three (3) patient beds, plus one (1) space for each two (2) employees on the largest shift, plus one (1) space for each visiting doctor.   |
| V. Industrial or Manufacturing Establishments, Warehouses <sup>7</sup> | One (1) space for each employee in largest working shift.   |
| W. Junk Yards  | One (1) space for each two (2) employees.   |
| X. Excavation Operations and Asphalt Batching Plants                   | One (1) space for each employee on the largest shift.   |
| Y. Laundromat  | One (1) space for each three (3) washing or drying machines.  |
| Z. Libraries, Museums, Post Offices                                    | One (1) space for each eight hundred (800) square feet of floor area, plus one (1) space for every two (2) employees on the largest shift.  |

|   |  |
|---|--|
| AA. Miniature or Par-3 Golf Courses   | Three (3) spaces for each hole, plus one (1) space for each employee.  |
| BB. Motels, Hotels, Bed and Breakfasts  | One (1) space for each sleeping unit, plus two (2) spaces for each employee on the largest shift.            |
| CC. Private Recreational Facilities   | One (1) space for each six (6) potential members based on the capacity of the facility.                      |
| DD. Professional Offices and Banks  | One (1) space for each three hundred (300) square feet of gross floor area.                                  |
| EE. Standard Restaurants, Cafeterias, Taverns, Bars   | One (1) space for each three (3) seats up to the capacity of the facility as determined by the fire marshal. |
| FF. Retail Stores, including furniture, appliance, automobile sales, machinery sales, and personal services (other than beauty and barber shops), except as otherwise specified herein. | One (1) space for each three hundred (300) square feet of gross floor area.                                  |
| GG. Supermarket, Self-Service Food Store  | One (1) space for each one hundred (100) square feet of gross floor area.                                    |
| HH. (Warehouses-Deleted) <sup>7</sup> , Wholesale Stores  | One (1) space for each eight hundred (800) square feet of floor area.  |

## Section 6.7.3 - Handicap Parking Requirements

1. Each parking lot that services a building entrance, except single- or two-family residential or temporary structures, shall have a number of level parking spaces for the physically handicapped as set forth in the following table, and identified by above grade signs and painted pavement as reserved for physically handicapped persons.

| Total Spaces in Parking Lot | Required Number of Accessible Spaces |
|-----------------------------|--------------------------------------|
| Up to 25                    | 1                                    |
| 26 to 50                    | 2                                    |
| 51 to 75                    | 3                                    |
| 76 to 100                   | 4                                    |
| 101 to 150                  | 5                                    |
| 151 to 200                  | 6                                    |
| 201 to 300                  | 8                                    |
| 301 to 400                  | 12                                   |
| 401 to 700                  | 14                                   |

|              |   |
|--------------|---|
| 701 to 1,000 | One (1) per fifty (50) parking spaces or fraction thereof                     |
| Over 1,000   | Twenty (20) plus one (1) per one hundred (100) exceeding one thousand (1,000) |

2. Accessible parking spaces, access aisles, and passenger loading zones shall have surface slopes not steeper than 1:48 in all directions. Access aisles serving accessible parking spaces or passenger loading zones shall be at the same level as the spaces or loading zones they serve.

3. Parking spaces for persons with disabilities shall be ninety-six (96) inches (two thousand four hundred forty (2,440) mm) wide minimum and shall have an adjacent access aisle sixty (60) inches (one thousand five hundred twenty-five (1,525) mm) wide minimum. Parking access aisles or passenger loading zones shall be part of the accessible route to the building or facility entrance. Accessible parking spaces are required to be located on the shortest possible route from parking facilities to an accessible building entrance. When parking facilities do not serve a building, the accessible parking spaces are required on the shortest possible route to an accessible pedestrian entrance to the parking facility. When a building has multiple accessible entrances with parking facilities, the accessible parking spaces must be dispersed among the building's accessible entrances. Two (2) accessible parking spaces shall be permitted to share a common access aisle. Parked vehicle overhangs shall not reduce the clear width of an accessible circulation route.
4. Accessible parking spaces shall be identified by a sign showing the international symbol of accessibility. Signs shall not be obscured by a vehicle parked in the space
5. Passenger loading zones shall provide an access aisle sixty (60) inches (one thousand five hundred twenty-five (1,525) mm) wide minimum and twenty (20) feet (six (6) m) long minimum adjacent and parallel to the vehicle pull-up space and at the same level as the roadway. Access aisle and vehicle pull-up space shall be at the same level with a slope not steeper than 1:48.
6. Vertical clearance of one hundred fourteen (114) inches (two thousand eight hundred ninety-five (2,895) mm) minimum shall be provided at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.
7. For every eight (8) or fraction of eight (8) accessible parking spaces provided at parking facilities, a minimum of one (1) van-accessible space is required. The difference in standard accessible spaces and van-accessible spaces is that the van-accessible spaces require an access aisle of a minimum ninety-six (96) inches wide versus a minimum sixty (60) inch width. Accessible parking spaces for vans used by persons with disabilities shall have a height of ninety-eight (98) inches (two thousand four hundred ninety (2,490) mm) minimum at the space and along the vehicular route thereto.

Section 6.7.4 - Location of Parking Areas

All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve.

Section 6.7.5 - Site Development Requirements

All off-street parking areas shall be designed, constructed and maintained in accordance with the following standards and requirements.

1. **Marking and Designation:** Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.
2. **Driveways:** Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided.
  - A. Except for parking spaces provided for single-family and two-family residential lots, drives for ingress and egress to the parking area shall be not less than thirty (30) feet wide and so located as to secure the most appropriate development of the individual property.
  - B. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a residential district.
3. **Site Maneuverability:** Each parking space, within an off-street parking area, shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. The width of required maneuvering lanes may vary depending upon the proposed parking pattern, as follows.

| Parking Pattern      | Maneuvering Lane Width | Parking Space Width | Parking Space Length |
|----------------------|------------------------|---------------------|----------------------|
| 0°(Parallel Parking) | 12 feet                | 8 feet              | 23 feet              |

|            |         |                 |         |
|------------|---------|-----------------|---------|
| 30° to 53° | 12 feet | 8 feet 6 inches | 20 feet |
| 54° to 75° | 15 feet | 8 feet 6 inches | 20 feet |
| 75° to 90° | 20 feet | 9 feet          | 20 feet |

All maneuvering lane widths shall permit one-way traffic movement, except for the ninety-degree pattern which may provide for two-way traffic movement.

4. **Surfacing:**<sup>10</sup>

- A. **B-2 Zoning District:** All open off-street parking and driveway areas located within the first twenty-five (25) feet towards a public right-of-way shall be improved with a hard surface or chip-seal. The remaining area of the parking lot and/or driveway may be surfaced with 22A MDOT Spec gravel in accordance with this Ordinance and any requirements of the Iosco County Road Commission or the State of Michigan. Approval of 22A MDOT Spec gravel surfacing shall be conditioned upon adequate coverage and barriers sufficient to confine the material.
  - B. **B-1, WB-3, and P Zoning Districts:** All open off-street parking and driveway areas shall be improved with a hard surface or chip-seal in accordance with this Ordinance and any requirements of the Iosco County Road Commission or the State of Michigan.
5. **Lighting:** Except for single-family and two-family residential lots, adequate lighting shall be provided throughout the hours when the parking area is in operation.
- A. Lighting shall be designed and constructed in such a manner to ensure that:
    - (1) Direct or directly reflected light is confined to the development site.
    - (2) All light sources and light lenses are shielded and are not directly visible beyond the boundary of the site.
  - B. Unless otherwise approved by the Planning Commission, light sources shall be high pressure sodium. Approved exceptions shall use warm white or natural lamp colors.
  - C. Specifications for lights, poles, fixtures, light sources, and lenses shall be reviewed and approved by the Planning Commission.
6. **Buffering:** Where a parking area with a capacity of four (4) or more vehicles adjoins a residential district, a landscaped buffer zone shall be provided between the parking area and the adjoining property (see Section 6.15.7).

Section 6.7.6 - Loading and Unloading Space Requirements

- 1. **Intent:** In order to prevent undue interference with public use of streets and alleys, every manufacturing, storage, warehouse, department store, wholesale store, retail store, hotel, hospital, laundry, dairy, mortuary, and other uses similarly and customarily receiving or distributing goods by motor vehicle shall provide space on the premises for that number of vehicles that will be at the premises at the same time on an average day of full use.
- 2. **Additional Parking Space:** Loading space required under this Section shall be provided as area additional to off-street parking space and shall not be considered as supplying off-street parking space.
- 3. **Space Requirements:** There shall be provided adequate space for standing, loading, and unloading service not less than twelve (12) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height, open or enclosed, for uses listed in the following table, or for similar uses similarly involving the receipt or distribution by vehicles of material or merchandise.

| Use  | Space Required  |
|--|---|
| Commercial uses, such as Retail Stores, Personal Services, Amusement, Automotive Service | First 2,000 square feet; none.<br>Next 20,000 or fraction thereof; one (1) space.<br>Each additional 20,000 or fraction thereof; one (1) space. |

|  |   |
|--|---|
| Hotels, Offices, Clinics   | First 2,000 square feet; none.<br>Next 50,000 or fraction thereof; one (1)space.<br>Each additional 100,000 or fraction thereof; one (1) space.             |
| Wholesale and Storage Contractor's Yards   | First 20,000 square feet; one (1) space.<br>Each additional 20,000 or fraction thereof; one (1) space.  |
| Manufacturing uses   | First 20,000 square feet or fraction thereof; one (1) space. Each additional 20,000 or fraction thereof; one (1) space.                                     |
| Funeral Homes and Mortuaries   | First 5,000 square feet or fraction thereof; one (1) space.<br>Each additional 10,000 or fraction thereof; one (1) space.                                   |
| Hospitals  | First 20,000 square feet; one (1) space.<br>Next 100,000 or fraction thereof; one (1) space.<br>Each additional 200,000 or fraction thereof; one (1) space. |
| Schools, Place of Worship <sup>3</sup> /Churches, Clubs, Public Assembly Buildings, Auditoriums, Boarding Houses, Convalescent Homes | For each building, one (1) space.   |
| For similar uses not listed  | For each building 5,000 square feet or over; one (1) space.   |

4. **Access:** Access to a truck standing, loading, and unloading space shall be provided directly from a public street or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a street or alley.

5. **Screening:** All loading and unloading areas shall be screened by a vertical screen consisting of structural or plant materials no less than five (5) feet in height.

Section 6.8 - Mobile Homes on Separate Lots, Special Provisions:

1. Each mobile home shall be provided with a permanent concrete pad or foundation and skirting as required by the County Building Department.
2. Fuel oil and gas tanks shall not be located so as to be visible from the street serving the mobile home site. All tanks shall be of an approved type to comply with building and safety code standards and shall be equipped with vent pipes and fused valves. All tanks shall be elevated on noncombustible stands and placed on a concrete base.

Section 6.8.1 - Age of Mobile Homes Allowed In Oscoda Township

1. A Mobile Home whose manufacturing date is older than fifteen (15) years from the current year cannot be moved into Oscoda Township.
2. Mobile Homes currently located within Oscoda Township, manufactured after July 15, 1976, according to HUD construction and safety standards, may be maintained in the Township and, if desired, moved within the Township, provided all necessary permits are applied for, obtained, and displayed properly.

Section 6.9 - Mobile Home Parks:

This Section specifies the plan review and approval process and development standards for mobile home parks. This process and these standards are in addition to any rules and procedures which may also be required by state PA 96 of 1987 and the Mobile Home Code of the Michigan Administrative Code.

## Section 6.9.1 - Plan Review

All proposed structures or uses of land or structures shall be subject to the following plan review procedures:

1. **Application:** Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any building in the MHP zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the Ordinance requirements of this Section.
  - A. Every plan submitted to the Planning Commission shall be a complete application and in accordance with the requirements of this ordinance. Twelve (12) copies of the plan shall be submitted with the application.
  - B. All applications for plan review shall be made at least three (3) weeks prior to the next regularly scheduled Planning Commission meeting. No application shall be acted upon by the Planning Commission until such time as such application is complete, including payment in full for the review of plans, as established by resolution of the Township Board.
2. **Data Required:** Plans shall contain the following information:
  - A. The date, north arrow and scale. The scale shall be not less than one (1) inch equals fifty (50) feet for property under three (3) acres and at least one (1) inch equals one hundred (100) feet for those three (3) acres or more.
  - B. All lot and/or property lines are to be shown with dimensions.
  - C. The location and height of all existing and proposed structures on and within one hundred (100) feet of the subject property.
  - D. The location and dimensions of all existing and proposed drives, sidewalks, curb openings, signs, exterior lighting, parking areas (showing dimensions of a typical parking space), unloading areas, and recreation areas.
  - E. The location and the pavement and right-of-way width of all abutting roads, streets, or alleys.
  - F. The name and firm address of the professional civil engineering, registered landscape architect, landscaping firm, or architectural firm(s) responsible for the preparation of the site plan.
  - G. The name and address of the property owner or petitioner.
  - H. The location of all rubbish receptacles and landscaping and the location, height, and type of fences and walls.
    - I. Size and location of existing and proposed utilities including proposed connections to public sewer or water supply systems, if available. If a public sewer system is unavailable, the park shall connect to a state approved sewage system.
    - J. Location of all fire hydrants, if applicable.
  - K. The number of mobile home sites proposed.
  - L. Illustrate and describe all surface drainage facilities which must meet the requirements and standards of Part 4 of the MDPH Rules.
  - M. Utility and other easements.
  - N. Clusters of trees, as well as existing individual trees over twenty-four (24) inches in diameter.
  - O. Existing wetlands.
  - P. Floodplain, drainage courses, lakes, ponds, drains, rivers, and streams, including their water surface elevation, floodplain elevation, and normal high water elevation.
  - Q. List of soils on the site utilizing the Soil Conservation Service's most recent "Soil Survey of Iosco County."
  - R. Proposed sign locations.
  - S. All required setbacks for front, side, and rear yards.
3. **Review Process:** The Planning Commission shall review the submitted plan and communicate its approval, approval with conditions, tabling, or disapproval of the plan not more than sixty (60) days of receipt of the plan by the Township. A meeting may be postponed by mutual agreement of the Township and the developer. In cases where modifications have been recommended, the applicant shall resubmit a plan incorporating those modifications to the Planning Commission for its review any required modifications shall be directed to the specific elimination of unsafe or hazardous health or safety conditions. Upon receipt of the modified plan, the Planning Commission shall evaluate the changes which have been made and, if deemed acceptable, shall communicate its approval or disapproval of the site plan to the applicant within not more than 45 days after receipt of the modified plan. Such modified plan may be disapproved for any inadequacy found to be detrimental to the public health, safety, and general welfare.
 

The Planning Commission shall approve a plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the plan, cause undue hardship, or create unsafe or hazardous health or safety conditions to the general public.
4. **Noncompliance:** Any suspected noncompliance with the plan, shall be reported to the Manufactured Housing Division of the

Department of Consumer and Industry Services for remedy along with all pertaining evidence.

5. **Basis for Approval:** In the process of reviewing the site plan, the Planning Commission shall consider:
- A. Effect on adjacent single-family residential or site condominium developments in terms of traffic, water and sewer availability, storm water runoff, and public safety.
  - B. The location and design of driveways providing vehicular ingress to, and egress from, the site in relation to streets giving access to the site and in relation to pedestrian traffic.
  - C. The traffic circulation features within the site and location of automobile parking areas; and may make such requirements with respect to any matters as will assure safety and convenience of both vehicular and pedestrian traffic both within the site and in relation to access streets; and, satisfactory and harmonious relations between the development of the site and the existing and prospective development of contiguous land and adjacent neighborhoods.

#### Section 6.9.2 - Area, Height and Placement Regulations

1. **Lot Size:** "The mobile home park shall be developed with sites averaging five thousand five hundred (5,500) square feet per mobile home unit. This five thousand five hundred (5,500) square feet for any one (1) site may be reduced by twenty (20) percent provided that the individual site shall be equal to at least four thousand four hundred (4,400) square feet. For each square foot of land gained through the reduction of a site below five thousand five hundred (5,500) square feet, at least an equal amount of land shall be dedicated as open space. This open space shall be in addition to that required under R 125.1946, Rule 946 and R 125.1941 and R 125.1944, Rules 941 and 944 of the Michigan Administrative Code."
2. **Floor Space:** There shall be not less than seven hundred twenty (720) square feet of floor area within each mobile home. The floor area of any porch, sun deck, or other structure shall not be used to meet the seven hundred twenty (720) foot requirement.
3. **Internal Yard Setbacks:** The placement of mobile homes within a mobile home park shall observe the following setback requirements:
  - A. Twenty (20) feet from any part of an attached or detached structure of an adjacent mobile home which is used for living purposes.
  - B. Ten (10) feet from an on-site parking space of an adjacent mobile home site.
  - C. Ten (10) feet from an attached or detached structure or Accessory Structure which is not used for living purposes.
  - D. Fifty (50) feet from a permanent building.
  - E. Ten (10) feet from the edge of an internal road.
  - F. Seven (7) feet from a parking bay.
  - G. Seven (7) feet from a common pedestrian walkway.
4. **Maximum Heights:** The maximum height of any clubhouse building shall not exceed twenty-five (25) feet, or two (2) stories in height. Storage or service buildings shall not exceed fifteen (15) feet, or one (1) story in height.

#### Section 6.9.3 - Development Standards for Mobile Home Parks:

1. Each mobile home park must have a site of not less than ten (10) acres of land.
2. **Park Setbacks:**
  - A. **Front Yards:** No mobile home or any structure within a mobile home park (other than an identification sign) shall be located closer than fifty (50) feet to any public road right-of-way.
  - B. **Side Yards:** No mobile home or any structure within a mobile home park shall be located closer than ten (10) feet from any side lot line of the mobile home park.
  - C. **Rear Yards:** No mobile home or any structure within a mobile home park shall be located closer than ten (10) feet from any rear lot line.
3. **Access to Public Roads:** All access to the park shall be from paved public thoroughfares. Two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement. Ingress/egress to or from mobile home parks shall not be provided by means of a subdivision or site condominium street.
4. **Paving:** All internal roads and parking facilities shall be provided with a paved surface in compliance with the standards of the AASHTO Specifications referenced in Rule 922 of the [Michigan] Mobile Home Commission Rules. Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to prevent the drainage of water onto adjacent property or toward buildings. No portion of any off-street parking area may be allowed to encroach into sidewalk areas.
5. **Parking:** A minimum of two (2) parking spaces shall be provided for each mobile home unit. In addition, a minimum of one (1) parking space

for every three (3) mobile home sites shall be provided for visitor parking. Adequate room shall be provided for vehicles to safely maneuver through the park when on-street parking is provided.

6. **Sidewalks:** Sidewalks, which meet the standards established in Rule 928 of the [Michigan] Mobile Home Commission Rules, and AASHTO Standards shall be installed along one (1) side of all internal collector roads within the park and to the public right-of-way and to all service facilities including, but not limited to, central laundry, central parking, and central recreation/park areas. Sidewalks shall also be required along that portion of a site fronting along public thoroughfares. Walks connecting the entrance of each mobile home to the balance of the park walk system shall be designed per Mobile Home Commission rules.
7. **Utilities:** The installation of utilities within a mobile home park shall be in accordance with the following requirements:
  - A. All electrical, telephone, and utility service shall be underground and specifically designed in conformance with the standards established in Rules 932(a), 934(a), 935(a), 937(2)(a), and 940 of the Mobile Home Commission. When separate meters are installed, each meter shall be located in a uniform manner.
  - B. All gas distribution lines shall be located underground. Each mobile home lot so served shall have the service line located underground to a connection point below the mobile home. Any line running between such connection point and the mobile home shall be supported so it cannot be abraded by the pad surface. If fuel oil is used, it shall be supplied from a central storage tank, with underground distribution and service lines to the individual mobile home sites, and shall be subject to the same requirements given herein for gas lines. The use of independent bottled gas service for individual mobile homes is prohibited. All heating systems shall be designed and installed in accordance with Rules 934 and 940 of the Mobile Home Commission.
  - C. Service roadway and parking lights shall be installed so as to permit the safe movement of vehicles and pedestrians at night. All lighting shall be so located and shielded as to direct the light away from adjacent properties. All site lighting shall meet the requirements of the Michigan Mobile Home Commission Rules.
  - D. Minimum standards for plumbing, heating, and electrical systems shall be those either set forth by the United States Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards or by ANSI (American National/Standards Institute) for mobile homes predating HUD. Prior to occupancy of any mobile home, the Township Building Inspector, State Electrical Inspector, State Plumbing Inspector, and State Mechanical Inspector shall inspect and approve the plumbing, heating, and electrical systems.
  - E. All mobile home sites and all other buildings within the park shall be connected to the water system of the Township, if it is available to the park, or to another state approved system. The park water system shall conform to parts 2-4 of the Michigan Department of Public Health (MDPH) Mobile Home Park Standards.
  - F. All mobile home sites and all other buildings within the park shall be connected to the sanitary sewerage system of the Township, if it is available to the park, or to other state approved systems. The park sanitary sewerage system shall conform to MDPH Mobile Home Park standards.
  - G. All storm sewers shall be constructed in accordance with parts 2-4 of the MDPH Mobile Home Park Standards by the developer.
8. **Skirting:** Skirting shall be installed around all mobile homes with ninety (90) days of the date the mobile home is sited. Such skirting shall be compatible aesthetically with the appearance and construction of the mobile home. All skirting shall be installed prior to the issuance of a Certificate of Occupancy. In the event that such installation is delayed due to weather, or for other similar reasons, a temporary certificate of occupancy may be issued for a period not to exceed ninety (90) days. All skirting shall meet the specifications established by the Michigan Mobile Home Commission Rules.

Individual mobile homes shall be skirted around the perimeter of the mobile home unit to conceal the underbody from view. Skirting shall be vented in accordance with the requirements of Rule 604 of the Mobile Home Commission Rules. All skirting shall be manufactured of fire-resistant material and certified as such by the manufacturer. Skirting shall be installed in a manner so as to resist damage under normal weather conditions and shall be properly maintained.

9. **Storage:** No personal property shall be stored outside or under any mobile home. The developer shall provide a central storage facility or shall permit or provide individual utility sheds for each mobile home site. Any utility sheds placed on individual mobile home sites shall be maintained in good condition and kept painted. Utility sheds shall be placed in side or rear yard areas.
10. **Recreational Vehicle Storage/Parking:** If boats, boat trailers, utility trailers and similar items are permitted to be parked within a mobile home park, adequate parking spaces for such vehicles shall be provided in a central or collective parking area. This area shall be in addition to the off-street parking requirements of this Ordinance and shall be adequately fenced, locked or secured, and visually buffered or screened by means of landscaping.
11. **Installation:** Each mobile home site shall conform to Mobile Home Commission requirements of Rule 602 for installation of mobile homes.



## Section 6.9.4 - Landscaping, Ground Cover, and Open Space

1. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone or other solid material or protected with grass, trees, or shrubs that are capable of preventing soil erosion. The ground surface in all parts of every mobile home parks shall be graded and equipped to drain all surface water in a safe, efficient manner.
  - A. If the mobile home park abuts an existing residential development, the park shall be required to provide screening along the park boundary abutting the residential development. If the park abuts a nonresidential development, the park need not provide screening.
  - B. In all cases, however, a park shall provide screening along the park boundary abutting a public right-of-way.
2. The landscaping screening shall consist of evergreen trees or shrubs of a minimum three (3) feet in height which are spaced so they provide a continuous screen at maturity. Alternative screening devices subject to prior approval may be utilized if they conceal the mobile home park as effectively as the required landscaping described above and provided the screening is kept in good repair.
3. Open space shall be provided as required by Rule 946 of the Mobile Home Commission and shall be designated on the site plan. Should recreational areas also be proposed, these shall also be shown on the plans.

## Section 6.9.5 - Public Health and Safety

1. Fire hydrants shall be installed in all mobile home parks for which public water systems are available and shall be in compliance with the requirements and provisions of the current local fire code.
2. For the protection of the public safety, an orderly street name system and numbering system shall be established by the mobile home park owner and a plan of this system shall be verified with the governing Fire Department. Mobile home space numbers shall be located uniformly on each space, mobile home unit or identification marker, throughout the mobile home park and street names shall be adequately marked.
3. Dogs, cats, or other domestic or house pets shall not be permitted to run at large or to commit any nuisance within the park.
4. Cooking shelters, barbecue pits, fireplaces, and wood burning stoves or incinerators shall be so located, constructed, maintained, and used as to minimize fire hazards and smoke nuisance both on the site and on neighborhood property. Open fires shall not be allowed except in facilities provided and all such fires must be attended. No fuel shall be used or items burned which emit dense smoke or objectionable odors.
5. Individual fuel oil, liquid petroleum, or other fuel tanks shall not be permitted to be stored in or under any mobile home unit in a mobile home park.
6. Each mobile home site shall be provided with approved garbage containers per Mobile Home Commission rules. The containers shall be kept in a sanitary condition at all times.
  - A. It shall be the responsibility of the mobile home park operator to ensure that garbage containers do not overflow.
  - B. Exterior property areas shall be maintained free from organic and inorganic material that might become a health, accident, or fire hazard.
7. Park grounds shall be maintained in a neat condition at all times.
8. Every park shall be equipped at all times with fire extinguishing equipment in good working order, of a type, size, and number and so located within the park as to be in compliance with the applicable regulations of the Rules 702a and 703 of the Mobile Home Commission.
  - A. No open fire shall be permitted at any place which may endanger life or property.
  - B. No fire shall be left unattended at any time.
  - C. Each fire extinguisher shall be periodically examined and kept at all times in a useable condition in compliance with regulations of the state police.
9. No less than two (2) access points shall be provided to the public thoroughfare to allow a secondary access for emergency vehicles. A boulevard entrance extending to the first intersection of interior park roads shall be interpreted as satisfying this requirement.

## Section 6.9.6 - Miscellaneous Provisions

1. The business of selling new and/or used mobile homes as a commercial operation in connection with the operation of a mobile home development is prohibited. New or used mobile homes located on lots within the mobile home development to be used and occupied on that site may be sold by a licensed dealer and/or broker. This section shall not prohibit the sale of a used mobile home by a resident of the mobile home development provided the development permits the sale.
2. Street lighting shall be provided and paid for by the owner of the park and shall be approved by the Mobile Home Commission as to the

adequacy of illumination.

3. Street name signs shall be provided by the owner at all street intersections in accordance with Mobile Home Commission requirements. Park street names shall not duplicate or be confusingly similar to the name of any existing street within the areas served by the Post Office or the Township Fire Department.
4. There shall be a maximum of one (1) sign per road frontage with an entrance which shall bear only the name of the mobile home park. Such a sign shall be located from the street a distance equal to the setbacks established in Rule 944(2) of the Mobile Home Commission rules and may be lighted, provided that the source of light is not visible and is not of the flashing or intermittent type. One (1) sign, not exceeding thirty-two (32) square feet in area shall be permitted for the first entrance provided to the park. For multiple entrances, a sixteen (16) square foot sign shall be permitted at each entrance after the first. Signs may be double-faced, but each side of the sign shall have identical copy and be flush with the other side.
5. Expandable units on mobile homes may be utilized, provided that the minimum spacing between mobile homes as herein provided is maintained.

#### Section 6.10 - Ponds:

##### Section 6.10.1 - Intent

The regulations set forth in this section are designed to provide for the regulation of ponds and to specify the conditions and circumstances under which such ponds may be developed to protect the health, safety, and general welfare of the residents of the community, preserve ecologically important features, and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.

##### Section 6.10.2 - General provisions

1. It shall be unlawful for any person, firm, corporation, or partnership, or other organization or entity to construct a pond within the Township without first securing a land use permit from the Zoning Administrator.
2. A pond shall not be constructed on a lot or parcel of land which is less than 1.5 acres in size.
3. Water shall be maintained in all pond excavations.
4. All soil and similar materials excavated during the construction of the pond shall remain on the property.

##### Section 6.10.3 - Application and review procedures

1. Application shall be made to the Township Zoning Administrator. Applications shall contain the name and address of the applicant, a legal description of the property upon which the pond will be established, and a site plan submitted in accordance with Article X, site plan review procedures.
2. Evidence shall also be presented at the time of application that the Iosco County Drain Commission and Michigan Department of Environmental Quality have granted the necessary permits and/or approvals to the applicant for the construction of the pond or have released the applicant from any obligation thereto.
3. The applicant shall also, at the discretion of the Township Zoning Administrator at the time of application, provide evidence from a licensed excavator, civil engineer, or similar allied professional that water can be continuously maintained in the pond once it is constructed.
4. The Township Zoning Administrator may, at his discretion, administratively review and approve applications for a pond construction permit, in lieu of a more formal review and consideration by the Township Planning Commission, provided all of the following conditions exist:
  - A. The parcel contains natural land forms which are so arranged that the change of elevation within the site includes slopes of ten (10) percent or less; The subject site and/or adjoining properties do not contain natural assets including trees, woodlot, endangered species habitats, wetlands, one hundred-year floodplains, natural watersheds, or similar features that would be altered by the establishment of the pond.
  - B. The outside edge of the pond is not within fifty (50) feet of an existing County Drain;
  - C. The proposed pond is not located within two hundred (200) feet of a public right-of-way, private easement, or school site; and
  - D. The proposed pond is not within fifty (50) feet of an existing wetland.

##### Section 6.10.4 - Pond Design Requirements

Private ponds shall be permitted as an accessory use provided they meet the following requirements:

1. The minimum setback distance for the pond shall be a minimum of twenty-five (25) feet from any property line. A pond may cross a property line upon submittal of an easement reviewed and accepted by the Planning Commission allowing such occupation.
2. There shall be a distance of not less than twenty-five (25) feet between the outside edge of the pond and any building.
3. There shall be a distance of not less than two hundred (200) feet from any overhead transmission lines.
4. Slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, to a depth below water of six (6) feet.
5. All areas disturbed during construction shall be seeded with grasses and maintained in good condition to prevent erosion.
6. The Township Zoning Administrator or Planning Commission may, at its discretion, require the installation of a fence no less than six (6) feet in height to protect the health, safety, and welfare of the property owners and or tenants, neighboring uses, and Township residents.

#### Section 6.10.5 - Limitations

1. No pond shall be located upon, cross, or extend beyond an existing property line.
2. Construction of a pond shall be completed within twelve (12) months of the issuance of the construction permit. Extensions may be granted by the Planning Commission for cause shown.
3. The requirements contained herein shall not relieve the applicant from complying with other land development or environmental standards established by the township or by other public agencies having jurisdiction.

#### Section 6.10.6 - Fees Required

Fees for the review of applications for the purpose of obtaining a construction permit for a pond shall be established by resolution of the Township Board.

#### Section 6.11 - Open Parking and Storage:

The regulations set forth in this section are intended to prevent the storage or accumulation of unusable, inoperable, or unsightly motor vehicles, machinery, or building materials, etc., and recreational vehicles that could be hazardous to the safety of children, encourage the propagation of rats or rodents, or detract from the orderly appearance of the Township. These standards are intended to be in addition to any Blight Ordinance adopted by the Township, as may be amended.

#### Section 6.11.1 - Motor Vehicle and Other Vehicle Parking and Storage

No motor vehicle or other vehicle <sup>11</sup> shall be kept, parked or stored in any district zoned for residential use, unless the vehicle is in operating condition, properly licensed, is on property that has an existing principal structure <sup>3</sup> or is kept inside a building or is on property zoned and used for motor vehicle repair and/or service.

#### Section 6.11.1A - Display and Sale of Motor Vehicles and Other Vehicles

**Residential:** Any motor vehicle or vehicle may be displayed "For Sale" by a private individual (not a dealer) only at the current address of the seller as indicated on the vehicle registration. Such vehicles "For Sale" must be currently registered and insured and shall not be placed so as to encroach on the public right-of-way.

**Businesses:** Businesses may allow their employees (not customers or the general public) to display their own private motor vehicles "For Sale" only during normal business hours. Such vehicles "For Sale" must be currently registered and insured and shall not be placed so as to encroach on the public right-of-way.

#### Section 6.11.2 - Machinery, Building Materials, and Agricultural Equipment Storage

Unusable or inoperable machinery, equipment, or parts of machines not suited for use upon the premises, or old and/or used building materials and other materials either discarded, unsightly, or showing evidence of a need for repair shall not be kept or stored outside of a building. However, building materials intended to be used to improve the premises may be stored outside if piled off the ground so as not to become a suitable environment for rats or rodents. The temporary storage of building materials to be used for the purpose of new construction shall also be permitted provided it is kept in a manner so as not to become a nuisance. In no case shall usable or unusable machinery, building materials, or other items be stored on a permanent basis in a truck trailer or other type of trailer, with or without its wheels.

#### Section 6.11.3 - Recreational Vehicle Storage

Residents of the Township may store their own recreational vehicle(s) on their own property for an indefinite period of time, provided that the vehicle is in an operable condition, it is stored in the side or rear yard of a lot that has an existing principal structure and it does not violate the yard setback restrictions. <sup>2</sup>

#### Section 6.11.4 - Enforcement

The use of land contrary to the provisions above under Section 6.11 shall be declared to be a nuisance.

If such nuisance is not abated immediately when the occupant has been notified by the Zoning Administrator, the Township may: 1) perform the necessary work to eliminate the nuisance at the expense of the property owner; and in the event the property owner fails to reimburse the Township within thirty (30) days after receiving notice of the amount due from the Township Treasurer, then the amount shall become a lien upon said property; 2) cite owner and or occupant to appear in court; and, 3) both of the above.

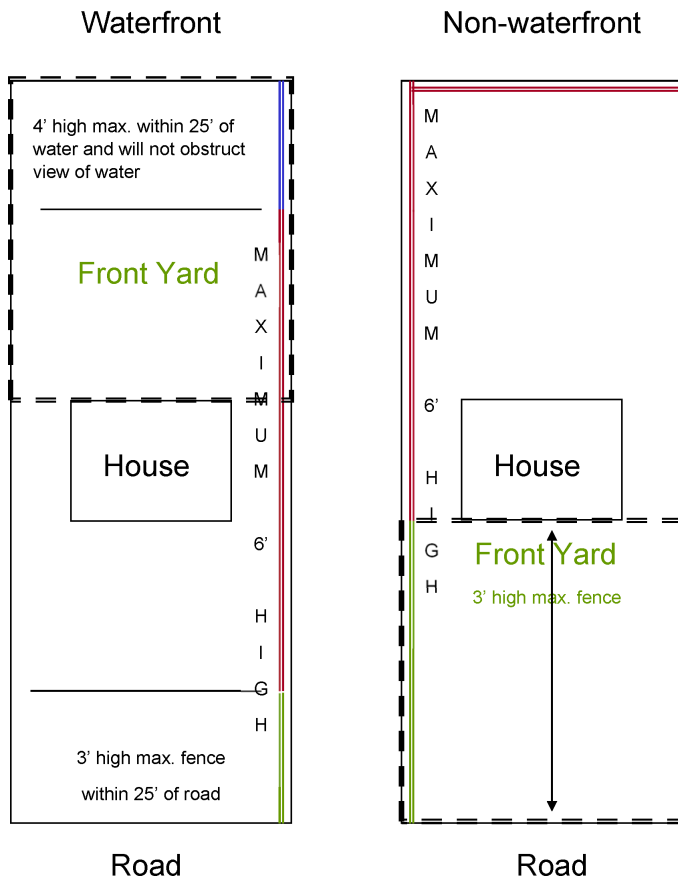
#### Section 6.12 - Essential Service Clause:

The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions, of overhead, surface or underground gas, electrical, steam, or water, distribution or transmission systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, tunnels, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, poles, electrical substations, gas regulator stations and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility of municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other ordinances of the Charter Township of Oscoda in any use district, it being the intention hereof to except such erection, construction, alteration, and maintenance from the application of this Ordinance.

#### Section 6.13 - Greenbelt, Walls, and Fences:

The intent of this Section is to promote the public's health, safety, and general welfare by: minimizing noise, air, and visual pollution; requiring buffering between incompatible land uses; regulating the appearance of property abutting public rights-of-way; and protecting and preserving the appearance, character, and value of the community and its residential neighborhood areas.

1. All fences of any nature, type or description located in the Charter Township of Oscoda shall conform to the following regulations:
  - A. The erection, construction or alteration of any fence, wall, or <sup>8</sup> other type of protective barrier shall be approved by the Zoning Administrator as to their conformance with the requirements of the zoning district wherein they are required because of land use development and the requirements of this Section.
  - B. Fences in all residential districts, which are not specifically required under the regulations for the individual zoning districts, shall conform to the following requirements:
    1. No fence shall hereafter be erected in excess of six (6) feet in height above the grade of the surrounding land. <sup>2</sup>
    2. No fence shall hereafter be more than three (3) feet in height when located in the front yard (except on waterfront property) or within twenty-five (25) feet of a street or road. <sup>2</sup>
    3. No fence shall hereafter be more than four (4) feet in height when located within twenty-five (25) feet of a body of water <sup>8</sup> and shall not obstruct or impede the view of the body of water <sup>2</sup> (see image below).
    4. All fences hereafter erected, shall be of an ornamental nature of wood, stone, vinyl <sup>11</sup>, chain link or other metal construction; barbed wire, spikes, nails, or any other sharp point or instrument of any kind is prohibited on top or on the sides of any fence.
    5. Strips of metal, plastic, other materials inserted into wire fences shall not be permitted.
    6. All <sup>11</sup> fences shall have the "finished side" facing abutting properties. For purposes of this Ordinance, the "finished side" of a fence is considered to be the smooth side or the side not containing structural supports. <sup>10</sup>
    7. Fencing may be placed on a property line or within property lines. <sup>6</sup>
    8. Fencing shall be constructed of materials which are proven to be durable, weather resistant, and easy to maintain.
  - C. Fences of woven wire or chain link topped by strands of barbed wire may be permitted in any district for lands surrounding public utility or uses that, due to their nature would necessitate such protective enclosures to ensure the public health, safety or general welfare of the community.
  - D. No fences in any zoning district shall hereafter be erected that contains an electrical charge or current, unless approved by the Zoning Administrator.



2. **Screening Between Land Uses:** For any improvement which requires a site plan, screening shall be along all adjoining boundaries between any residential use or zone and any nonresidential use or zone. Further, a solid wall or fencing is to be located on the side and rear lot lines of any site within an industrial or commercial zone that abuts a residential zoning district or land use.
 

Either a landscape buffer, landscape berm, evergreen screen, or solid wall may be used as provided below. Proposed screening must effectively block the view of areas to be screened. The Planning Commission retains the right to require a specific screening treatment, if the proposed screening is deemed ineffective or inadequate.

  - A. **Landscape Buffer:** A strip of land ten (10) feet in width, planted with the equivalent of one (1) tree per twenty (20) linear feet of buffer zone. Required trees may be planted at uniform levels, at random, or in clusters. Eight (8) shrubs may be substituted per required tree.
  - B. **Landscape Berm:** An earthen berm at least three (3) feet in height with a two-foot wide crown and side slopes not exceeding a 3:1 slope ratio. Berm slopes shall be protected with sod, seed, shrubs or other form of natural ground cover. A minimum of one (1) tree per fifty (50) linear feet or portion thereof shall be planted on the berm. Required trees may be planted at uniform intervals, at random or in clusters. Eight (8) shrubs may be substituted per required tree.
  - C. **Evergreen Screen:** One (1) tree per six (6) <sup>2</sup> linear feet. Required trees may be planted at uniform intervals, at random or in clusters.
  - D. **Screening Wall:** Walls shall be designed and constructed to facilitate maintenance and not modifying natural drainage in such a way as to endanger adjacent property. Such walls shall be five (5) feet or more in height as measured on the side of the proposed wall having the higher grade, and shall be constructed on both sides with face brick, poured-in-place simulated face brick, pre-cast brick panels having simulated face brick, stone, embossed or pierced concrete block, or other decorative masonry material.
  - E. **Fencing:** Solid board fences with wood posts not less than four (4) inches by four (4) inches and solid board cover not less than one (1) inch thick. Masonry piers may be substituted for wood posts. Posts or piers shall be spaced not more than eight (8) feet on center. The finished side of the wood shall face abutting properties, unless otherwise approved by the Zoning Administrator. Wrought iron, open mesh or slatted fencing, provided that the ratio of one (1) part open to six (6) parts of solid fencing is not exceeded.
3. **Greenbelt Buffers:**
  - A. A strip of land with a minimum width determined by the front yard setback of its zoning classification shall be located between the abutting right-of-way of a public street, freeway, or major thoroughfare, and shall be landscaped with a minimum of one (1) tree not less than twelve (12) feet in height or a minimum caliper of two and one-half (2½) inches (whichever is greater at the time of planting)

for each fifteen (15)<sup>8</sup> lineal feet, or major portion thereof, of frontage abutting said right-of-way. The remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs, and/or other natural, living, landscape material.

- B. Access ways from public rights-of-way through required greenbelt buffers shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of trees required unless such calculation would result in a violation of the spacing requirement set forth in this section.
4. **Additional Screening:** Unless otherwise specified or determined by the Planning Commission or Zoning Board of Appeals, fencing and screening is to be six (6) feet in height. Gateposts and other superstructures over site entrances and exits may be up to twelve (12) feet in height. Fencing and screening materials of a height greater than three (3) feet are not to be located within a required front setback or side setback adjacent to a street.

Mechanical Equipment (this subsection does not apply to single-family residential uses, or to any use in an industrial land use category except if it abuts a residential area). When located outside of a building, support equipment including air conditioning and heating devices, water and gas meters, but not including plumbing or exhaust vents or chimneys, are to be screened to the height of the particular piece of equipment, as follows:

- A. **Roof-Mounted Equipment:** To be screened by architectural features from the view of abutting streets and parcels.
- B. **Equipment at Grade:** When located on the ground adjacent to a building, mechanical equipment is to be screened by landscaping, a solid wall or fencing from the view of the street or surrounding properties.
5. **Exceptions to Fencing and Screening Requirements:**
- A. **Buildings Abutting Lot Lines:** Required screening or fencing may be omitted along any lot line where a building wall exists immediately abutting the lot line.
- B. **Location Adjustment:** Where property line fencing or screening is required, the location may be adjusted so the fencing may be constructed at or within the setback line, provided the areas between the fence and the lot lines are landscaped, or in rural areas, retained in their natural vegetative state at the discretion of the Planning Commission.
- C. **Existing Screening:** Any fence, screen, wall or hedge which does not conform to the provisions of this Section and which is legally existing at the effective date of this Ordinance may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such fence, screen, wall, or hedge except as permitted in other sections of this Ordinance.
- D. **Planning Commission Modification:** Any of the requirements of this Section may be waived or modified through site plan approval, provided the Planning Commission first makes a written finding that specifically identified characteristics of the site or site vicinity that would require altered fencing or screening requirements, or where it would impair vision at a driveway or street intersection.
- E. **Zoning Board of Appeals:** The Zoning Board of Appeals may require or waive any fencing, screening, landscaping or buffering as may be provided for in this Section as a condition of a variance or other authorization in whatever manner necessary to achieve an identified public purpose. The Zoning Board of Appeals shall record the reason for the condition and clearly specify what is required in any approval granted.
6. **Fire Hazard:** No fence shall be approved which constitutes a fire hazard either of itself or in connection with the existing structures in the vicinity, nor which will interfere with access by the Fire Department in case of fire to buildings in the vicinity or which will constitute a hazard to street traffic or to pedestrians.

#### Section 6.14 - Storm Water Management:

1. Site plans required under this Ordinance shall include storm water management areas and facilities, whether on-site or off-site, which shall be designed, constructed, and maintained to prevent flooding and protect water quality. The design of any storm water management system shall be based upon a 10-year frequency 24-hour duration storm event. In order to be approved, all site plan provisions for storm water management must meet the following performance standards:
- A. Runoff leaving the site shall be controlled to a non-erosive velocity, both during and after construction.
- B. After development, runoff from the site shall approximate the rate of flow, volume, and timing of runoff that would have occurred following the same rainfall under predevelopment conditions. Storm water management conveyance and storage facilities shall be designed to reduce flood hazards and water pollution related to runoff from the proposed development project.
2. Storm water storage facilities which protect water quality and prevent adverse flooding on-site and off-site shall be required for all sites of one acre or more in order to improve the quality of storm water runoff and reduce the discharge of sediment into the Charter Township of Oscoda wetlands and watercourses.
- A. One or more of the following techniques shall be used:

- (1) Infiltration of runoff, provided that soils and groundwater conditions are suitable.
  - (2) Retention basins with a fixed minimum water elevation between runoff events (e.g., wet ponds).
  - (3) Detention basins which drain completely after a storm event (e.g., dry basins) but which discharge storm water to wetlands or constructed basins which trap sediment carried by storm water runoff.
  - (4) Detention basins which hold storm water for more than twenty-four (24) hours before completely draining to become a dry basin (extended detention basins).
- B. The following standards shall be used:
- (1) Detention basins with a positive outlet shall be designed to hold runoff from a ten-year storm event, as a minimum. Retention basins without a positive outlet shall be designed to hold runoff from a one hundred-year storm event.
  - (2) The banks of detention basins shall not exceed a 1:6 slope unless a fence is constructed.
  - (3) Natural watercourses shall not be dredged, cleared of vegetation, deepened, widened, straightened, stabilized or otherwise altered without approval from the Michigan Department of Environmental Quality.
  - (4) Discharge of runoff from commercial and industrial sites which may contain oil, grease, toxic chemicals, or other polluting materials shall be prohibited unless approval has been obtained from the Michigan Department of Environmental Quality.
  - (5) The use of storm water management areas and vegetated buffer areas as open space, recreation, and conservation areas shall be encouraged.
3. Wherever storm water facilities are located on the petitioner's property, pipes, conduits, ditches, drains, or other storm water conveyance facilities shall not discharge directly to:
- A. Any natural watercourses, including lakes, ponds, rivers and streams.
  - B. Wetlands with unique or natural wildlife or habitat characteristics as defined by a professional wetlands delineation specialist, biologist or ecologist.
  - C. Wetlands which are within a five hundred-foot distance of any natural lake or pond.
  - D. Wetlands which are within a one hundred-foot distance of any river or stream.
  - E. Discharge from storm water conveyance facilities shall be routed through swales, vegetated buffer strips, storm water basins, hydrological isolated wetlands, and other facilities designed to decrease runoff velocity and volume, allow for natural infiltration, allow suspended solids to settle, and remove pollutants.
  - F. If wetlands are proposed for storm water detention, runoff must be diffused to non-erosive velocities before it reaches the wetlands.
  - G. Vegetated buffer strips shall be created, or retained in their natural state along the edges of all watercourses and wetlands. The width of the buffer shall be sufficient to prevent erosion, trap the sediment from overland runoff, and buffer structures from periodic flooding.

#### Section 6.15 - Landscaping Requirements:

1. These requirements shall apply to all uses for which a site plan review is required under this Ordinance. No site plan shall be approved unless said site plan shows landscaping consistent with the requirements set forth in this section.
2. **General landscaping.** All developed portions of a site not occupied by buildings or pavement shall be planted with grass, ground cover, shrubs or other suitable plant material. A mixture of evergreen and deciduous trees of species hardy to northeastern Michigan shall be planted at a rate of one (1) tree per two thousand (2,000) square feet of landscaped open space on-site. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement.
3. **Landscape preservation.** Preservation of existing trees and site vegetation is encouraged and may be used to meet the landscaping requirement listed above.
  - A. Protective techniques, such as, but not limited to, fencing or barriers placed at the edge of the root zone of the plant material shall be installed during construction to maintain the health and vigor of existing trees and site vegetation used to meet the landscaping requirements of this Ordinance.
  - B. In the event that healthy trees and site vegetation which are used to meet the requirements of this ordinance are cut down, destroyed or damaged, the landscaping shall be replaced with trees and site vegetation meeting Ordinance requirements.
4. **Installation.** All landscaping and landscape elements shall be planted and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.
5. **Completion.** The Planning Commission may require a performance guarantee, per Article X, to assure proper landscape installation and

completion.

6. **Maintenance.** The owner of the property required to be landscaped by this Ordinance shall maintain such landscaping in a reasonably healthy condition, free from refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.
7. **Parking areas.** In off-street parking areas containing greater than twenty (20) spaces, at least five (5) percent of the total parking area shall be used for interior landscaping. Parking lot landscape areas shall be no less than five (5) feet in any dimension and at least one hundred fifty (150) square feet in any single area. A minimum of one (1) tree meeting specifications set by the Planning Commission shall be planted in each area.

#### Section 6.16 - Groundwater Protection:

All business or industries which store, use or generate hazardous substances as defined in this Ordinance, in quantities greater than twenty-five (25) gallons or two hundred twenty (220) pounds per month whichever is less, shall meet all state and federal requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of said hazardous substances. No discharge to groundwater, including direct and indirect discharges, shall be allowed without required State and Federal permits and approvals. In addition:

- A. Sites at which hazardous substances and polluting material are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, surface water and wetlands.
- B. Secondary containment for aboveground areas where hazardous substances and polluting materials are stored or used shall be provided and maintained. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
- C. General purpose floor drains shall be allowed only if they are connected to a public sewer system, an on-site holding tank, or a system authorized through a state groundwater discharge permit.
- D. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met.
- E. The Planning Commission may require a performance guarantee per Section 10.7 or similar assurance for groundwater protection safeguards prior to approval.

#### Section 6.17 - Protection of Waterway and Shoreline Views:

All uses for which site plan review is required under this Ordinance shall be designed, to the maximum extent practicable, to preserve or create scenic views to and from the Township's waterways and shorelines. The Planning Commission may require alteration of proposed landscaping and structure placement, orientation or size to meet the intent of this requirement.

#### Section 6.18 - Single-Family Dwelling Unit Design Standards:

1. The dwelling unit shall comply with the minimum square footage requirements of this Ordinance for the zoning district in which it is located.
2. The dwelling unit shall have a minimum width across any section of twenty (20) feet and complies in all respects with the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provision of 1972 PA 230, as amended", including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Township building code, then and in that event, the less stringent federal or state standard or regulation shall apply.
3. The dwelling unit shall be firmly attached to a permanent foundation constructed on the site in accordance with the "Michigan State Construction Code" as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
4. The dwelling unit shall not have exposed wheels, towing mechanism, under carriage or chassis.
5. The dwelling shall be connected to a public sewer or water supply or to such private facilities approved by the local health department.
6. The dwelling contains storage area either in a basement located under the dwelling, in an attic area, in closet areas or in a separate structure being of standard construction similar to or of better quality than the principal dwelling. Such storage shall be in addition to the space for storage of automobiles and shall be equal to not less than fifteen (15) percent of the minimum square footage requirement of this Ordinance for the zoning district in which the dwelling is located. In no case, however, shall more than two hundred (200) square feet of storage area be required by this provision.



7. The dwelling unit is aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling with not less than two (2) exterior doors with one (1) being in the front of the dwelling and the other being in either the rear or side of the dwelling. The dwelling contains steps connected to said exterior door areas where a difference in elevation requires the same.
8. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of ten (10) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth within the definition of "dwelling" as well as the character of residential development outside the mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than twenty (20) percent of said area; or, where said area is not so developed, and by the character of residential development outside of mobile home parks throughout the Township. <sup>6</sup>
9. The dwelling contains no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
10. The dwelling complies with all pertinent building and fire codes including, in the case of mobile homes, the standard for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.
11. The foregoing standards shall not apply to a mobile home located in a licensed mobile home park except to the extent required by state or federal law or otherwise specifically required in the Ordinance of the Township pertaining to such parks.

#### Section 6.19 - Soil Removal; Excavation; Filling:

##### Section 6.19.1 - Prohibition, Permits Required

1. It shall be unlawful for any person, firm, corporation, partnership, other organization or entity to engage in or conduct any soil removal or excavation within the unincorporated areas of the Township without first procuring a Special Land Use Permit as regulated in Article IX. This provision shall not apply to temporary excavations for building construction purposes, pursuant to a permit issued by County Building Inspector.
2. The filling of land with garbage or rubbish or any other waste matter is hereby prohibited in all areas of the Township, except in the I District and pursuant to the terms and conditions of a special land use permit be granted in a proper case by the Township Board.

##### Section 6.19.2 - Application for Special Land Use Permit

1. Application for a special land use permit shall be made in accordance with Article IX. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be carried out, a topographic map drawn at a scale of one (1) inch to one hundred (100) feet with a two-foot contour interval, showing both existing and proposed grades, a description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof), the name of the owner of the land described therein, and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance, and any and all rules and conditions regarding soil removal, excavation and/or filling operations established by the Township pursuant to this Ordinance and filed in the office of the Township Clerk, or by Iosco County.
2. The original of each application shall be signed by the applicant and sworn to before a notary public. Two (2) confirmed copies shall be filed with said original.

##### Section 6.19.3 - Reference of Application to Zoning Administrator, Investigation, Report, and Standards

One (1) copy of the application shall be referred to the Zoning Administrator, or his duly authorized agent, who shall investigate the premises described in the application, including the surrounding area, and within a reasonable time make recommendations to the Planning Commission as to whether the special land use permit should be granted subject to this Ordinance, or whether the application should be denied. Recommendations shall include a report on the following matters, which, in addition to those general standards outlined in Article IX, Special Land Use Permits, shall serve as the standards to be used by the Zoning Administrator in making his recommendation to the Planning Commission and by the Planning Commission in making its findings and rendering its recommendation to the Township Board regarding the special land use application.

1. The ability of the applicant to comply satisfactorily with the terms and conditions applicable to any permit to be granted as necessary to protect public health, safety, and general welfare.
2. The full and complete effect on the public health, safety, and general welfare of granting the special land use permit without special terms and conditions. For an application to be granted on this basis, the Township Board, exercising its discretion, must be able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
3. The necessity of special terms and conditions, with an enumeration thereof, and specific reasons therefore. Even subject to special terms and conditions, an application shall not be granted unless the Township Board, exercising its discretion, is able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.
4. In connection with items b. and c. above, any geographical, soil, or other physical conditions pertaining to the land or general area involved, or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, and general welfare. No application shall be granted on any basis whatever if the Township Board, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, or general welfare, or make worse an already unsatisfactory situation. The Zoning Administrator shall include on his report to the Planning Commission, and the Planning Commission shall consider in its recommendation to the Township Board, whether the granting of the permit, because of the nature of the fill proposed to be deposited on the site, would tend to leave the land in an unstable, wasted, or unfit condition for the growing of turf or other land uses permitted herein, or tend to impair the surrounding lands as to their respective permitted uses, or tend to create a stagnant or standing water condition, create a drowning hazard, other attractive nuisance, disease problem, or other unhealthful condition.

#### Section 6.19.4 - Rules and Conditions

Each party granted a special land use permit is required to faithfully adhere to and abide by any special condition or conditions which may be attached to the special land use permit, to honor any and all applicable provisions of law, and to comply with the following regulations:

1. No top soil, earth or sand shall be removed and no excavation shall be conducted on a parcel of less than five (5) acres in area, or within two hundred (200) feet of any public thoroughfare, or within a distance of one hundred (100) feet, plus the measurement of the depth of the cut, of any adjoining private property line.
2. Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during or following the completion of the excavation operations, unless an impoundment of water has been previously approved by the Township Board as a part of restoration operations as described in item 6.19.7 following.
3. Each permitted excavation in excess of four (4) feet in depth shall be barricaded with a fence six (6) feet in height, constructed of wire mesh, or other suitable material, to afford protection to persons and property, with warning signs, lights and watchman provided where found by the Township Board to be reasonably necessary based on the conditions involved.

In any event, the slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, except where an impoundment of water has been previously approved by the Township Board as a part of restoration operations (as described in item d. immediately below). Slopes at a ratio of seven (7) feet horizontal to one (1) foot vertical shall be maintained for all areas lying below the proposed water surface.

4. Where a permit for soil removal or excavation specifies grading, or filling and grading, as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal or excavation operation, shall commence and complete the grading, or filling and grading, as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf or for other land uses permitted under this Ordinance, except that filling the land to an average grade higher than that which existed prior to the removal of the top soil, earth, or sand from said land shall not be required.
5. In the case of a permit for filling:
  - A. Evidence of compliance with Solid Waste Management Act, Act 641 of the Public Acts of 1978, as may be amended, must be provided by the applicant. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation;
  - B. A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Planning Commission, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other

matter that nevertheless collects shall be picked up and removed from the area daily, it being the duty of the special land use permit holder to keep the area in a reasonably clean and neat condition;

- C. All rubbish and garbage fill when deposited must be thoroughly compacted;
  - D. All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the special land use permit, shall be covered with a compacted layer of soil matter six (6) inches thick and of a kind and texture that will be suitable for growing of turf or for a construction base or other land uses permitted within the district. A final compacted layer of soil matter twenty-four (24) inches thick of a kind and texture that will be suitable for the growing of turf, or for other suitable land uses permitted within the district, shall be placed within one (1) week following the completion of the deposit of refuse in that area. In applying the standards of public health, safety and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is deemed satisfactory under the circumstances.
  - E. Rubbish or garbage shall be covered while in transit so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered and the affected area restored to its prior condition. Further, any undue collection of soil matter deposited on the public highways by the tracking of the vehicles shall be removed and the affected area restored to its prior condition.
6. The Township, through its duly authorized agents, shall have the right to enter upon any land designated in any special land use permit for the purposes of making inspections and for causing compliance with the terms of this Ordinance in the event the Permit holder shall fail to do so. It shall be the duty of the Zoning Administrator to make periodic inspections of all land for which permits have been issued, and to report any violation of the terms hereof to the Township Board.

#### Section 6.19.5 - Permits, Suspensions, Revocation

In the event a special land use permit holder violates the terms of this Ordinance or conditions previously imposed by the Township Board, the Zoning Administrator shall have the power to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the permit holder, either personally or by registered mail, and provided further that the permit holder shall have the right to appeal such suspension to the Township Board within ten (10) days after receipt of such notice. If it shall appear to the Township Board from the facts presented that the special land use permit holder has been committing the violation as charged, then the Township Board shall revoke said permit. In the event of the revocation of a special land use permit for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Township Board, based on standards of this Ordinance and conditions previously imposed by the Township Board.

#### Section 6.19.6 - Dangerous Excavations or Holes Prohibited

The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits which constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This Section shall not apply to excavations operated under a special land use permit issued pursuant to this Ordinance, or the Building Code of the Township, where such excavations are barricaded and warning signs posted in such manner as may be approved by the Zoning Administrator, nor does this section apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the State of Michigan, Iosco County, Oscoda Township, or other governmental agencies.

#### Section 6.19.7 - Restoration

All areas within any landfill or excavation site operating under a single permit shall be restored progressively. Restoration shall be in accordance with a plan approved by the Township Board prior to the issuance of a special land use permit. Restoration shall be to a condition as to leave the surface of the land at a grade which blends, to the extent possible, with the general surrounding terrain so as to appear reasonably natural and to permit the establishment of other land uses allowed in the district in which said excavation or filling occurs.

The Zoning Administrator shall conduct inspections hereunder, and shall notify the owner and/or operator in writing of any portions of the site that is deemed abandoned or ready for restoration. Upon receipt of such written notification, the owner and/or operator shall have said areas restored within ninety (90) days, or within thirty (30) days supply the Township Board with a written reply indicating the date restoration is anticipated. The Township Board may accept or reject said dates. If said date is accepted, it shall be binding on both parties. If said date is rejected, the Township Board shall set a new date which shall be final.

#### Section 6.20 - Structure Completion and Personal Construction Authority:

- 1. All structures shall be completed within one (1) year of the date of issuance of the permit for such structure, unless an extension for not

more than one (1) additional year is granted for good cause by the Zoning Administrator. When a part of the building is ready for occupancy, a temporary permit may be issued, provided that the premises complies with health and fire standards required under this Ordinance, or any other ordinance, regulation, or statute.

2. Nothing in this Ordinance shall be construed as prohibiting an owner, tenant, occupant, or land contract vendee from altering his or her own building, plumbing, electrical installations, etc., provided the minimum requirements of the Electrical and Plumbing Codes adopted by Iosco County, and the applicable County Health Department regulations are complied with and all necessary permits have been obtained.

#### Section 6.21 - Building Regulations:

##### Section 6.21.1 - Unlawful Building

Any building, or part thereof, which is used, erected, occupied or altered contrary to law or the provisions of this Ordinance shall be deemed an unlawful structure and a nuisance and may be required to be vacated, torn down or abated by any legal means, and shall not be used or occupied until it has been made to conform to the provisions of this Ordinance. Public expenditures toward abating such nuisance shall become a lien upon the land.

##### Section 6.21.2 - Construction Site Temporary Structure

No temporary structure shall be erected unless a permit has been issued for a permanent structure or a new use of land on the same site. Temporary structures can be placed on the construction site property during the first ninety (90) days of the issuance of a structure permit. The property owner may request an extension beyond ninety (90) days from the Zoning Administrator. The Zoning Administrator will evaluate the progress of the permitted construction project and at his/her discretion may permit a ninety-day extension for the permitted temporary structure. Any temporary structure shall be removed from the site within thirty (30) days of issuance of a certificate of occupancy. In no situation will a temporary structure be located on a construction site property for more than one (1) year. <sup>2</sup>

##### Section 6.21.3 - Reserved

#### Section 6.22 - Access Controls:

##### Section 6.22.1 - Curb Cuts and Driveways

Curb cuts and driveways shall be located only upon the approval of the County Road Commission and appropriate state authorities as required by law; provided, however, such approval shall not be given where such curb cuts and driveways shall cause an unreasonable increase in traffic hazards, including but not limited to allowing adequate sight distance for ingress and egress.

1. **Plans:** All plans for buildings to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises. Said plan shall be approved by the Zoning Administrator prior to the issuance of a building permit. No such plan shall be approved unless such driveway access is onto a dedicated public street or a private road. The Zoning Administrator shall refer to appropriate County Road Commission standards during his review. Driveways shall, at a minimum, meet the following standards:
  - A. Culverts shall be installed in line with and on the same grade as the road ditch.
  - B. Driveways shall intersect an existing public street or private road in a generally perpendicular manner.
  - C. No portion of the driveway entrance within the right-of-way shall have a grade of greater than ten (10) percent (one (1) foot vertical rise in ten (10) feet of horizontal distance).
  - D. The driveway shall meet clear vision standards of the County Road Commission.
  - E. Residential driveways shall be a minimum of fifty (50) feet from the nearest right-of-way line of an intersecting road or street.
  - F. Driveways shall be designed to minimize runoff and erosion.
  - G. Except for circular driveways, residential driveways shall lead to a garage, a carport, a parking space or a dwelling and back on to a street by means of the original throat (curb cut). <sup>10</sup>
  - H. Residential circular driveways shall be subject to the following standards during site plan review: <sup>10</sup>
    - (1) Only lots with a street frontage of 80 feet or more are eligible for circular driveways.
    - (2) On lots with more than one street frontage, the circular driveway shall be located only on the street frontage which is 80 feet or greater. If both streets have a frontage of 80 feet or greater, the circular driveway shall be located on the street frontage that serves as the legal property mailing address. In certain cases regarding circular driveway location, the Zoning Administrator may

determine that the site plan requires Township Planning Commission approval.

- (3) The circular driveway shall have a minimum width of 10 feet and a maximum width of 14 feet.
  - (4) The circular driveway shall be set back a minimum of twenty-five (25) feet as measured perpendicular from the property line to the farthest distance of the inside edge of the circular driveway.
2. **Number of Residential Driveways:** <sup>10</sup> The number of residential driveways permitted shall be determined as follows:
- A. One (1) residential driveway shall be permitted for each platted lot or for unplatted residential property with less than one hundred (100) feet of frontage.
  - B. One (1) additional residential driveway may be permitted for residential property for each seventy (70) feet of frontage in excess of the first one hundred (100) feet of frontage.
  - C. Two (2) residential driveways may be permitted on the same property in lieu of the requirements of paragraph (b) to serve a circle driveway if the frontage of the property is eighty (80) feet or more.
  - D. Residential driveways on the same property shall be at least forty-five (45) feet apart, center to center.
3. New driveways shall align with existing or planned driveways, crossovers, turn lanes or other access features. This shall only be required if the resulting alignment provides safe access and if all requirements of this Ordinance and the County Road Commission are met.
  4. The location of new driveways shall conform to road improvement plans or corridor plans that have been adopted by the Township or County Road Commission or Michigan Department of Transportation.
  5. **Width:** For driveways serving single- or two-family dwellings, minimum width of ten (10) feet; maximum width of thirty (30) feet. <sup>10</sup>
  6. **Coverage:** No more than twenty-five (25) percent of any front yard can be a hard-surfaced or paved area (as defined in this Ordinance) used for a driveway or vehicle parking. <sup>10</sup>
  7. **Side Setback:** The side yard setback for residential driveways, including circular driveways, shall be three (3) feet minimum inside the public right-of-way and inside the side yard property line. <sup>10</sup>
  8. **Paving:** Driveway throats within or on a public right-of-way shall be paved. <sup>10</sup>

#### Section 6.22.2 - Lots to Have Access

All parcels or lots hereinafter created in the Township shall have frontage on a public street, or an approved private road, and take their lot access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking. Except that corner lots shall take their access from an approved private road or approved public street in a platted subdivision or condominium project. Wherever a corner lot exists at the intersection of two (2) major thoroughfares, then access shall be taken from the thoroughfare presenting the least hazard in the opinion of the County Road Commission.

#### Section 6.22.3 - Clear Vision Zones

When a driveway intersects a public right-of-way or when the subject property abuts the intersection of public rights-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the centerline elevation of abutting pavement. Portions of required berm located within sight distance triangular areas shall not exceed a height of thirty (30) inches above the centerline elevation of abutting pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the roadway surface except that not more than two (2) trees with trunks of more than thirty (30) inches in diameter each, and clear of any branches for such heights may be located within such area. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangular areas referred to above are described as:

1. The area formed at the corner intersection of a public right-of-way and a driveway, two (2) sides of the triangle area being ten (10) feet in length measured along the right-of-way line and driveway line and the third side being a line connecting these two (2) sides.
2. The area formed at a corner intersection of two (2) public rights-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting public rights-of-way lines and the third side being a line connecting these two (2) sides.

#### Section 6.23 - Home Businesses:

##### Section 6.23.1 - Intent/Required Standards

The intent of this section is to encourage growth of small business while at the same time maintaining the residential character and quality of life as consistent with the zone in which this use will be located.

Home Businesses permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal/family income.

The intent is also to establish criteria and to develop standards for the use of residential structures of dwelling units for home businesses.

A residential dwelling or premises in any zoning district may also be used for a home business, subject to compliance with the following standards:

1. The use of a residence by an occupant of that residence for a home business to give instruction in a craft or fine art within the residence shall be allowed under the provisions of this Ordinance and in accordance with Sections 204 of the Michigan Zoning Enabling Act, P.A. 110 of 2006 as amended.
2. The use of the dwelling unit for the home business shall be clearly incidental and subordinate to its use for residential purposes by its occupants. The space used for the home business shall not exceed an amount equal to twenty-five (25) percent of the floor area (exclusive of areas of unfinished attics, attached garages, breezeways, and enclosed porches) as determined by the Township. One hundred (100) percent of accessory structures may be used for the home businesses.
3. There shall be no exterior evidence of a home business that would cause the premises to differ from its residential character. No other visible evidence of the home business, other than one (1) unlighted sign per residence not to exceed three (3) square feet in area, and as regulated by Section 3.3.1.1.
4. The home business shall be conducted within an enclosed building, unless a Special Land Use application is obtained and approved by the Planning Commission. The outdoor storage of goods and materials shall be prohibited. No interior display shall be visible from the exterior of a dwelling unit used for purposes of a home business.
5. Any use of hazardous material and/or disposal of hazardous waste by a home business shall comply with all applicable federal, state, county and local regulations. A home business shall not discharge any liquids or gases in violation of any federal, state, county and local regulations, including such discharges into public and private sewage and septic systems. A home business must alert the local Fire Department of the storage of any chemicals, gases or hazardous materials, disclosing the types and location of storage.
6. The use of a residence by an occupant of that residence for a home business to open a Family Day Care Home within the residence shall be allowed under the provisions of this Ordinance and in accordance with Section 206 of the Michigan Zoning Enabling Act, P.A. 209 of 2015 as amended.
7. No traffic shall be generated by such home business in greater volumes or type than would normally be expected in a residential neighborhood. The home business shall not involve the frequent or regular use of tractor-trailers or any other large vehicle to carry products or materials to or from the premises. This shall not prohibit the home business from occasionally receiving products or materials through a standard parcel delivery service.
8. No equipment or process shall be used in such home business which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio, telephone or television receivers off the premises, or causes fluctuations in the line voltage off the premises.
9. A home business is not limited in the number of employees on or off-site. Parking must be readily available within the boundaries of the property in which the home business is located. Parking shall be available for each employee and for any customer who may frequent the home business. No additional parking may be added without the approval of a site plan from the Planning Commission.
10. The hours of the home business are limited to 9:00 a.m. to 9:00 p.m. daily.
11. No motor vehicle used in conjunction with the home business that has a rated capacity of more than one (1) ton, or larger than a typical eight-passenger van, shall be regularly parked on the premises.
12. If tools, equipment or materials used in conjunction with the home business are stored in a trailer on the premises, the trailer shall be parked in the side or rear yard and at least ten (10) feet from a side and rear lot line.
13. No food or beverage shall be sold to and consumed by customers on the premises.
14. No fee or permit is required to have a garage/yard sale. Garage/yard sales will not be considered a Home Business as long as they do not exceed ninety-six (96) hours duration, measured continuously from the commencement of such sale or occur more than four (4) times in any twelve-month calendar period.

Exceeding these parameters will be considered a violation of the Home Business Ordinance.

(Amd. of 2-9-2017; Amd. of 8-7-2019)

#### Section 6.23.2 - Review and Approval

1. The Zoning Administrator shall conduct an administrative review and a site visit in order to determine that the proposed home business will strictly comply with the required standards above. When the Zoning Administrator has determined that the required standards above will be strictly adhered to, the Zoning Administrator may issue the Home Business Permit.
2. When the applicant seeks to deviate from any of the required standards above, or if the Zoning Administrator cannot clearly determine that the home business will strictly comply with the required standards above, the application will be referred to the Planning Commission for a determination. The Planning Commission may grant exceptions to the required standards above and approve a home business. In approving a home business, the Planning Commission may impose conditions necessary to ensure the proposed home business is not inconsistent with or detrimental to the surrounding neighborhood.
3. When a Home Business Permit Application is referred to the Planning Commission, notices shall be given in the same manner as required under Section 7.9 of this Ordinance. Fees for such permits shall be established by resolution of the Township Board.

(Amd. of 2-9-2017; Amd. of 8-7-2019)

#### Section 6.23.3 - Transferability; Revocation

1. An approved Home Business Permit shall remain valid only as long as the home business is conducted by the same applicant(s) at the property and for the same purpose(s) that are designated in the permit. As long as the home business is conducted in accordance with the required standards in Section 6.23.1 above and any additional conditions as may be imposed by the Planning Commission in accordance with Section 6.23.2.2 above.
2. An approved Home Business Permit may not be transferred to another occupant on the same property or to another property by the applicant, nor shall the home business be converted to another occupation. A new occupant, a new property location, or a new home business must be processed as a new Home Business Permit application.
3. Failure to comply with one (1) or more of the required standards in Section 6.23.1 above or any additional conditions as may be imposed by the Planning Commission in accordance with Section 6.23.2.2 above shall result in the automatic revocation of the Home Business Permit. An application to re-issue a revoked Home Business Permit by the same operator(s) for the same premises shall be reviewed by the Planning Commission in accordance with Section 6.23.2 above.

(Amd. of 2-9-2017; Amd. of 8-7-2019)

#### Section 6.24 - Keeping of Wild Animals:

No wild animal nor vicious animal shall be kept permanently or temporarily in any district in the Township except in an bona fide public zoo or bona fide licensed circus, or by a person licensed by the state of Michigan to temporarily harbor and treat injured animals or animals designated as belonging to an endangered species until release into a permanent habitat is possible.

#### Section 6.25 - Wireless Communication Towers and Antennas:

1. **Purpose:** The purpose of this ordinance is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Charter Township of Oscoda shall give due consideration to the Charter Township of Oscoda's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.
2. **Definitions:** As used in this ordinance, the following terms shall have the meanings set forth below:
  - A. "Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting

structures that camouflage or conceal the presence of antennas or towers.

- B. "Antenna" means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
- C. "Backhaul network" means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- D. "FAA" means the Federal Aviation Administration.
- E. "FCC" means the Federal Communications Commission.
- F. "Height" means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- G. "Preexisting towers and preexisting antennas" means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- H. "Tower" means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

### 3. Applicability:

- A. **New Towers and Antennas:** All new towers or antennas in the Charter Township of Oscoda shall be subject to these regulations, except as provided in subsections 3.B through D, inclusive.
- B. **Amateur Radio Station Operators/Receive Only Antennas:** This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- C. **Preexisting Towers or Antennas:** Preexisting towers and preexisting antennas shall not be required to meet the requirements of this ordinance, other than the requirements of subsections 4.F and 4.G.
- D. **AM Array:** For purposes of implementing this ordinance, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

### 4. General Requirements:

- A. **Principal or Accessory Use:** Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- B. **Lot Size:** For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- C. **Inventory of Existing Sites:** Each applicant for an antenna and/or tower shall provide to the Zoning Administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the Charter Township of Oscoda or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the Charter Township of Oscoda, provided, however that the Zoning Administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- D. **Aesthetics:** Towers and antennas shall meet the following requirements:
  - (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
  - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna



and related equipment as visually unobtrusive as possible.

- E. **Lighting:** Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views and annoyance to nearby residents.
  - F. **State or Federal Requirements:** All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - G. **Building Codes; Safety Standards:** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Charter Township of Oscoda concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
  - H. **Measurement:** For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Charter Township of Oscoda irrespective of municipal and county jurisdictional boundaries.
  - I. **Not Essential Services:** Towers and antennas shall be regulated and permitted pursuant to this ordinance and shall not be regulated or permitted as essential services, public utilities, or private utilities.
  - J. **Franchises:** Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the Charter Township of Oscoda have been obtained and shall file a copy of all required franchises with the Zoning Administrator.
  - K. **Public Notice:** For purposes of this ordinance, any special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in subsection 7.B(5)(b)(i), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
  - L. **Signs:** No signs shall be allowed on an antenna or tower.
  - M. **Buildings and Support Equipment:** Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection 8.
  - N. **Multiple Antenna/Tower Plan:** The Charter Township of Oscoda encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
5. **Permitted Uses:**
- A. **General:** The uses listed in this Section are deemed to be permitted uses and shall not require administrative approval or a special use permit.
  - B. **Permitted Uses:** The following uses are specifically permitted:
    - (1) Antennas or towers located on property owned, leased, or otherwise controlled by the Charter Township of Oscoda provided a license or lease authorizing such antenna or tower has been approved by the Charter Township of Oscoda, and all other requirements of this ordinance are met.
6. **Reserved** <sup>9</sup>
7. **Special Use Permits:**
- A. **General:** The following provisions shall govern the issuance of special use permits for towers or antennas by the Planning Commission:
    - (1) If the tower or antenna is not a permitted use under subsection 5 of this section, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts. <sup>15</sup>
    - (2) Applications for special use permits under this Section shall be subject to the procedures and requirements of Article IX of the Zoning Ordinance, except as modified in this Section.
    - (3) In granting a special use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes

such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a special use permit shall submit the information described in this Section and a non-refundable fee as established by resolution of the Charter Township of Oscoda Board of Trustees to reimburse the Charter Township of Oscoda for the costs of reviewing the application.

**B. Towers:**

- (1) **Information required:** In addition to any information required for applications for special use permits pursuant to Article IX of the Zoning Ordinance, applicants for a special use permit for a tower shall submit the following information:
  - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), Master Plan classification of the site and all properties within the applicable separation distances set forth in subsection 7(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Zoning Administrator to be necessary to assess compliance with this ordinance.
  - (b) Legal description of the parent tract and leased parcel (if applicable).
  - (c) The setback distance between the proposed tower and the nearest residential unit, and platted and unplatted residentially zoned properties.
  - (d) The separation distance from other towers described in the inventory of existing sites submitted pursuant to subsection 4(c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
  - (e) A landscape plan showing specific landscape materials.
  - (f) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
  - (g) A description of compliance with subsections 4(c), (d), (e), (f), (g), (j), (l), and (m), 7(b)(4), 7(b)(5) and all applicable federal, state or local laws.
  - (h) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
  - (i) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
  - (j) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
  - (k) A description of the feasible location(s) of future towers or antennas within the Charter Township of Oscoda based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.
- (2) **Factors Considered in Granting Special Use Permits for Towers:** In addition to any standards for consideration of special use permit applications pursuant to Article IX of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special use permit, although the Planning Commission may waive or reduce the burden on the applicant of one (1) or more of these criteria if the Planning Commission concludes that the goals of this ordinance are better served thereby:
  - (a) Height of the proposed tower;
  - (b) Proximity of the tower to residential structures and residential district boundaries;
  - (c) Nature of uses on adjacent and nearby properties;
  - (d) Surrounding topography;
  - (e) Surrounding tree coverage and foliage;
  - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (g) Proposed ingress and egress; and
  - (h) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection 7.B(3) of this ordinance.
- (3) **Availability of Suitable Existing Towers, Other Structures, or Alternative Technology:** No new tower shall be permitted unless the

applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

- (a) No existing towers or structures are located within the geographic area which meets applicant's engineering requirements.
  - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (e) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
  - (g) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/ receivers attached to a wire line system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
- (4) **Setbacks:** The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this ordinance would be better served thereby:
- (a) Towers must be set back a distance equal to at least seventy-five (75) percent of the height of the tower from any adjoining lot line.
  - (b) Guys and Accessory Structures must satisfy the minimum zoning district setback requirements.
- (5) **Separation:** The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this ordinance would be better served thereby.
- (a) Separation from off-site uses/designated areas:
    - (i) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
    - (ii) Separation requirements for towers shall comply with the minimum standards established in Table 1.

| Table 1   |  |
|---|--|
| Off-site Use/Designated Area  | Separation Distance  |
| Single-family or duplex residential units <sup>1</sup>  | 200 feet or 300% height of tower whichever is greater              |
| Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired | 200 feet or 300% height of tower <sup>2</sup> whichever is greater |
| Vacant unplatted residentially zoned lands <sup>3</sup>   | 100 feet or 100% height of tower whichever is greater              |
| Existing multi-family residential units greater than duplex units   | 100 feet or 100% height of tower whichever is greater              |
| Non-residentially zoned lands or non-residential uses   | None; only setbacks apply  |

<sup>1</sup> Includes modular homes and mobile homes used for living purposes.

Separation is measured from base of tower to closest building setback line. This includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.

(b) Separation distances between towers:

(i) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

| Table 2<br>Existing Towers - Types  |         |       |                                     |                                    |
|-------------------------------------|---------|-------|-------------------------------------|------------------------------------|
|                                     | Lattice | Guyed | Monopole 75 Ft in Height or Greater | Monopole Less Than 75 Ft in Height |
| Lattice                             | 5,000   | 5,000 | 1,500                               | 750                                |
| Guyed                               | 5,000   | 5,000 | 1,500                               | 750                                |
| Monopole 75 Ft in Height or Greater | 1,500   | 1,500 | 1,500                               | 750                                |
| Monopole Less Than 75 Ft in Height  | 750     | 750   | 750                                 | 750                                |

(6) **Security fencing:** Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device.

(7) **Landscaping:** The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this ordinance would be better served thereby.

(a) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

(b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(c) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

**8. Buildings or Other Equipment Storage:**

A. **Antennas Mounted on Structures or Rooftops:** The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The cabinet or structure shall not contain more than twenty-five (25) square feet of gross floor area or be more than eight (8) feet in height. In addition, for buildings and structures which are less than sixty-five (65) feet in height, the related unmanned equipment structure, if over twenty-five (25) square feet of gross floor area or eight (8) feet in height, shall be located on the ground and shall not be located on the roof of the structure.

- (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures occupy more than five (5) percent of the roof area.
  - (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- B. Antennas Mounted on Utility Poles or Light Poles:** The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
- (1) In commercial or industrial districts the equipment cabinet or structure shall be no greater than eight (8) feet in height or sixty (60) square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence eight (8) feet in height or an evergreen hedge with an ultimate height of eight (8) feet and a planted height of at least thirty-six (36) inches.
- C. Antennas Located on Towers:** The related unmanned equipment structure shall not contain more than sixty (60) square feet of gross floor area or be more than eight (8) feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.
- D. Modification of Building Size Requirements:** The requirements of sections 8.A through 8.C may be modified by the Zoning Administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage co-location.
- 9. Removal of Abandoned Antennas and Towers:** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within ninety (90) days of receipt of notice from the Charter Township of Oscoda notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety (90) day shall be grounds to remove the tower or antenna at the owner's expense. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- 10. Nonconforming Uses:**
- A. Not Expansion of Nonconforming Use:** Towers that are constructed and antennas that are installed in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
  - B. Preexisting towers:** Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this ordinance.
  - C. Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas:** Notwithstanding Section 9, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special use permit and without having to meet the separation requirements specified in Sections 7.B(4) and 7.B(5). The type, height, and location of the tower onsite shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection 9.

#### Section 6.26 - Decks:

##### Section 6.26.1 - Decks, Intent

The regulations set forth in this section are designed to provide for the regulation of decks and to specify the conditions and circumstances under which such decks may be developed. Further, it is the intention of this section to protect the health, safety, and general welfare of the residents of the community and to prohibit development which, unregulated, may have an adverse effect upon the existing aesthetic character of the township.

##### Section 6.26.2 - Decks, General Provisions

1. It shall be unlawful for any person, firm, corporation, partnership or other organization to construct a deck within the Township without first securing a land use permit from the Zoning Administrator and an Iosco County Building Permit.
2. Decks shall be constructed in accordance with "Michigan State Construction Code" and also meet all applicable building codes and other state and federal regulations.
3. Decks may be attached to the principal structure or free standing at least ten (10) feet from any other permanent structure. When a deck is attached to the principal structure the setback requirements of the principal structure shall be maintained. A freestanding deck shall satisfy the setback requirements of an Accessory Structure unless a lot line is adjoined by a body of water then a free standing deck may be placed

at the water's edge as long as ten (10) feet separation is maintained from all other permanent structures and ten (10) feet setback is maintained from other lot lines. <sup>2</sup>

#### Section 6.27 - Camping:

Camping and establishing a Campsite on property that is not a licensed campground is allowed in the Township and shall be regulated in accordance with the Township Camping Ordinance, Ordinance No. 184 as amended.

#### Section 6.28 - Cabin/Cottage Dwelling Unit Design Standards:

1. The Cabin/Cottage shall have a minimum on grade area of four hundred (400) square feet.
2. The Cabin/Cottage shall have a minimum width across any section of twenty (20) feet and comply in all respects with the "Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provision of 1972 PA 230, as amended", including minimum heights for habitable rooms. Where a dwelling is required by law to comply with any federal or state standards or regulations for construction and where such standards or regulations allow standards of construction which are less stringent than those imposed by the Township building code, then and in that event, the less stringent federal or state standard or regulation shall apply.
3. The Cabin/Cottage shall be firmly attached to a permanent foundation constructed on the site in accordance with the "Michigan State Construction Code" as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, and co-extensive with the perimeter of the building, which attachment shall also meet all applicable building codes and other state and federal regulations.
4. The Cabin/Cottage shall not have exposed wheels, towing mechanism, under carriage or chassis.
5. The Cabin/Cottage shall be connected to a public sewer or water supply or to such private facilities approved by the local health department.
6. The Cabin/Cottage is to be aesthetically compatible in design and appearance with other residences in the vicinity, with either a roof overhang of not less than six (6) inches on all sides, or alternatively with window sills and roof drainage systems concentrating roof drainage along the sides of the dwelling; with not less than two (2) exterior doors with one being in the front of the dwelling and the other being in either the rear or side of the dwelling, contains steps connected to said exterior door areas where a difference in elevation requires the same. The compatibility of design and appearance shall be determined in the first instance by the Township Zoning Administrator upon review of the plans submitted for a particular dwelling subject to appeal by an aggrieved party to the Zoning Board of Appeals within a period of ten (10) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth within the Single-Family Dwelling Unit Design Standards that are contained in [Section 6.18](#).
7. The Cabin/Cottage shall contain no additions or rooms or other areas which are not constructed with similar materials and which are similar in appearance and which have similar quality of workmanship as the original structure, including the above-described foundation and permanent attachment to the principal structure.
8. The Cabin/Cottage shall comply with all pertinent building and fire codes including, in the case of mobile homes, the standard for mobile home construction as contained in the United States Department of Housing and Urban Development (HUD) regulations entitled Mobile Home Construction and Safety Standards, effective June 15, 1976, as amended.

#### Section 6.29 - Temporary Use Permit:

A Temporary Use Permit is required for, but not limited to, the following uses: Christmas tree sales, pumpkin sales, fruit and vegetable stand sales, and other similar uses which may operate at limited times during the year or throughout the year on an annual basis. This requirement also applies to supermarkets, convenience and hardware stores, etc. that propose to locate Christmas Trees or other seasonal sales uses outside of their building on their property (e.g. parking lots or other outdoor display locations).

- A. A Temporary Use Permit from the Zoning Administrator may be applied for up to four (4) times per year per applicant.  
NOTE: Each application shall be accompanied by a letter from the property owner or a copy of the written agreement stating that the property owner has authorized the temporary sales activity on the subject property. Sales from vehicles or trailers are strictly prohibited.
- B. **Site Plan Review:** Each applicant shall submit a site plan with the completed Temporary Use Permit application package. As a minimum, the site plan shall include the following: parking, sales displays, and other associated structures, permanent buildings (if any), restroom facilities. If chemical toilets are to be used on site, number and location must be annotated.
- C. Temporary Uses are permitted only in the B-1 Central Business District and the B-2 General Business District for the following activities, time periods indicated:
  1. Fruits and/or vegetable sales - April 1 through October 30;

2. Charitable and non-profits - 30 days;
3. Pumpkin sales - October 1 through October 31;
4. Christmas tree sales - November 15 through January 1;
5. Outdoor sales of any items in association with an existing business located on the premises as a principal use (i.e. parking lot or tent sale) - 30 days;
6. Outdoor sales of any items not associated with an existing business located on the premises provided that no item remains on premises overnight - 30 days.

**D. Provisions:**

1. Excess parking, ingress and egress are provided on site (in accordance with site plan) or written permission is obtained if parking is provided on an adjoining property (documentation required).
2. Signs: Shall be in accordance with Zoning Ordinance Section 3.2.4.(18).
3. Noise: Activities shall be in compliance with Oscoda Township Code of Ordinances, Chapter 12, Article II.
4. Hours of operation: 7 a.m. to 11 p.m.
5. Restroom facilities: If using the facilities of another business owner, a copy of that business owner's written permission to use such facilities is required.

**E. Fees:**

1. \$45.00 non-refundable application fee with each new permit application.
2. \$200.00 security deposit with each permit application (refundable if requirements are met).

Exceptions:

- (a) The security deposit and the application fee will be waived ONLY for those temporary uses that are part of an existing retail business.
- (b) For those temporary uses that are not part of an existing retail, only the security deposit will be waived for a business that proposes to locate inside a retail business center.
3. \$35.00 renewal application fee.

**F. Business License:** Each applicant shall provide a copy of a current business license.

**G. Parking:**

NOTE: These parking requirements apply only to temporary use activities that propose to locate on vacant lots and for retail centers that base parking on each use (instead of one parking ratio for the entire center).

1. Christmas tree sales, pumpkin sales, and similar uses: one (1) space per five hundred (500) square feet of display area, including customer walkways and paths, plus one (1) space per employee.
2. Fruit and vegetable sales and similar uses: one (1) space per 250 square feet of display area, including customer walkway and paths, plus one (1) space per employee.

**H. Renewal:** The recipient of an approved Temporary Use Permit from the previous year (same person/organization, same use, and at the same location) may submit an application for a Temporary Use Permit Renewal using the following procedure:

1. Complete a new Temporary Use Permit application and attach a copy of the previous year's approved permit.
2. Include documentation of a current business license.
3. Pay the renewal fee (see subsection E, "Fees" above) at the time of submittal.

**I. Fire Department Review:** The Oscoda Township Fire Department will review the Temporary Use Application and Site Plan regarding applicable Fire Department regulations/requirements.

Section 6.30 - Exemptions:

Section 6.30.1 - Charitable Organizations

Whenever the payment of a license fee is required by ordinance of the Township to conduct, manage, or carry on any business, occupation or activity, the provisions of such ordinances shall not be deemed or construed to require the payment of a license fee to conduct, manage or carry on any such business, occupation or activity by any institution or organization organized and carried on primarily for charitable purposes and for which a net profit is not derived, either directly or indirectly, by an individual nor to require the payment of a license fee to conduct an entertainment, dance,

concert, exhibition or lecture by any religious, fraternal or other organization or association when the proceeds of such entertainment, dance, concert, exhibition or lecture are to be appropriated to charitable purposes and from which profit is not derived, either directly or indirectly, by an individual and the institutions, organizations and associations specified in this section, when conducting, managing or carrying on any business, occupation, activity, entertainment, dance, concert, exhibition or lecture according to the provisions of this section, shall be exempt from the payment of any such license fee; provided, that such institution, organization or association shall have first obtained and filed the certificate provided for in this section; provided further, that nothing in this section contained shall be deemed to exempt any institution, organization or association from complying with the provisions of any ordinance of the city requiring a permit to be obtained to conduct, manage or carry on any business, occupation, activity, entertainment, dance, concert, exhibition or lecture. The word profit as used in this section shall not include a reasonable compensation paid, or agreed to be paid, to any person for bona fide services rendered.

#### Section 6.30.2 - Certificate of Exemption

**Application.** No institution, organization or association shall be exempted from the payment of a license as provided in subsection 6.29.E, until a certificate shall have been issued as provided for in this article certifying that such institution, organization or association is entitled to exemption therefrom in accordance with the provisions of this ordinance and such certificate has been filed with the Township Clerk. Any institution, organization or association desiring to obtain such certificate shall file a verified application therefore with the Township which application shall contain the following information:

1. The name of the institution, organization, or association making the application, and the purpose(s) for which it is organized and conducted;
2. Proof of tax exemption status from the Internal Revenue Service of the United States Government and the State of Michigan.

#### Section 6.31 - Wind Energy Regulations:

##### Section 6.31.1 - Purpose and Intent

The purpose of this Ordinance is to establish guidelines for siting Wind Energy Turbines (WETs). The goals are as follows:

- A. To promote the safe, effective, and efficient use of a WET in order to reduce the consumption of fossil fuels in producing electricity.
- B. Preserve and protect public health, safety, welfare, and quality of life by minimizing the potential adverse impacts of a WET.
- C. To establish standards and procedures by which the siting, design, engineering, installation, operation, and maintenance of a WET shall be governed.

##### Section 6.31.2 - Definitions

**Ambient Sound Level** is the amount of background noise at a given location prior to the installation of a WET(s) which may include, but not be limited to, traffic, machinery, lawnmowers, human activity, and the interaction of wind with the landscape. The ambient sound level is measured on the dB(A) weighted scale as defined by the American National Standards Institute.

**Anemometer** is a temporary wind speed indicator constructed for the purpose of analyzing the potential for utilizing a wind energy turbine at a given site. This includes the tower, base plate, anchors, cables and hardware, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

**Decibel** is defined as unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels shall be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

**Decommissioning** is the process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads, and equipment.

**Large Wind Energy Turbine (LWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The LWET has a nameplate above two hundred fifty (250) kilowatts, and the main purpose of the LWET is to supply electricity to off-site customers.

**Medium Wind Energy Turbine (MWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The MWET has a nameplate capacity that does not exceed two hundred fifty (250) kilowatts. The Total Height does not



exceed one hundred fifty (150) feet.

**Nacelle** refers to the encasement which houses all of the generating components, gear box, drive tram, and other equipment.

**Net-Metering** is a special metering and billing agreement between utility companies and their customers, which facilitates the connection of renewable energy generating systems to the power grid.

**Occupied Building** is a residence, school, hospital, church, public library, business, or any other building used for public gatherings.

**Operator** is the entity responsible for the day-to-day operation and maintenance of a Wind Energy Turbine (WET).

**Owner** is the individual or entity, including their respective successors and assigns, which have an equity interest or own the Wind Energy Turbine (WET) in accordance with this ordinance.

**Rooftop Windmills:** Also identified herein as Small Structure-Mounted Wind Energy Turbine (SSMWET). Are any windmills that are located on top of any roof or any building or structure. It shall include, but not be limited to, any structure-mounted, wind-energy conversion system that converts wind-energy into power of any sort, inclusive of electricity, through any means whatsoever (also including but not limited to a wind generator).

**Rotor Diameter** is the cross-sectional dimension of the circle swept by the rotating blades of a WET.

**Shadow Flicker** is the moving shadow, created by the sun shining through the rotating blades of a Wind Energy Turbine (WET). The amount of shadow flicker created by a WET is calculated by a computer model that takes into consideration turbine location, elevation, tree cover, location of all structures, wind activity, and sunlight.

**Small Structure-Mounted Wind Energy Turbine (SSMWET)** converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface. The SSMWET has a nameplate capacity that does not exceed ten (10) kilowatts. The Total Height does not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

**Small Structure-Mounted Wind Energy Turbine (SSMWET):** Converts wind energy into power of any sort, inclusive of electricity, through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SSMWET is attached to a structure's roof, walls, or other elevated surface.

**Small Tower-Mounted Wind Energy Turbine (STMWET)** is a tower-mounted wind energy system that converts wind energy into electricity through the use of equipment which includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. The STMWET has a nameplate capacity that does not exceed thirty (30) kilowatts. The Total Height does not exceed one hundred twenty (120) feet.

**Structure** is any building or other structure, such as a municipal water tower that is a minimum of twelve (12) feet high at its highest point of roof and is secured to frost-footings or a concrete slab.

**Total Height** is the vertical distance measured from the ground level at the base of the tower to the uppermost vertical extension of any blade, or the maximum height reached by any part of the Wind Energy Turbine (WET).

**Tower** is a freestanding monopole that supports a Wind Energy Turbine (WET).

**Upwind Turbine** is a Wind Energy Turbine (WET) using a horizontal axis rotor positioned in a manner so that the wind hits the turbine blades before it hits the tower in order to avoid the thumping noise which can occur if the wind is disrupted by hitting the tower before the blades.

**Wind Energy Overlay District** is a district created by the Township Board, upon receiving a recommendation from the Planning Commission, which is a specific area within the Charter Township of Oscoda best situated for development of a Large Wind Energy Turbine (LWET).

**Wind Energy Turbine (WET)** is any structure- or tower-mounted, small, medium, or large wind energy conversion system that converts wind energy into electricity through the use of a wind generator and includes the nacelle, rotor, tower, and pad transformer, if any.

#### Section 6.31.3 - Applicability

This Ordinance applies to all WETs proposed to be constructed after the effective date of this Ordinance. Any subsequent physical modification to an approved WET that materially alters the size, type, equipment or location shall require a new permit under this Ordinance.

#### Section 6.31.4 - Temporary Uses

The following is permitted in all zoning districts as a temporary use, in compliance with the provisions contained herein, and the applicable WET regulations.

**A. Anemometers:**

1. The construction, installation, or modification of an anemometer tower shall require a building permit and shall conform to all applicable local, state, and federal applicable safety, construction, environmental, electrical, communications, and FAA requirements.
2. An anemometer shall be subject to the minimum requirements for height, setback, separation, location, safety requirements, and decommissioning that correspond to the size of the WET that is proposed to be constructed on the site.
3. An anemometer shall be permitted for no more than thirteen (13) months for a SSMWET, STMWET, or MWET, and no more than three (3) years for a LWET.

**Section 6.31.5 - Permitted Uses**

A Small Structure-Mounted Wind Energy Turbine (SSMWET) and a Small Tower-Mounted Wind Energy Turbine (STMWET) shall be considered a permitted use in all zoning districts and shall not be erected, constructed, installed, or modified as provided in this Ordinance unless a Land Use permit and a building permit have been issued to the Owner(s) or Operator(s).

All SSMWETs and STMWETs are subject to the following minimum requirements:

**A. Siting and Design Requirements:**

1. Upwind turbines shall be required for turbines using a horizontal axis rotor.
2. **Visual Appearance:**
  - (a) A SSMWET or STMWET, including accessory buildings and related structures shall be a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of the turbine, tower, and any ancillary facility shall be maintained throughout the life of the SSMWET or STMWET.
  - (b) A SSMWET or STMWET 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.
  - (c) SSMWET or STMWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for identification of the turbine manufacturer.
3. **Ground Clearance:** The lowest extension of any blade or other exposed moving component of a SSMWET or STMWET shall be at least ten (10) feet above the ground at the highest point of the natural grade within thirty (30) feet of the base of the tower and at least ten (10) feet above any outdoor surfaces intended for human use, such as balconies or roof gardens, that are located directly below the SSMWET or STMWET.
4. **Noise:** Noise emanating from the operation of a SSMWET or STMWET shall not exceed 50 dB(A) at any property line of a residential use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a SSMWET(s) or STMWET shall not exceed 55 dB(A) at any property line of any other non-residential use parcel. If the ambient sound pressure level exceeds the dB(A) standards above, the standards shall be ambient dB(A) plus 5 dB(A). These sound pressure levels may be exceeded during short-term events such as utility outages and/or severe wind storms.
5. **Vibration:** Vibrations shall not be produced which are humanly perceptible beyond the property on which a SSMWET or STMWET is located.
6. **Guy Wires:** Guy wires shall not be permitted as part of the SSMWET or STMWET.
7. In addition to the Siting and Design Requirements listed previously, the SSMWET shall also be subject to the following:
  - (a) **Height:** The height of a SSMWET shall not exceed fifteen (15) feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
  - (b) **Setback:** The setback of the SSMWET shall be a minimum of fifteen (15) feet from the property line, public right-of-way, public easement, or overhead utility lines if mounted directly on a roof or other elevated surface of a structure. If the SSMWET is affixed by any extension to the side, roof, or other elevated surface, then the setback from the property line or public right-of-way shall be a minimum of fifteen (15) feet. The setback shall be measured from the furthest outward extension of all moving parts.
  - (c) **Number:** Up to three (3) SSMWET units may be installed on each parcel, provided that the maximum rated power output of all units present does not exceed ten (10) kilowatts.
8. In addition to the Siting and Design Requirements listed previously, the STMWET shall also be subject to the following:

- (a) **Height:** The Total Height of a STMWET shall not exceed one hundred twenty (120) feet.
- (b) **Location:** The STMWET shall only be located in a side or rear yard of a property that has an Occupied Building.
- (c) **Occupied Building Setback:** The setback from all Occupied Buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
- (d) **Other Setbacks:** The setback shall be equal to the Total Height of the STMWET, as measured from the base of the Tower, from the property line, public right-of-way, public easement, or overhead public utility lines. This setback may be reduced if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the wind turbine.
- (e) **Number:** Up to three (3) STMWET units may be installed on each parcel, provided that the maximum rated power output of all units present does not exceed thirty (30) kilowatts.
- (f) **Electrical System:** All electrical controls, control wiring, grounding wires, power lines, and system components shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.

**B. Permit Application Requirements:**

- 1. Name of property owner(s), address, and parcel number.
- 2. A site plan shall include maps (drawn to scale) showing the proposed location of all components and ancillary equipment of the SSMWET(s) or STMWET, property lines, physical dimensions of the property, existing building(s), setback lines, right-of-way lines, public easements, overhead utility lines, sidewalks, non-motorized pathways, roads and contours. The site plan must also include adjoining properties as well as the location and use of all structures.
- 3. The proposed type, height and number of the SSMWET or STMWET to be constructed, including the manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated generating capacity, dimensions, rotor diameter, and a description of ancillary facilities.
- 4. Documented compliance with the noise requirements set forth in this Ordinance.
- 5. Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, communications, and FAA requirements.
- 6. Proof of applicant's liability insurance.
- 7. Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
- 8. Other relevant information as may be reasonably requested.
- 9. Signature of the Applicant.
- 10. In addition to the Permit Application Requirements previously listed, the STMWET Application shall also include the following:
  - (a) A description of the methods that will be used to perform maintenance on the STMWET and the procedures for lowering or removing the STMWET in order to conduct maintenance.

**C. Safety Requirements:**

- 1. If the SSMWET or STMWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations meeting federal, state, and industry standards applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
- 2. The SSMWET or STMWET shall be equipped with an automatic braking, governing or feathering system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
- 3. A clearly visible warning sign regarding voltage shall be placed at the base of the SSMWET or STMWET.
- 4. The structural integrity of the SSMWET or STMWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design" and/or IEC 61400-2, "Small Wind Turbine Safety," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

**D. Signal Interference:**

- 1. The SSMWET or STMWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

**E. Decommissioning:**

1. The SSMWET or STMWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life of the SSMWET or STMWET, or at the request of the owner(s) or assigns of the SSMWET or STMWET, and for a good cause, the Zoning Administrator may grant a reasonable extension of time. The SSMWET or STMWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of two (2) months. All decommissioning expenses are the responsibility of the Owner(s) or Operator(s).
  2. If the SSMWET or STMWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above, the Township Board may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the SSMWET or STMWET is not owned by the property owner(s), a bond must be provided to the Township Clerk for the cost of decommissioning each SSMWET or STMWET.
  3. In addition to the Decommissioning Requirements listed previously, the STMWET shall also be subject to the following:
    - (a) Decommissioning shall include the removal of each STMWET, buildings, electrical components, and any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade.
    - (b) The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the facility or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
- F. **Public Inquiries and Complaints:** Should an aggrieved property owner allege that the SSMWET or STMWET is not in compliance with the noise requirements of this Ordinance, the procedure shall be as follows:
1. **Noise Complaint:**
    - (a) Notify the Zoning Administrator in writing regarding concerns about noise level.
    - (b) If the complaint is deemed sufficient by the Planning Commission to warrant an investigation, the Zoning Administrator will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
    - (c) If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
    - (d) If the SSMWET or STMWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the SSMWET or STMWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.

#### Section 6.31.6 - Special Uses

A Medium Wind Energy Turbine (MWET) shall be permitted subject to approval of a Special Land Use permit in accordance with the provisions of Article IX of this Ordinance in the A Agricultural, F Forestry, I Industrial and WI Industrial districts, as well as in a planned unit development as a Private Community Use Facility.

A Large Wind Energy Turbine (LWET) shall be permitted subject to approval of a Special Land Use permit in accordance with the provisions of Article IX of this Ordinance in the Wind Energy Overlay District.

In addition to the materials required for all special land uses, the application shall include the following:

#### A. Siting and Design Requirements:

1. Upwind turbines shall be required for turbines using a horizontal axis rotor.
2. The design of a MWET or LWET shall conform to all applicable industry standards.
3. Visual Appearance:
  - (a) Each MWET or LWET, including accessory buildings and other related structures shall be mounted on a tubular tower and a non-reflective, non-obtrusive color (e.g. white, gray, black). The appearance of turbines, towers and buildings shall be maintained throughout the life of the MWET or LWET.
  - (b) Each MWET or LWET 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.
  - (c) Each MWET or LWET shall not be used for displaying any advertising (including flags, streamers, or decorative items), except for reasonable identification of the turbine manufacturer or operator(s).
4. **Vibration:** Each MWET or LWET shall not produce vibrations humanly perceptible beyond the property on which it is located.

5. **Shadow Flicker:** The MWET or LWET owner(s) and/or operator(s) shall conduct an analysis on potential shadow flicker at any Occupied Building in direct line-of-sight to the MWET or LWET. The analysis shall identify the locations of shadow flicker that may be caused by the project at durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis shall identify situations where shadow flicker may affect the occupants of the buildings for more than thirty (30) hours per year, and describe measures that shall be taken to eliminate the problems. Shadow Flicker on a building shall not exceed thirty (30) hours per year.
6. **Guy Wires:** Guy wires shall not be permitted as part of the MWET or LWET.
7. **Electrical System:** All electrical controls, control wiring, grounding wires, power lines, and all other electrical system components of the MWET or LWET shall be placed underground within the boundary of each parcel at a depth designed to accommodate the existing land use to the maximum extent practicable. Wires necessary to connect the wind generator to the tower wiring are exempt from this requirement.
8. In addition to the Siting and Design Requirements listed previously, the MWET shall also be subject to the following:
  - (a) On a parcel where an Occupied Building is present, the MWET shall only be located in a side or rear yard.
  - (b) **Height:** The Total Height of a MWET shall not exceed one hundred fifty (150) feet.
  - (c) **Ground Clearance:** The lowest extension of any blade or other exposed moving component of a MWET shall be at least twenty (20) feet above the ground at the highest point of the grade level within fifty (50) feet of the base of the tower and, in addition, at least fifteen (15) feet above any outdoor surfaces intended for human occupancy, such as balconies or roof gardens, that are located directly below the MWET.
  - (d) **Noise:** Noise emanating from the operation of a MWET shall not exceed 50 dB(A) at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a MWET(s) shall not exceed 55 dB(A) at any property line of a non-residential or non-agricultural use parcel. If the ambient sound pressure level exceeds the dB(A) standards above, the standards shall be ambient dB(A) plus 5 dB(A). These sound pressure levels may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - (e) **Quantity:** The maximum number of MWETs shall be determined based on setbacks and separation.
  - (f) **Setback and Separation:**
    - i. **Occupied Building Setback:** Each MWET shall be setback from any residential structure a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. The minimum setback from all other Occupied Buildings on the applicant's parcel shall be a minimum of twenty (20) feet measured from the base of the Tower.
    - ii. **Property Line Setbacks:** With the exception of the locations of public roads (see below), drain rights-of-way and parcels with Occupied Buildings (see above), the internal property line setbacks shall be equal to the Total Height of the MWET as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall, curl, or bend within a distance or zone shorter than the height of the WET.
    - iii. **Public Road and Easement Setbacks:** Each MWET shall be set back from the nearest public road or public easement a distance equal to the Total Height of the MWET, determined at the nearest boundary of the underlying right-of-way for such public road or easement.
    - iv. **Communication and Electrical Lines:** Each MWET shall be set back from the nearest above-ground public electric power line or telephone line a distance equal to the Total Height of the MWET, as measured from the base of the Tower, determined from the existing power line or telephone line.
    - v. **Tower Separation:** MWET/tower separation shall be based on industry standards and manufacturer recommendation.
9. In addition to the Siting and Design Requirements listed previously, the LWET shall also be subject to the following:
  - (a) **Ground Clearance:** The lowest extension of any blade or other exposed moving component of an LWET shall be at least fifty (50) feet above the ground at the highest point of the grade level within one hundred fifty (150) feet of the base of the tower.
  - (b) **Noise:** Noise emanating from the operation of a LWET shall not exceed fifty (50) dB(A) at any property line of a residential or agricultural use parcel or from the property line of parks, schools, hospitals, and churches. Noise emanating from the operation of a LWET(s) shall not exceed fifty-five (55) dB(A) at any property line of a non-residential or non-agricultural use parcel. If the ambient sound pressure level exceeds the dB(A) standards above, the standards shall be ambient dB(A) plus five (5) dB(A). These sound pressure levels may be exceeded during short-term events such as utility outages and/or severe wind storms.
  - (c) **Quantity:** The maximum number of LWETs shall be determined based on setbacks and separation.
  - (d) **Setback and Separation:**

- i. **Occupied Building Setback:** Each LWET shall be set back from the nearest Occupied Building that is located on the same parcel than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, as measured from the base of the Tower.
  - ii. **Property Line Setbacks:** With the exception of the locations of public roads (see below), drain rights-of-way and parcels with Occupied Buildings (see above), the internal property line setbacks shall be a minimum of one and one-half (1.5) times the Total Height, as measured from the base of the Tower. This setback may be reduced to a distance agreed upon as part of the special use permit if the applicant provides a registered engineer's certification that the WET is designed to collapse, fall curl, or bend within a distance or zone shorter than the height of the WET.
  - iii. **Wind Energy Overlay District Setbacks:** Along the border of the Wind Energy Overlay District, there shall be a setback distance equal to two (2) times the Total Height as measured from the base of the Tower.
  - iv. **Public Road and Easement Setbacks:** Each LWET shall be set back from the nearest public road or public easement a minimum distance no less than four hundred (400) feet or one and one-half (1.5) times its Total Height, whichever is greater, determined at the nearest boundary of the underlying right-of-way for such public road or easement.
  - v. **Communication and Electrical Lines:** Each LWET 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 Total Height, whichever is greater, determined from the existing power line or telephone line.
  - vi. **Tower Separation:** Turbine/tower separation shall be based on industry standards and manufacturer recommendation.
- (e) **Access Driveway:** Each LWET shall require the construction of a private road to offer an adequate means by which the Township may readily access the site in the event of an emergency. All private roads shall be constructed to the Iosco County private road standards.

**B. Safety Requirements:**

1. If the MWET or LWET is connected to a public utility system for net-metering purposes, it shall meet the requirements for interconnection and operation as set forth in the public utility's then-current service regulations applicable to wind power generation facilities, and the connection shall be inspected by the appropriate public utility.
2. The MWET or LWET shall be equipped with an automatic braking or governing system to prevent uncontrolled rotation, over-speeding, and excessive pressure on the tower structure, rotor blades and other wind energy components unless the manufacturer certifies that a braking system is not necessary.
3. Security measures shall be provided and maintained to prevent unauthorized trespass and access. Each MWET or LWET shall not be climbable up to fifteen (15) feet above ground surfaces. All access doors to MWETs or LWETs and electrical equipment shall be locked and/or fenced as appropriate, to prevent entry by non-authorized person(s).
4. All spent lubricants, cooling fluids, and any other hazardous materials shall be properly and safely removed in a timely manner.
5. Each MWET or LWET shall have one (1) sign, not to exceed two (2) square feet in area, posted at the base of the tower and on the security fence if applicable. The sign shall contain at least the following:
  - (a) Warning high voltage;
  - (b) Manufacturer's and owner/operators name;
  - (c) Emergency contact numbers (list more than one (1) number).
6. The structural integrity of the MWET or LWET shall conform to the design standards of the International Electrical Commission, specifically IEC 61400-1, "Wind Turbine Safety and Design," IEC 61400-22 "Wind Turbine Certification," and IEC 61400-23 "Blade Structural Testing," or any similar successor standards.

**C. Signal Interference:**

1. The MWET or LWET shall not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite, or emergency communication systems.

**D. Decommissioning:**

1. The MWET or LWET Owner(s) or Operator(s) shall complete decommissioning within twelve (12) months after the end of the useful life. Upon request of the owner(s) or the assigned of the MWET or LWET, and for a good cause, the Planning Commission may grant a reasonable extension of time. Each MWET or LWET will presume to be at the end of its useful life if no electricity is generated for a continuous period of twelve (12) months. All decommissioning expenses are the responsibility of the owner(s) or operator(s).
2. Decommissioning shall include the removal of each MWET or LWET, buildings, electrical components, and roads to a depth of sixty (60) inches, as well as any other associated facilities. Any foundation shall be removed to a minimum depth of sixty (60) inches below grade, or to the level of the bedrock if less than sixty (60) inches below grade. Following removal, the location of any remaining wind

turbine foundation shall be identified on a map as such and recorded with the deed to the property with the County Register of Deeds.

3. All access roads to the MWET or LWET shall be removed, cleared, and graded by the MWET or LWET Owner(s), unless the property owner(s) requests, in writing, a desire to maintain the access road. The Township will not be assumed to take ownership of any access road unless through official action of the Township Board.
4. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) of the MWET or LWET or its assigns. If the site is not to be used for agricultural practices following removal, the site shall be seeded to prevent soil erosion, unless the property owner(s) requests in writing that the land surface areas not be restored.
5. In addition to the Decommissioning Requirements listed previously, the MWET shall also be subject to the following:
  - (a) If the MWET Owner(s) or Operator(s) fails to complete decommissioning within the period prescribed above the Township Board may designate a contractor to complete decommissioning with the expense thereof to be charged to the violator and/or to become a lien against the premises. If the MWET is not owned by the property owner(s), a bond must be provided to the Township Clerk for the cost of decommissioning each MWET.
6. In addition to the Decommissioning Requirements previously listed, the LWET shall also be subject to the following:
  - (a) An independent and certified professional engineer shall be retained to estimate the total cost of decommissioning ("Decommissioning Costs") with no regard to salvage value of the equipment, and the cost of decommissioning net salvage value of the equipment ("Net Decommissioning Costs"). When determining this amount, the Township may also require an annual escalator or increase based on the Federal Consumer Price Index (or equivalent or its successor). Said estimates shall be submitted to the Zoning Administrator after the first year of operation and every fifth year thereafter.
  - (b) The LWET Owner(s) or Operator(s) shall post and maintain Decommissioning Funds in an amount equal to Net Decommissioning Costs, provided that at no point shall Decommissioning Funds be less than one hundred (100) percent of Decommissioning Costs. The Decommissioning Funds shall be posted and maintained with a bonding company or Federal or state chartered lending institution chosen by the Owner(s) or Operator(s) and participating landowner(s) posting the financial security. The bonding company or lending institution is authorized to conduct such business and is approved by the Township Board.
  - (c) Decommissioning Funds shall be in the form of a performance bond made out to the Charter Township of Oscoda.
  - (d) A condition of the bond shall be notification by the bond company to the Zoning Administrator when the bond is about to expire or be terminated.
  - (e) Failure to keep the bond in effect while an LWET is in place will be a violation of the special land use permit. If a lapse in the bond occurs, township may take action up to and including requiring ceasing operation of the WET until the bond is reposted.
  - (f) The escrow agent shall release the Decommissioning Funds when the Owner(s) has demonstrated and the Township concurs that decommissioning has been satisfactorily completed, or upon written approval of the Township Board in order to implement the decommissioning plan.
  - (g) If neither the Owner(s) or Operator(s), nor the landowner(s) complete decommissioning within the periods addressed previously (Decommissioning Requirements 1 and 2), then the Township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement to the Township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that the Township may take such action as necessary to implement the decommissioning plan.

**E. Site Plan Requirements:**

1. **Site Plan Drawing:** All applications for an MWET or LWET special land use permit shall be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
  - (a) Existing property features to include the following: property lines, physical dimensions of the property, land use, zoning district, contours, setback lines, rights-of-way, public and utility easements, public roads, access roads (including width), sidewalks, non-motorized pathways, large trees, and all buildings. The site plan must also include the adjoining properties as well as the location and use of all structures and utilities within three hundred (300) feet of the property.
  - (b) Location and height of all proposed MWETs or LWETs, buildings, structures, ancillary equipment, underground utilities and their depth, towers, security fencing, access roads (including width, composition, and maintenance plans), electrical sub-stations, and other above-ground structures and utilities associated with the proposed MWET or LWET.
  - (c) Additional details and information as required by the Special Use requirements of the Zoning Ordinance or as requested by the Planning Commission.

2. **Site Plan Documentation:** The following documentation shall be included with the site plan:
- (a) The contact information for the Owner(s) and Operator(s) of the MWET or LWET as well as contact information for all property owners on which the MWET or LWET is located.
  - (b) A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed MWET or LWET, and a statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the use permit, if approved.
  - (c) Identification and location of the properties on which the proposed MWET or LWET will be located.
  - (d) In the case of a planned unit development, a copy of the Owners Association or Condominium Master Deed and Bylaws addressing the legal arrangement for the use, maintenance and decommissioning of the MWET or LWET.
  - (e) The proposed number, representative types and height of each MWET or LWET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels), total rated capacity, rotor diameter, and a description of ancillary facilities.
  - (f) Documents shall be submitted by the developer/manufacturer confirming specifications for MWET or LWET tower separation.
  - (g) Documented compliance with the noise, and shadow flicker requirements set forth in this Ordinance.
  - (h) Engineering data concerning construction of the MWET or LWET and its base or foundation, which may include, but not be limited to, soil boring data.
  - (i) A certified registered engineer shall certify that the MWET or LWET meets or exceeds the manufacturer's construction and installation standards.
  - (j) Anticipated construction schedule.
  - (k) A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance, and a description of the procedures that will be used for lowering or removing the MWET or LWET to conduct maintenance, if applicable.
  - (l) Documented compliance with applicable local, state and national regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The MWET or LWET shall comply with Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and applicable regulations of the Oscoda-Wurtsmith Airport Authority.
  - (m) Proof of applicant's liability insurance.
  - (n) Evidence that the utility company has been informed of the customer's intent to install an interconnected, customer-owned generator and that such connection has been approved. Off-grid systems shall be exempt from this requirement.
  - (o) Other relevant information as may be requested by Zoning Administrator or the Planning Commission to ensure compliance with the requirements of this Ordinance.
  - (p) Following the completion of construction, the applicant shall certify that all construction is completed pursuant to the Special Use Permit.
  - (q) A written description of the anticipated life of each MWET or LWET; the estimated cost of decommissioning; the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules that will be employed if the MWET(s) or LWET(s) become inoperative or non-functional.
  - (r) The applicant shall submit a decommissioning plan that will be carried out at the end of the MWET's or LWET's useful life, and shall describe any agreement with the landowner(s) regarding equipment removal upon termination of the lease.
  - (s) The Township reserves the right to review all maintenance plans and bonds under this Ordinance to ensure that all conditions of the permit are being followed.
  - (t) Signature of the Applicant.
  - (u) In addition to the Site Plan Requirements listed previously, the LWET shall be subject to the following:
    - i. A site grading, erosion control and storm water drainage plan will be submitted to the zoning administrator prior to issuing a special use permit for an LWET. At the Township's discretion, these plans may be reviewed by the Township's engineering firm. The cost of this review will be the responsibility of the applicant.
    - ii. A description of the routes to be used by construction and delivery vehicles and of any road improvements that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond which guarantees the repair of damage to public roads and other areas caused by construction of the LWET.
    - iii. A statement indicating what hazardous materials will be used and stored on the site.



- iv. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on species, eagles, birds and/or other wildlife, wetlands and fragile ecosystems. The study shall conform to state and federal wildlife recommendations based on local conditions.

**F. Certification and Compliance:**

1. The Zoning Administrator must be notified of a change in ownership of a MWET or LWET or a change in ownership of the property on which the MWET or LWET is located.
2. The Township reserves the right to inspect any MWET, and all LWETs, in order to ensure compliance with the Ordinance. Any cost associated with the inspections shall be paid by the owner/operator of the WET.
3. In addition to the Certification & Compliance requirements listed previously, the LWET shall also be subject to the following:
  - (a) A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and in the interior of the property containing any LWETs to demonstrate compliance with the requirements of this Ordinance. Proof of compliance with the noise standards is required within ninety (90) days of the date the LWET becomes operational. Sound shall be measured by a third-party, qualified professional.
  - (b) The LWET Owner(s) or Operator(s) shall provide the Zoning Administrator with a copy of the yearly maintenance inspection.

**G. Public Inquiries and Complaints:**

1. Should an aggrieved property owner allege that the MWET or LWET is not in compliance with the noise and shadow flicker requirements of this Ordinance, the procedure shall be as follows:
  - (a) **Noise Complaint:**
    - i. Notify the Zoning Administrator in writing regarding concerns about noise level.
    - ii. If the complaint is deemed sufficient by the Planning Commission to warrant an investigation, the Zoning Administrator will request the aggrieved property owner deposit funds in an amount sufficient to pay for a noise level test conducted by a certified acoustic technician to determine compliance with the requirements of this Ordinance.
    - iii. If the test indicates that the noise level is within Ordinance noise requirements, the Township will use the deposit to pay for the test.
    - iv. If the MWET or LWET Owner(s) is in violation of the Ordinance noise requirements, the Owner(s) shall reimburse the Township for the noise level test and take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until Ordinance violations are corrected. The Township will refund the deposit to the aggrieved property owner.
  - (b) **Shadow Flicker Complaint:**
    - i. Notify the Zoning Administrator in writing regarding concerns about the amount of shadow flicker.
    - ii. If the complaint is deemed sufficient by the Planning Commission to warrant an investigation, the Zoning Administrator will request the Owner(s) to provide a shadow flicker analysis of the turbine as constructed to determine compliance of the requirements of this Ordinance.
    - iii. If the MWET or LWET Owner(s) is in violation of the Ordinance shadow flicker requirements, the Owner(s) take immediate action to bring the MWET or LWET into compliance which may include ceasing operation of the WET until the Ordinance violations are corrected.

**Section 6.32 - Medical Marijuana:**

1. **Purpose:** The purpose of this Section is comply with the intent of the Michigan Medical Marijuana Act, Initiated Act 1 of 2008, MCL 333.26421, *et seq.* (the Act) regarding the cultivation, distribution, and use of marijuana for medical purposes. It is the further purpose of this Section to protect the public health, safety, and general welfare of persons and property in the Township by regulating certain locations as specified below.
2. **Definitions:** As used in this Section the following terms shall have the meanings set forth below.
  - A. **Act** means Initiated Law of 2008, MCL 333.26421, *et seq.*, and Michigan Administrative Rules, R 333.101, *et seq.*
  - B. **Qualifying patient** or **patient** means a person as defined under MCL 333.26423(h) of the Act.
  - C. **Primary caregiver** or **caregiver** means a person as defined under MCL 333.26423(g) of the Act, and who has been issued and possesses a Registry Identification Card under the Act.
  - D. **Distribution** means the physical transfer of any amount of marijuana in any form by one person to any other person or persons,

whether or not any consideration is paid or received.

- E. **Distributor** means any person, including but not limited to a caregiver, patient or any other person, who engages in any one or more acts of Distribution.
  - F. **Facility or Premises** means any commercial business premises, any private office premises, or any residential dwelling having a separate or independent postal address.
  - G. **Marihuana** means the substance or material defined in section 7106 of the public health code, 1976 PA 368, MCL 333.7106.
  - H. **Principal residence** means the place where a person resides more than half of the calendar year.
3. **Requirements:** The cultivation of marihuana by a patient, caregiver or any other person permitted under the Act, and the provision of caregiver services relating to medical marihuana use, shall be permitted in accordance with the Act. No cultivation, distribution, and other assistance to patients shall be lawful at a location in the Township unless and until such location for such cultivation, distribution, or assistance shall have been approved in accordance with this Section. Approval shall be subject to and in accordance with the following provisions and subject to all other applicable requirements in the Zoning Ordinance.
- A. **Qualifying Patient:** A Qualifying Patient may cultivate marihuana for their exclusive use in their principal residence or at another location. If a patient cultivates marihuana at a location other than their principal residence, the location shall comply with the requirements specified for caregivers in subparagraph (B) below. A patient may cultivate marihuana in their principal residence, subject to the following:
    1. No more than twelve (12) marihuana plants may be cultivated at one (1) time.
    2. Marihuana shall be cultivated and stored in an enclosed and locked space within a building.
    3. All lighting, heating, electrical and plumbing fixtures and services used for cultivation shall comply with current residential building codes, and all applicable permits shall be obtained from the Iosco County Building Department.
  - B. **Primary Caregiver:** A primary caregiver may cultivate and distribute marihuana subject to the following regulations:
    1. Marihuana shall be cultivated and distributed in a facility or premises located in the B-2, WB-3, I or WI Districts and shall be subject to Special Land Use Permit approval as provided for in Article IX and Site Plan approval as provided for in Article X of this Ordinance.
    2. No more than one (1) caregiver shall use or occupy a facility or premises to cultivate or distribute marihuana.
    3. A primary caregiver may assist up to five (5) patients at one (1) time; however, no more than one (1) patient shall be present at the facility at one (1) time, except the patient may be accompanied by a family member or legal guardian.
    4. No more than twelve (12) marihuana plants per patient may be cultivated at one (1) time.
    5. A facility or premises used to cultivate or distribute marihuana shall not be located within five hundred (500) feet, as measured between property boundaries, from sites where children are regularly present, and specifically: a daycare facility, a public or private pre-school, an elementary school, a middle school or a high school; a church, synagogue, mosque, or other religious temple; and from a recreational park or a public community center.
    6. A facility or premises used to cultivate or distribute marihuana shall not be located within five hundred (500) feet, as measured between property boundaries, from a site at which any other caregiver or any other person cultivates or distributes marihuana, not including a patient's principal residence which is used to cultivate marihuana for the resident patient's exclusive use.
    7. Marihuana shall be cultivated, stored, distributed and used in an enclosed, locked and secure space within a building.
    8. All lighting, heating, electrical and plumbing fixtures and services used for cultivation shall comply with current commercial building codes, and all applicable permits shall be obtained from the Iosco County Building Department.
    9. A caregiver may distribute marihuana to a patient at the patient's residence or, if the patient is in care at a hospital or in a residential care facility in their hospital or care room.

#### Section 6.33 - Shared Waterfront Access:

Any waterfront lot or parcel may provide access to that body of water for one or more dwelling(s) not located on the waterfront lot or parcel upon compliance with the requirements of this section and subject to Special Land Use Permit approval as provided for in Article IX and Site Plan approval as provided for in Article X of this Ordinance. For purposes of the shared waterfront access regulations contained in this section and its subsections, "body of water" means a navigable body of water as defined under Michigan law and not a privately owned body of water to which the public has no lawful right of access.

This section is intended to preserve the quality of water resources, avoid congestion, and to preserve the quality of recreational use of all waters within the Township. Therefore, in addition to the other regulations of the applicable zoning use district(s), any shared waterfront access shall comply with all of the following waterfront access regulations, whether such waterfront access is gained by joint fee ownership, a common element or a limited common element in a condominium development, a covenant running with the land or an easement benefiting a non-waterfront lot or condominium unit, a lease or license, or another legally recognized personal or property interest.

1. The land providing the shared waterfront access shall comply with the minimum lot width and lot area requirements of the zoning use district in which the land is located. For the purposes of this provision, lot width shall be measured along a straight line that intersects each side lot line at the ordinary high water mark.
2. Except as provided in subsection (3) below, a total of not more than two (2) dwellings located on non-waterfront lots may have legal access to the body of water either from or over a waterfront lot.
3. For each dwelling in excess of two (2) to have the legal right to access a body of water from or over a waterfront lot, the land providing the shared waterfront access, in addition to meeting the dimensional requirements of subsection 1. above, shall have additional lot frontage of twenty-five (25) feet and lot area of two thousand five hundred (2,500) square feet. For a residential subdivision, condominium, planned unit development or multiple family development that consists of ten (10) or more contiguous acres, two (2) or more waterfront access lots may be provided to meet this standard.
4. Except for multiple family or planned unit developments as may be permitted and approved in the applicable zoning district, no housing unit, whether temporary, permanent or for occasional use, shall be located on the waterfront access lot.
5. The common waterfront parcel and all lots and dwelling units to be served by it shall be contiguous to one another. For the purposes of this provision, parcels and lots that lie on opposite sides of a public street but across from each other shall be considered to be contiguous.
6. One (1) off-street parking space shall be provided on the waterfront lot for each dwelling with the legal right to access the body of water over the waterfront lot. Depending upon the proximity of the residences having usage on the waterfront, parking requirements may be modified or waived by the Planning Commission. The required off-street parking shall be setback no less than ten (10) feet from any adjoining property, no less than twenty (20) feet from a public or private road right-of-way, and no less than forty (40) feet from the water's edge.
7. No boat launching facilities shall be permitted on the shared waterfront access lot.
8. Except for the owners of the waterfront lot, no person shall store a watercraft, boat hoist, boat trailer or dock on the upland portion of the lot outside of a completely enclosed building for more than three (3) consecutive days.
9. One (1) storage building may be located on waterfront access lot. Such a structure shall be setback no less than ten (10) feet from any adjoining property, no less than twenty-five (25) feet from a public or private road right-of-way, and no less than forty (40) feet from the water's edge. Such structures shall otherwise comply with the standards in Section 6.2.1.3 of this Ordinance.
10. The site plan shall reflect provisions for all watercraft slips, moorings, boat hoists, docks and any other means of anchorage to be developed on the parcel. No more than one (1) such slip, mooring, boat hoists or other means of anchorage per thirty (30) feet of lot frontage shall be allowed. No more than one (1) dock per sixty (60) feet of lot frontage shall be permitted and such docks shall provide no less than two (2) of the allowed watercraft slips, moorings or anchorages. Such docks shall be no more than eight (8) feet in width and shall not extend beyond forty (40') feet in length. No dock, boat slip, boat hoist, mooring or other means of anchorage shall be located within twenty (20) feet of the riparian boundaries of adjoining property, as projected into the water under the laws of the state of Michigan.
11. If the site serves twelve (12) or more dwellings, sanitary facilities meeting requirements of the County Health Department must be included. All sanitary facilities shall be screened from surrounding land uses. Sanitary facility buildings shall be subject to the setback requirements in subsection 9 above.
12. For a residential subdivision, condominium, planned unit development or multiple family development that consists of ten (10) or more contiguous acres, a clubhouse may be erected on the waterfront access lot in accordance with the Private Community Use Facility provisions of this Ordinance. Such structures shall meet the minimum setback requirements that apply to principal structures in the applicable zoning district.
13. The waterfront access lot and any dock, boat slip, boat hoist, mooring and other boat anchorage and any other site improvement may be used only by the persons, lots, parcels, condominium units and dwelling units entitled to use the waterfront access lot and their guests. Boat docks, boat docking privileges, boat slips, lake access, or boat storage shall not be leased, rented, or in any way used as a for profit commercial endeavor or for generating revenue or compensation, except in conjunction with the lease or rental of a dwelling unit entitled to use the waterfront access lot.

14. A deed, plat, covenant, restriction, easement, or other legal instrument in a form acceptable to the Township running with the land conveying, granting and/or reserving the right to use the waterfront access lot shall be recorded and shall specifically identify the persons, lots, parcels, condominium units, dwelling units or any combination thereof entitled to use the waterfront access lot. Any legal instrument recorded pursuant to this subsection shall include a restriction acceptable to the Township prohibiting the use of the waterfront access lot for boat liveries, public or commercial beaches, marinas, public boat Launching sites, public access, or for any recreational use operated for profit. Said legal instrument shall further provide that the uses of the waterfront access lot shall be limited to and enjoyed exclusively by the owners and occupants of the property included in said instrument, and that the right of use may not be further assigned, gifted, leased or rented. Prior to Special Land Use approval, a copy of the legal instrument shall be provided to, reviewed by, and approved by the Township's attorney for compliance with this requirement.
15. The regulations of this Section and its subsections provided above shall not apply to the following:
  - A. A public access site or waterfront lot under the possession and control of a governmental agency, including but not limited to the Charter Township of Oscoda, Iosco County, the Iosco County Road Commission or the State of Michigan, that is intended to provide the general public with access to the body of water.
  - B. A waterfront lot or parcel that contains no more than two (2) dwellings as may be allowed in the applicable zoning district and that does not allow water access to any other dwelling on a non-waterfront lot.
  - C. A waterfront lot or parcel that only provides access to one (1) or more dwellings located on an island within a body of water.
  - D. A dedicated and recorded easement that provides only pedestrian access to a body of water that is no wider than twenty (20) feet and contains no other improvement, including, but not limited to, any dock, boat slip, boat hoist, mooring or other boat anchorage device.
  - E. An approved motel, hotel, resort, campground or marina as may be permitted and regulated under other provisions of this Ordinance, the conversion of an existing motel, hotel, resort, campground or marina into condominium ownership and that does not increase the number of dwelling units present, nor any approved use in the WM Waterfront Marina District.
  - F. A public road end that provides access to a body of water. Public road end access points shall comply with P.A. 56 of 2012 and any subsequent amendment thereto.
  - G. Public or private easements, parks, plazas, outlots or other parcels that legally provide shared waterfront access that exist prior to the effective date of the adoption of this Section.

#### Section 6.34 - Food Trucks/Mobile Food Vending Units:

##### Section 6.34.1 - Intent

In the interest of encouraging mobile food vendors who add to the vibrancy and desirability of the Township of Oscoda, while providing a framework under which such businesses operate, this article is established.

(Amd. of 6-20-2018)

##### Section 6.34.2 - Definitions

As used in this article, the following terms shall have the meanings indicated:

**Food:** Any item intended for public consumption, whether on private and/or public property, and including but not limited to solid food, liquid, gelatin food product, or any other consumable item to be ingested by human beings and/or pets and as allowed by relevant state regulations and/or law.

**Food Vending Unit:** A self-contained, vehicle, trailer, and/or any moveable structure that serves the purpose of vending food to the public. Any such food vending unit must meet the requirements as set forth within this ordinance as well as those requirements as set forth by way of relevant Township policy, either zoning and/or functional in nature, and compliant with any state regulation and law.

**Mobile Food Vending:** Vending, serving, or offering for sale food and/or beverages from a mobile food vending unit which meets the definition of a "food service establishment" under Public Act 92 of 2000, and which may include the ancillary sales of branded merchandise items, consistent with any food and/or drink sold by a particular vendor, or unique to the vender her/himself, such as a tee shirt that bears the name of the company, restaurant or organization engaged in mobile food vending, assuming full compliance with any trademark law.

**Mobile Food Vending Unit:** Any motorized or nonmotorized vehicle, trailer, food truck, or other device designed to be portable and not permanently attached to the ground from which food is vended, served, or offered for sale. Ancillary tables set up by a vendor next to or proximate to the mobile food vending unit itself, is not to be allowed.

**Operate:** All activities associated with the conduct of business, including setup and takedown and/or hours of operation and locations where the mobile food vending units are allowed to be open for business.

**Vendor:** Any individual, company, restaurant or organization engaged in the business of mobile food vending; if more than one (1) individual is operating a single cart, food truck, or other means of conveyance, then "vendor" shall mean all individuals operating such means of conveying food.

(Amd. of 6-20-2018)

#### Section 6.34.3 - License/Permit required

- A. No vendor shall engage in mobile food vending without a license issued by the Charter Township of Oscoda's Zoning Office authorizing such vending.
- B. All licenses/permits, including but not limited to any licenses as authorized by this ordinance, shall be prominently displayed on the mobile food vending unit. A License/permit for vending shall not be issued by the Zoning Administrator's office unless the vending unit meets the definitions of "mobile food vending" and "mobile food vending unit" and operates in the locations or areas defined by this article.
- C. A vendor who has applied for and received a License to operate a food truck or mobile food vending unit under this article does not have to also apply for and receive a permit to operate under the Charter Township of Oscoda's, Peddlers and Transient Merchants Ordinance (Sections 22-1—22-30 of the Oscoda Township Code).

(Amd. of 6-20-2018)

#### Section 6.34.4 - Duration of License/Permit; non-transferability

Licenses/permits issued by the Township of Oscoda's Zoning office shall be valid only for the calendar year in which they are issued and for the mobile food vending unit identified on the permit. Any permit issued under this article is nontransferable from vendor to vendor or from food truck/mobile food vending unit to food truck/mobile food vending unit.

(Amd. of 6-20-2018)

#### Section 6.34.5 - Application for License/Permit

- A. Any vendor desiring to operate a food truck or engage in mobile food vending in the Township of Oscoda shall submit a completed application to the Township of Oscoda's Zoning office and receive a license/permit issued by that office.
- B. The applicant shall truthfully state, in full, all information requested on the application for a license/permit issued by the Township of Oscoda's Zoning office. Additionally, the applicant shall provide all documentation, such as insurance, as required by this article or the Township of Oscoda. The application for a license/permit shall be accompanied by a fee as set by Township Resolution.

(Amd. of 6-20-2018)

#### Section 6.34.6 - Single-event permits

A single-event application is also available from the Township of Oscoda's Zoning office for vendors wishing to operate a food truck or mobile food vending unit during a Township-sponsored or Township-endorsed special event or to operate at a public or private event held on public property or in a public park.

(Amd. of 6-20-2018)

#### Section 6.34.7 - Fees

An application for a license shall be accompanied by a fee in the amount established by resolution by the Oscoda Township Board. Permits shall only be for the calendar year in which the permit is issued. There shall be no proration of fees. Fees are nonrefundable once a permit has been issued by the Zoning Administrator's Office.

(Amd. of 6-20-2018)

## Section 6.34.8 - Requirements

Any vendor engaging in mobile food vending shall comply with the following requirements.

- A. Food trucks/mobile food vending units shall only operate in districts zoned RT- Residential Tourist, WI-Wurtsmith Industrial, I-Industrial, B-1-Central Business District, B-2-General Business District, and WB-3-Wurtsmith Business District.
- B. Vendors shall not operate on Township-owned property without prior authorization and approval of the Zoning Administrator's office.
- C. No food shall be sold, prepared or displayed outside of the food truck or mobile food vending unit while on the location noted on the permit.
- D. Vendors shall provide appropriate waste receptacles at the site of the unit and remove all litter, debris and other wastes attributable to the vendor and/or customers on a daily basis.
- E. Vendors shall not use any flashing, blinking or strobe lights or similar effects to draw attention to the food truck or mobile food vending unit; all exterior lights over sixty (60) watts shall contain opaque hood shields to direct the illumination downward.
- F. Vendors shall not use loud music, amplification devices or crying out or any other audible methods to gain attention which causes a disruption or safety hazard as determined by the Township of Oscoda.
- G. The vendor may have one (1) portable sign that is six (6) square feet, with no dimensions greater than three (3) feet and no height greater than four (4) feet, located within five (5) feet of the unit; and under no circumstances shall such sign be placed upon the sidewalk or impede pedestrian/vehicle safety.
- H. Mobile food vending units shall not be parked and operating in residential areas: For commercial areas, vending may occur between the hours of 7:00 a.m. and 11:00 p.m. For private property in commercial areas, vending may occur between 6:00 a.m. and 3:00 a.m. No Mobile Vending Units may be present or operating except during the specific hours mentioned in this section. This includes all setup and teardown.
- I. Reserved.
- J. No vendor shall utilize any electricity or power without the prior written authorization of the power customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner.
- K. Vendors shall comply with all applicable State, County and Township laws, regulations, and ordinances, including those regulating noise, signage, and loitering.
- L. Vendors shall not represent the granting of a permit under this article as an endorsement of the Township.
- M. Vendors may only utilize designated areas at authorized Township owned properties with a permit issued for the specific date and location.

(Amd. of 6-20-2018)

## Section 6.34.9 - Other Licenses/Permits

License/permit obtained under this article shall not relieve any vendor of the responsibility for obtaining any other permit or authorization required by any other resolution, ordinance, statute, or administrative rule.

(Amd. of 6-20-2018)

## Section 6.34.10 - Complaints; revocation of permit

- A. If a written complaint is filed with the Oscoda Township's Zoning Administrator's office alleging a food vendor has violated the provisions of this article, the Zoning Administrator's office shall promptly send a copy of the written complaint to the vendor together with a notice that an investigation will be made by the Zoning Administrator's office, with the assistance of the State, County, and other Township departments, as required, as to the truth of the complaint. The vendor shall be invited to respond to the complaint and present evidence and respond to evidence produced by the investigation. If the Zoning Administrator's office, after reviewing all relevant material, finds the complaint to be supported by a preponderance of the evidence, the complaint shall be certified.
- B. The Township of Oscoda's Zoning office shall revoke the permit of any vendor engaged in mobile food vending who ceases to meet any requirement of this article or violates any other Federal, State or local law, ordinance or regulation; makes a false statement on his/her application; or conducts activity in a manner that is adverse to the protection of the public health, safety, and welfare.
- C. Immediately upon such revocation, the Zoning Administrator's office shall provide written notice to the permit holder by first class mail to the address indicated on the application. The permit to operate shall become immediately null and void upon revocation.

(Amd. of 6-20-2018)

#### Section 6.34.11 - Appearance tickets

The Oscoda Township Zoning Administrator, Code Compliance Officer, and the Oscoda Township Police Department are authorized to issue and serve appearance tickets with respect to a violation of this article pursuant to Michigan law.

(Amd. of 6-20-2018)

#### Section 6.34.12 - Civil infraction

A violation of this article is designated as a civil infraction subject to fines as set out in Ordinance 222-1, as amended.

(Amd. of 6-20-2018)

#### Section 6.35 - Commercial Marihuana Facilities:

##### Section 6.35.1 - Purpose

- A. It is the intent of this ordinance to authorize the establishment of several types of Commercial Recreational Marihuana Facilities in the Charter Township of Oscoda and provide for the adoption of reasonable restriction to protect the public health, safety and general welfare of the community at large; retain the character of neighborhoods; and mitigate potential impacts on surrounding properties and persons. It is also the intent of this ordinance to help defray administrative and enforcement costs associated with the operation of marihuana facilities in Charter Township of Oscoda through the imposition of annual, nonrefundable permit fees of not more than five thousand dollars (\$5,000.00) on each Commercial Recreational Marihuana Facility permit. Authority for the enactment of these provisions is set forth in Michigan Regulation and Taxation of Marihuana Act.
- B. Nothing in this ordinance is intended to grant immunity from criminal or civil prosecution, penalty or sanction for the cultivation, manufacturing, possession, use, sale or distribution of Marihuana, in any form, that is not in compliance with the Michigan Regulation and Taxation of Marihuana Act and all other applicable rules promulgated by the State of Michigan.
- C. As of the effective date of this ordinance, Marihuana remains classified as a Schedule 1 controlled substance under the Federal Controlled Substances Act, 21 U.S.C. Sec. 801 et seq., which makes it unlawful to manufacture, distribute or dispense Marihuana. Nothing in this ordinance is intended to grant immunity from any criminal prosecution under federal laws.

(Ord. No. 2021-270, 8-12-2021)

##### Section 6.35.2 - Definitions

Any term defined by the Michigan Regulation and Taxation of Marihuana Act, shall have the definition given in the Michigan Regulation and Taxation of Marihuana Act. Further, and without limitation:

"Affiliate" means any person that controls, is controlled by, or is under common control with; is in a partnership or joint venture relationship with; or is a co-shareholder of a corporation, a co-member of a limited liability company, or a co-partner in a limited liability partnership with a licensee or applicant.

"Application" means an application for a permit under this ordinance, and includes supplemental documentation attached or required to be attached thereto; the person filing the applications shall be known as the "applicant." Further, any such application shall be considered one for a Conditional, or, Special Use, and shall be subject to all corresponding provisions and requirements of this Ordinance, including without limitation Chapters 8, 9.

"Commercial Recreational Marihuana Facility", "Recreational Marihuana Facility" or "Recreational Facility" means an enterprise at a specific location at which a licensee is licensed to operate under the Michigan Regulation and Taxation of Marihuana Act, including a Marihuana Grower, Marihuana Processor, Marihuana Retailer, Marihuana Secure Transporter, or Marihuana Safety Compliance Facility. A Marihuana Microbusiness is not considered a Commercial Recreational Marihuana Facility for the purposes of this definition.

"Department" means the Michigan State Department of Licensing and Regulatory Affairs or any authorized designated Michigan agency authorized to regulate, issue or administer a Michigan License for a Commercial Recreational Marihuana Facility.

"Designated Consumption Establishment" means a commercial space that is licensed by the agency and authorized to permit adults twenty-one (21) years of age and older to consume marihuana products at the location indicated on the state license.

"Equivalent licenses" means any of the following license types issued under the Michigan Marihuana Facilities Licensing Act (MMFLA) and/or the Michigan Regulation and Taxation of Marihuana Act (MRTMA): a grower of any class, processor, marihuana retailer or provisioning center, secure transporter, safety compliance facility.

"Licensee" means a person holding a state operation license under the Michigan Regulation and Taxation of Marihuana Act.

"Marihuana" or "Marijuana" means that term as defined in section 7106 of the public health code, 1978 PA 368, MCL 333.7106, and regardless of the particular spelling thereof.

"Marihuana Event Organizer" means a person licensed to apply for a temporary marihuana event license under these rules.

"Marihuana Grower" means a licensee that is a commercial entity located in this state that cultivates, dries, trims, or cures and packages Marihuana for sale to a Marihuana processor or retailer.

"Marihuana Microbusiness" means a person licensed to cultivate no more than one hundred fifty (150) marihuana plants; process and package marihuana; and sell or otherwise transfer marihuana to individuals who are twenty-one (21) years of age or older, or to a marihuana safety compliance facility, but not to other marihuana establishments.

"Marihuana Plant" means any plant of the species *Cannabis Sativa* L. Marihuana plant does not include industrial hemp.

"Marihuana Processor" means a licensee that is a commercial entity located in this state that purchases marihuana from a marihuana grower and that extracts resin from the marihuana or creates a marihuana-infused product for sale and transfer in packaged form to a Marihuana Retailer.

"Marihuana Retailer" means a licensee that is a commercial entity located in this state that purchases marihuana from a marihuana grower or processor and sells, supplies, or provides marihuana to persons twenty-one (21) years of age and up. Including any commercial property where marihuana is sold. A noncommercial location used by a microbusiness to sell persons twenty-one (21) and up marihuana in accordance with the Michigan Regulation and Taxation of Marihuana Act, does not qualify under this definition.

"Marihuana-infused Product" means a topical formulation, tincture, beverage, edible substance, or similar product containing any usable marihuana that is intended for human consumption in a manner other than smoke inhalation.

"Marihuana Safety Compliance Facility" means a licensee that is a commercial entity that receives marihuana from a marihuana facility, tests it for contaminants and for tetrahydrocannabinol and other cannabinoids, returns the test results, and may return the marihuana to the marihuana facility.

"Marihuana Secure Transporter" means a licensee that is a commercial entity located in this state that stores marihuana and transports marihuana between marihuana facilities for a fee.

"Outdoor Grow" means a fully enclosed outdoor area that is shielded from public view, is equipped with secure locks and other functioning security devices to prevent entry into the area by unauthorized persons.

"Paraphernalia" means any equipment, product, or material of any kind that is designed for or used in growing, cultivating, producing, manufacturing, compounding, converting, storing, processing, preparing, transporting, injecting, smoking ingesting, inhaling, or otherwise introducing into the human body, marihuana.

"Permit" means a current and valid permit for a Commercial Recreational Marihuana Facility issued under this ordinance, which shall be granted to a permit holder only for and limited to a specific permitted premise and a specific permitted property.

"Permit Holder" means the person that holds a current and valid permit under this ordinance.

"Permitted Premises" means a particular building or buildings within which the Permit Holder will be authorized to conduct the facility's activities.

"Permitted Property" means the real property comprised of a lot, parcel or other designated unit of real property upon which a permitted premises facility is situated.

"Person" means an individual, corporation, limited liability company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, trust or other legal entity or any joint venture for a common purpose.

"Plant" means any living organism that produces its own food through photosynthesis and has observable root formation or is in growth material.

"State Operating License" or, unless the context requires a different meaning, "license" means a license that is issued under the Michigan Regulation and Taxation of Marihuana Act.

"Temporary Marihuana Event License" means a state license held by a marihuana event organizer for an event where the onsite sale or consumption of marihuana products, or both are authorized at the location indicated on the state license during the dates indicated on the state license.



"Township" means Charter Township of Oscoda, a general law township located in Iosco County Michigan.

(Ord. No. 2021-270, 8-12-2021)

Section 6.35.3 - Authorization of facilities and fees

A. The maximum number of each type of Commercial Recreational Marihuana Facility located in the Charter Township of Oscoda is set as follows at the time of adoption but will be reviewed annually or as determined to be advisable at the discretion of the Charter Township of Oscoda Board of Trustees. The review and its findings shall be recorded in the minutes of the relevant meeting of the Charter Township of Oscoda Board of Trustees.

| Type of Facility   | Number Allowed   |
|--|--|
| Marihuana Grower Type A (Up to 100 plants)                           | Unlimited<br>Allowed in Zoning Districts:<br>I, WI and AG  |
| Marihuana Grower Type B (Up to 500 plants)                           | Unlimited<br>Allowed in Zoning Districts:<br>I, WI and AG  |
| Marihuana Grower Type C (Up to 2,000 plants)                         | Unlimited<br>Allowed in Zoning Districts:<br>I, WI and AG  |
| Marihuana Secure Transporter   | Unlimited<br>Allowed in Zoning Districts:<br>I and WI  |
| Marihuana Processor  | Unlimited<br>Allowed in Zoning Districts:<br>I and WI  |
| Marihuana Safety Compliance Facility                                 | Unlimited<br>Allowed in Zoning Districts:<br>B-2, WB-3, I and WI   |
| Marihuana Provisioning Center<br><br>Marihuana Recreational Retailer | Two<br>Allowed in Zoning Districts:<br>B-2, WB-3, I and WI<br><br>Two<br>Allowed in Zoning Districts:<br>B-2, WB-3, I and WI |
| Designated Consumption Establishments                                | Zero   |

Zoning Districts: I - Industrial, WI - Wurtsmith Industrial, WB-3 - Wurtsmith Business, B-2 - General Business District, AG - Agricultural

B. A non-refundable local permitting fee shall be paid annually to the Charter Township of Oscoda, by each Commercial Recreational

Marihuana Facility permitted under this ordinance, of no more than five thousand dollars (\$5,000.00) per permit. As set by resolution of the Charter Township of Oscoda Board of Trustees.

(Ord. No. 2021-270, 8-12-2021)

#### Section 6.35.4 - General requirements

- A. No person shall operate a Commercial Recreational Marihuana Facility in the Charter Township of Oscoda without a valid Marihuana Facility Permit issued by the Charter Township of Oscoda and shall operate pursuant to the provisions of this ordinance.
- B. No person shall operate a Designated Consumption Establishment, be allowed to operate a Temporary Marihuana Event license and subsequently be appointed a Marihuana event organizer which shall operate within the Township.
- C. The requirements set forth in this ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by the applicable federal, state or local laws, regulations, codes or ordinances.
- D. At the time of application for a Marihuana Adult Use Establishment license, an applicant, to be eligible for this license, must have complied with applicable Township regulations and be issued prequalification status for such license by the State of Michigan's Marihuana Regulatory Agency.
- E. At the time of application, each applicant shall pay a non-refundable application fee to defray the costs incurred by the Township set by resolution of the Charter Township of Oscoda Board of Trustees, not to exceed any limitations imposed by Michigan Law.
- F. A new or renewal permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the applicant or permit holder and shall remain valid for one (1) year.
- G. Each year, any pending application for renewal of existing permits shall be reviewed and granted or denied before application for new permits are considered.
- H. It is the sole and exclusive responsibility of each current or prospective permit holder to at all times during its operation or application period, immediately provide Oscoda Township with all material changes in any information previously provided that may materially affect any state or local permit.
- I. In the event there are filed more applications for recreational use permits than are allowed in the Township, the competing applicants shall be evaluated and scored in accordance with competitive criteria established by the Township Board of Trustees and in accordance with the requirements of the Michigan Regulation and Taxation of Marihuana Act. The higher or highest scoring applicant(s) shall be awarded the available permits, provided that all other requirements of this Ordinance are satisfied.
- J. No permit issued under this ordinance may be assigned or transferred to any person, firm, organization or other entity unless:
  1. The proposed transferee's business does not expand or alter the scope or nature of the current permit holder's permitted business;
  2. The transferred permit will not apply to any other premises than the originally permitted premises; and
  3. The proposed transferee has submitted an application, fees and all necessary and required supporting documentation required under this Ordinance and has been granted special land use approval of such transfer pursuant to and in accordance with the requirements of this Ordinance and other applicable ordinances and state law as if such transferee were the applicant for the original permit being transferred.
- K. The original local permit issued under this ordinance shall be prominently displayed in the facility in a location where it can be readily viewed by the public, law enforcement or administrative officials at all times.
- L. Acceptance by the permit holder of a permit constitutes consent by the permit holder and its owners, officers, managers, agents and employees for any state, federal or local law enforcement to conduct random, unannounced examination of their facility and all articles of property therein at any time to ensure compliance with this ordinance, the permit or local and state regulations.
- M. A permit holder may not engage in any other marihuana facility on the permitted property or premises without first obtaining a separate local permit.
- N. No permit shall be granted or renewed for a Commercial Recreational Marihuana Facility in a residence, building or area not specifically zoned for that purpose.
- O. Receiving and maintaining a valid Marihuana Facility License issued by the State of Michigan is a condition for the issuance and maintenance of a marihuana facility permit under this ordinance and continued operation of any marihuana facility.

(Ord. No. 2021-270, 8-12-2021)

#### Section 6.35.5 - Application for permits

- A. An application for a permit to operate a Commercial Recreational Marihuana Facility must be on a form provided by Charter Township of Oscoda shall be submitted to the Township Planning & Zoning Director along with the following information:
1. The name, address, phone number and email address of the applicants and the type of proposed Commercial Recreational Marihuana Facility.
  2. The names, home addresses and personal phone numbers for all owners, directors, officers and managers of the proposed Commercial Recreational Marihuana Facility.
  3. Seven (7) copies each of the following:
    - a. Documentation showing the applicant's valid tenancy, ownership or other legal interest in the property and premises proposed to be permitted. If the applicant is not the owner of the proposed permitted property and/or premises, a notarized statement from the owner of such property, authorizing its use for a Commercial Recreational Marihuana Facility.
    - b. If the applicant is a corporation, non-profit organization, limited liability company or any other entity other than a natural person, indicate its legal status and attach a copy of all company formation documents (including amendments), proof of registration with the State of Michigan and a certificate of good standing.
    - c. A photocopy of a valid, unexpired drivers license or state issued identification card for all owners, directors, officers and managers of the proposed facility.
    - d. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
    - e. Application for a sign permit if a sign is being proposed.
    - f. The non-refundable application fee as set by the Charter Township of Oscoda Board of Trustees.
    - g. Business and Operations Plan, showing in detail the Commercial Recreational Marihuana Facilities proposed plan of operation, including without limitation, the following:
      - i. A description of the type of facility proposed and the anticipated or actual number of employees.
      - ii. A security plan meeting the requirements of subsection 6.35.7.D of this ordinance, which shall include a general description of the security system(s), current centrally alarmed and monitored security system service agreement for the proposed permitted premises, and confirmation that those systems will meet Michigan requirements and be approved by the Department prior to commencing operations.
      - iii. A description by category of all products to be sold.
      - iv. A list of Material Safety Data Sheets, as required by Occupational Safety and Health Administration, which shall include all nutrients, pesticides, and other chemicals proposed for use in the proposed facility.
      - v. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the permitted premises.
      - vi. A plan for the disposal of marihuana and related byproducts that will be used at the proposed facility.
    - h. A statement as to whether any applicant has ever applied for or has been granted any Commercial license or certificate issued by a licensing authority in Michigan or any other jurisdiction that has been denied, restricted, suspended, revoked or not renewed and a statement describing the facts and circumstances concerning the application, denial, restriction or nonrenewal, including the licensing authority, the date each action was taken and the reason for each action.
    - i. Signed and sealed (by Michigan registered architect, surveyor or professional engineer) site plan and interior floor plan of the permitted premises and the permitted property.
    - j. Information regarding any other Commercial Recreational Marihuana Facility that the applicant is currently authorized to operate in any other jurisdiction within Michigan, another state or country and the applicant's involvement in each facility.
    - k. Application for Special Use Permit to be issued by the Charter Township of Oscoda Planning Commission.
    - l. Application for site plan review to be issued by the Charter Township of Oscoda Planning Commission.
  - m. Any other reasonable information required under Chapters 8 and/or 9 of this Ordinance and/or requested by the Charter Township of Oscoda that is considered to be relevant to the processing or consideration of the application.
  - n. Information obtained from the applicant or proposed permit holder is exempt from public disclosure under The Freedom of Information Act and state law, except as such disclosure may be necessary for purposes of and/or divulged by the applicant during the course of the public hearing held on the application.
- B. Upon receipt of the application and accompanying documentation, the Charter Township of Oscoda Planning & Zoning Director shall accept the application and assign it a sequential application number by facility type based on the date and time of acceptance. The Planning &

Zoning Director shall act to process an application not later than fourteen (14) business days from the date the application was accepted. If the application is deemed complete, the Planning & Zoning Director shall forward all information to the Planning Commission and establish a date for public hearing and Planning Commission review.

- C. An application is valid for ninety (90) days from the processing date issued by the Charter Township of Oscoda Planning & Zoning Director. If an application remains incomplete beyond 90 days, the application shall be null, and void and the applicant shall forfeit the application fee. The Planning & Zoning Director may, at his discretion, extend this period an additional ninety (90) days.
- D. Preliminary approval means only that the applicant has submitted a valid application for a Commercial Recreational Marihuana Facility Permit, and the applicant shall not locate or operate a facility without obtaining all other permits and approvals required by all other applicable ordinances and regulations of the Township, County and State of Michigan. The permits and approvals required include but are not limited to:
  - 1. Special Use Permit as issued by the Charter Township of Oscoda Planning Commission per Chapter 9 of the Charter Township of Oscoda Zoning Ordinance.
  - 2. Site plan approval from the Charter Township of Oscoda Planning Commission per Chapter 10 of the Charter Township of Oscoda Zoning Ordinance.
- E. Upon preliminary approval by the Charter Township of Oscoda Planning Commission, the initial annual permitting fee shall be paid to the Charter Township of Oscoda Treasurer, via the Planning & Zoning Director, prior to the issuance of a Commercial Recreational Marihuana Facility Permit. If the fee has not been received within sixty (60) days from the date of the Planning Commissions preliminary approval, the applicant will have forfeited its application, the application shall become null and void, and the permit shall be available to another applicant.
- F. Within ten (10) business days of the Charter Township of Oscoda Board of Trustees approval of the Special Use Permit and Commercial Recreational or other Marihuana Facility Permit and payment of the first annual non-refundable local permitting fee, the Charter Township of Oscoda Planning & Zoning Director shall issue the Commercial Recreational or other Marihuana Facility Permit in the order of the previously assigned sequential application number.

(Ord. No. 2021-270, 8-12-2021)

#### Section 6.35.6 - Permit renewal

- A. A Commercial Recreational Marihuana facility permit shall be valid for one year, expiring on the facility's final permit approval date, unless revoked as provided by law. Failure to obtain all other permits and approvals required by all other applicable ordinances and regulation of the township, county and State of Michigan within that time shall render the facility ineligible for renewal and the permit shall be available to another applicant.
- B. A valid Commercial Recreational Marihuana Facility Permit may be renewed on an annual basis, following review by the Charter Township of Oscoda Board of Trustees upon recommendation of the Planning & Zoning Director that all terms and conditions of the Ordinance and permits remain satisfied, by submitting a renewal application form provided by Charter Township of Oscoda and payment of the annual local permit fee. Renewal applications must be filed at least 60 days prior to the expiration of the facility's permit or 90 days prior for changes of location. Charter Township of Oscoda will not accept any renewal application, and permit forfeiture will result, unless such renewal application is submitted within the timeframe(s) provided herein.

(Ord. No. 2021-270, 8-12-2021)

#### Section 6.35.7 - Operational requirements

A Commercial Recreational Marihuana Facility permitted under this ordinance and operating in Charter Township of Oscoda shall at all times comply with the following operational requirements, which the Charter Township of Oscoda Board of Trustees may review and amend from time to time as it deems reasonable.

- A. **Scope of Operation.** Commercial Recreational Marihuana Facilities shall comply with all respective applicable codes of the local zoning, building and health departments. The facility must hold a valid local permit and State Commercial Recreational Marihuana Facility license for the type of facility intended to be carried out on the permitted property. The facility owner, operator or licensee must have documentation available that local and state sales tax requirements, including holding any licenses, if applicable, are satisfied.
- B. **Location.** Each Commercial Recreational Marihuana Facility shall be operated only from the permitted premises on the permitted property. No Commercial Recreational Marihuana Facility shall be permitted to operate from a moveable, mobile or transitory location, except for a permitted and licensed secure transporter when engaged in the lawful transport of Marihuana.

- C. No person under the age of twenty-one (21) shall be allowed to enter into a Commercial Recreational Marihuana Facility.
- D. **Security.** Permit holders shall at all times maintain a security system that meets State Law requirements, and shall also include the following:
  - 1. Security surveillance cameras installed to monitor all entrances, along with the interior and exterior of the facility;
  - 2. Robbery and burglary alarm systems which are professionally monitored and operated twenty-four (24) hours a day, seven (7) days a week.
  - 3. A locking safe permanently affixed to the permitted premises that shall store all usable marihuana and cash remaining in the facility overnight;
  - 4. All marihuana in whatever form stored at the facility shall be kept in a secure manner and shall not be visible from outside the facility, nor shall it be grown, processed, exchanged, transferred, displayed or dispensed outside the facility.
  - 5. All security recording and documentation shall be preserved for at least seventy-two (72) hours by the permit holder and made available to any law enforcement upon request for inspection.
- E. **Sale of Marihuana.** Marihuana and marihuana products offered for sale and distribution must be packaged and labeled in accordance with the laws of the State of Michigan.
- F. **Sign Restrictions.** Signs for Commercial Marihuana Facilities must conform to chapter 3 of the Charter Township of Oscoda Zoning Ordinance and the laws of the State of Michigan.
- G. **Use of Marihuana.** The sale, consumption or use of alcohol and tobacco products on the permitted property is prohibited. Smoking or consumption of controlled substances, including Marihuana, on the permitted property is prohibited.
- H. **Outdoor growing.** Growth and cultivation of marihuana outdoors is permitted in the Industrial and Agricultural Districts provided the visibility, minimum lot size and setback requirement are met as provided in Special Land Use Standards of the Charter Township of Oscoda Zoning Ordinance.
- I. **Indoor Activities.** All activities of Commercial Marihuana Facilities, including without limitation, distribution, growth, cultivation, processing or the sale or preparation and loading for transfer of marihuana, and all other related activity permitted under the facilities license or permit must occur indoors. The facilities operation and design shall minimize any impact to adjacent uses, including the control of odor by maintaining and operation an air filtration system so that no odor is detectable outside the permitted facility. Secure Transporters and permitted Outdoor Growers are exempt from the air filtration requirement. Indoor growing operations are permitted only in the Industrial and Agricultural Districts.
- J. **Unpermitted Growing.** Only the entity named in a permit may grow at a Commercial Marihuana grow facility.

**Additional Conditions.** The Charter Township of Oscoda Board of Trustees may impose such reasonable terms and conditions on a Commercial Recreational Marihuana Facility special use as may be necessary to protect the public health, safety a in compliance with the requirements of this ordinance and applicable law.

(Ord. No. 2021-270, 8-12-2021)

#### Section 6.35.8 - Applicability

The provisions of this ordinance shall be applicable to all persons and facilities described herein, whether the operations or activities associated with a Commercial Recreational or other Marihuana Facility were established without authorization before the effective date of this ordinance.

(Ord. No. 2021-270, 8-12-2021)

#### Section 6.35.9 - Penalties and enforcement

- A. Any person who violates any of the provisions of this ordinance shall be responsible for a municipal civil infraction and subject to fines/penalties, costs, restitution and other relief in accordance with the Township's Civil Infraction Ordinance, as amended from time to time, and State law. Each day a violation of this ordinance continues to exist constitutes a separate violation. A violator of this ordinance shall also be subject to such additional sanctions, remedies and judicial orders as are authorized under Michigan Law.
- B. A violation of this ordinance is deemed to be a nuisance per se. In addition to any other remedy available at law, Charter Township of Oscoda may bring an action for an injunction to other process against a person to restrain, prevent and/or abate any violation of this ordinance. Further, any Township inhabitant suffering special harm arising from any such violation shall similarly have a cause of action for such nuisance per se.
- C. This ordinance shall be enforced and administered by the Township Planning & Zoning a Township official as may be designated from time

to time by the Township Supervisor as its statutory legal representative.

(Ord. No. 2021-270, 8-12-2021)

## ARTICLE VII - ADMINISTRATION, ENFORCEMENT, AMENDMENTS

### Section 7.1 - Administrative Officer:

The Charter Township of Oscoda Board shall establish an office and appoint a person to be the Zoning Administrator. The Administrator so named is authorized and responsible for the administration and enforcement of this Ordinance in conjunction with Law Enforcement Agencies.

### Section 7.2 - Duties of Zoning Administrator:

The Zoning Administrator or his/her designee is hereby designated as the township official that is responsible for enforcement of this Ordinance in conjunction with law enforcement officials. The Zoning Administrator or his/her designee shall have the power to grant land use permits and make inspections of buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he/she has inspected such plans in detail and found them to conform to this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties.

The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

### Section 7.3 - Site Plan:

The Zoning Administrator shall require that all applications for land use permits shall be accompanied by plans and specifications, including the required number of site plans drawn to scale, showing the following:

1. The actual shape, location, and dimensions of the lot.
2. The shape, size, and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

The site plan, if approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the Zoning Ordinance is agreed to by the landowner and the body or official that initially approved the site plan.<sup>13</sup>

### Section 7.4 - Permits Required:

The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the applicable local Building Code, Housing Law, or this Ordinance. The above may require either a special use permit or a site plan approval, except for minor repairs or changes not involving any of the aforesaid features.

No open land shall be used, or an existing use of land be changed to a use of a different class or type unless a land use permit is first obtained.

Land Use Permits issued shall remain valid for one year from the date of issue and unless construction is started within that year, the permit expires. In the event a permit expires, a new permit must be obtained prior to commencing work.

All actions described on a Land Use Permit application shall be completed within twelve (12) months of the permit's approval date. If said actions are not completed within twelve (12) months, a new permit that only allows for a six-month extension must be obtained from the Zoning Administrator. When a Land Use Permit is allowed to expire or there is not active construction in progress, then the construction site building is subject to the condition requirements of the Township's Property Maintenance Ordinance (Ordinance No. 205 as amended).<sup>3</sup>

Building in violation of the permit, or failure to obtain a permit will result in the structure being in violation of the Ordinance, and the Township shall be allowed to seek whatever remedy it deems appropriate as allowed by this Ordinance, or other Township Ordinances, or generally by law (see Article XII).<sup>(17)</sup>

#### Section 7.4.1 - Land Use Permits Not to be Issued

No Land Use permit shall be issued for the erection, alteration, or use of any building or structure, or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.

#### Section 7.4.2 - Permits for New Use of Land

Iosco County Building and Housing permits may be required. Please contact the Iosco County Building Department for further information.<sup>(17)</sup>

#### Section 7.4.3 - Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained from the Iosco County Building Department.

#### Section 7.4.4 - Permits for Wrecking Buildings

Before a building or structure can be wrecked, the owner, wrecking company, or person who secures the permit shall notify all utilities having service connections within the building such as water, electric, gas, sewer, and other connections. A permit to wreck a building shall not be issued unless a release is obtained from the utilities stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed and/or sealed and plugged in a safe manner; nor shall a wrecking permit be issued until a report has been received from the public utility companies concerned, that said wrecking operations may be accomplished in such a manner as not to create a hazardous condition as a result of the proximity of such public utility installations.

Before a permit is issued for the wrecking of any building, such application for permit shall be referred to the Iosco County Building Department for examination of the premises to determine whether or not rodent extermination procedures are necessary.

Blasting and use of explosives shall be done only by a person licensed by the Fire Department to perform such work.

The requirements of this section are designated as the minimum necessary for average conditions and, in the case of unusual or dangerous situations, adequate provision shall be made and every precaution taken to protect the safety of the public and workmen. The Planning Commission may impose additional safeguards to satisfy the intent of this Section. All abandoned basements or cellars and holes shall be filled to grade, and all excess materials, rubbish, and debris shall not be permitted to remain on the premises above grade. The Fire Department shall be notified before removing standpipes, sprinklers, or fire protection water supplies. When demolition of the Principal Structure is proposed within a Residential District and accessory structures are to be left standing, a new principal structure must be constructed within one (1) year of the demolition. If after one (1) year a new principal structure is not constructed, removal of all Accessory Structures must be completed within thirty (30) days.<sup>3</sup>

Wrecking actions will be completed within thirty (30) days of issuance of a permit. This requirement includes the removal of all demolished materials and completion of lot restoration.<sup>3</sup>

#### Section 7.5 - Certificates:

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use by the Iosco County Building Department.

#### Section 7.6 - Fees:

Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Treasurer in advance of issuance. The amount of such fees shall be established by resolution of the Township Board and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance.

#### Section 7.7 - Violations:

**Nuisance Per Se.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.<sup>10</sup>

**Violation.** Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.

**Municipal Civil Infraction.** A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute.

#### Section 7.7.1 - Enforcement and Penalties

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 liable for the fines, penalties, and provisions of the Charter Township of Oscoda Code, Section 1-10.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Oscoda Township has incurred in connection with the municipal civil infraction.

#### Section 7.7.2 - Each Day a Separate Offense

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

#### Section 7.7.3 - Rights and Remedies are Cumulative

Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.<sup>10</sup>

#### Section 7.8 - Amendments:

The Township Board may, upon recommendation from the Township Planning Commission, amend, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and in accordance with the Michigan Zoning Enabling Act, as amended. Amendments or supplements to the regulations or the district boundaries of this Ordinance may be initiated by the Township Board or the Planning Commission. A resident or property owner of the Township may petition to amend the regulations of this Ordinance or to change the zoning district boundary for one (1) or more adjacent parcels. Whenever a petitioner requests a zoning district boundary amendment, he shall be the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition. The petitioner shall submit a petition for an amendment to the Township Clerk and shall deposit the sum established by resolution of the Township Board with the Township Treasurer at the time that the petition is filed to cover the publication and other miscellaneous costs for the review of and action on said change. There shall be a twelve-month minimum waiting period between a Township Board denial for a Zoning Ordinance amendment and a new request.<sup>13</sup>

All proposed amendments to this Ordinance initiated by the Township Board or by a petitioner shall first be referred to the Planning Commission for review and recommendation. Petitions to amend the text of the ordinance shall also be reviewed by the Zoning Administrator to ensure that the language and formatting of the amendment is consistent with the Ordinance. Except, an amendment to conform a provision of the Ordinance to a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under this Ordinance.<sup>13</sup>

Before submitting its recommendations for a proposed zoning ordinance amendment to the Township Board, the Planning Commission shall hold at least one (1) public hearing. Notice of the time and place of the public hearing shall be given in the same manner as required under section 7.9 of this Ordinance. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing. The notices required under this section shall include the places and times at which the proposed text and any maps of the Zoning Ordinance may be examined.

Following the hearing required in Section 7.9, the Township Planning Commission shall submit the proposed zoning ordinance amendment, including any zoning maps, to the County Planning Commission for review and recommendations.<sup>13</sup>

The County Planning Commission will have waived its right for review and recommendations of an ordinance if the recommendation of the County Planning Commission has not been received by the Township Planning Commission within thirty (30) days from the date the proposed ordinance is received by the County Planning Commission.

Following the required public hearing under Section 7.9, the Planning Commission shall transmit a summary of comments received at the hearing and its proposed zoning ordinance, including any zoning maps and recommendations, to the Township Board.



After receiving a zoning ordinance or an amendment, the Township Board may hold a public hearing if it considers it necessary or as may otherwise be required. Notice of the hearing shall be given in the same manner as required under Section 7.9. The Township Board shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the clerk of the township board.

The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.

After the public hearing held as allowed under this section, the Township Board shall consider and vote upon the adoption of a zoning ordinance, with or without amendments. A zoning ordinance and any amendments shall be approved by a majority vote of the members of the Township Board.

A zoning ordinance shall take effect upon the expiration of seven (7) days after publication as required by this section or at such later date after publication as may be specified by the Township Board. Following adoption of a zoning ordinance or any subsequent amendments by the Township Board, the zoning ordinance or subsequent amendments shall be filed with the Clerk of the Township Board, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. A copy of the notice shall be mailed to the airport manager of an airport entitled to notice under this section. The notice of ordinance adoption shall include: <sup>13</sup>

- A. In the case of an amendment to an existing zoning ordinance, either a summary of the regulator effect of the amendment, including the geographic area affected, or the text of the amendment.
- B. The effective date of the ordinance or amendment.
- C. The place where and time when a copy of the ordinance or amendment may be purchased or inspected.

Following the enactment of the zoning ordinance, the planning Commission shall at least once per year prepare for the Township Board a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments or supplements to the Ordinance.

A zoning ordinance shall take effect upon the expiration of seven (7) days after publication as required by this section or at such later date after publication as may be specified by Township Board. Except, within seven (7) days after publication of a zoning ordinance, a registered elector residing in the zoning jurisdiction of the Charter Township of Oscoda may file with the Township Clerk a notice of intent to file a petition. <sup>13</sup>

If a notice of intent is filed, the petitioner shall have thirty (30) days following the publication of the zoning ordinance to file a petition signed by a number of registered electors residing in the zoning jurisdiction equal to not less than fifteen (15) percent of the total vote cast within the zoning jurisdiction for all candidates for governor at the last preceding general election at which a governor was elected, with the Township Clerk, requesting the submission of a zoning ordinance or part of a zoning ordinance, to the electors residing in the Charter Township of Oscoda for their approval.

Upon filing of a notice of intent, the zoning ordinance or part of the zoning ordinance adopted by the legislative body shall not take effect until one (1) of the following occurs:

- A. The expiration of thirty (30) days after publication of the ordinance, if a petition is not filed with that time.
- B. If a petition is filed with thirty (30) days after publication of the ordinance, the Township Clerk determines that the petition is inadequate.
- C. If a petition is filed with thirty (30) days after publication of the ordinance, the Township Clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the Charter Township of Oscoda voting on the petition at the next regular election or at any special election called for that purpose. The Township Board shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.

Petition and an election under this section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

#### Section 7.9 - Public Notice:

All zoning activities or applications development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and other provision of this Section with regard to public notification.

1. **Responsibility:** When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be delivered and / or published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Charter Township of Oscoda and mailed or delivered as provided in this Section.
2. **Public Hearing and Notification:** Pursuant public notice requirements of the Michigan Zoning Enabling Act, as amended, or within this Ordinance, whenever the Township is required to provide notice of public hearing, the Township shall publish notice of such Public Hearing in a newspaper of general circulation for the Charter Township of Oscoda. Newspaper notices for public hearings shall:
  - a. **Describe the nature of request:** Identify whether the request is for a rezoning, text amendment, special land use, planned unit

- development, variance, appeal, ordinance interpretation or other purpose.
- b. **Location:** Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need addresses if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property.
  - c. **Date, Time and Location of Hearing:** State when and where the request will be considered.
  - d. **Written Comments:** Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear and be heard in person or by representing Counsel, at the public hearing.
  - e. **Handicap Access:** Information concerning how to secure assistance in the event that handicap access or other special needs requirements are to be satisfied.
3. **Personal Delivery and Mailed Notices:**
- a. When the zoning activity involves fewer than ten (10) properties, notice(s) shall be sent by mail or personal delivery to all persons to whom real property is assessed and to those who occupy properties within three hundred (300) feet of the boundary of the property subject to the activity, regardless of whether the property or occupant is located within the boundaries of the Charter Township of Oscoda. If the name of the occupant is not known, the term "occupant" may be used in making notification.
  - b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
  - c. Notification need not be given to more than one (1) occupant of a structure unless a structure contains more than one (1) dwelling unit, business, or organization that occupy individual units or distinct spatial areas that are owned or leased by different individuals or parties.
  - d. When a single structure includes more than four (4) dwelling units or other distinct spatial areas that are owned or occupied by different individual parties, notice may be given to the owner or manager of the structure with instructions to post the notice at the primary entrance to the structure.
  - e. If eleven (11) or more adjacent properties are proposed for zoning activity, notice of the proposed activity shall be delivered in the same manner as above, except that notices shall not include a listing of all existing street addresses within the property and the notices need not be sent to:
    - (1) Property owners for which approval is being considered;
    - (2) Persons with real property assessed within three hundred (300) feet;
    - (3) Occupants of all structures within three hundred (300) feet.
  - f. Other Governmental Units or Infrastructure Agencies: When the boundaries of a zoning activity are within three hundred (300) feet of the jurisdictional boundary of a neighboring governmental agency, a notice shall be delivered to that neighboring governmental agency.
4. **General:** Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator so as to receive written notices pursuant to this Section. Fees, as established by the Township Board, may be assessed for the provision of these types of general notices. Registrants must first provide the Zoning Administrator with a written request that includes delivery information, including the name and address of the registrant. Registrations shall remain valid for six (6) months. Thereafter the Zoning Administrator will not continue to send hearing notifications, pursuant to this Section, unless the person, organization, public utility company, or railroad re-registers.
5. **Timing of Notices:** Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance, notice of public hearings shall be provided not less than fifteen (15) days before the date in which the hearing will be conducted. Notices must be published in a newspaper of general circulation and all personal notices that are required to be sent by mail or otherwise delivered will be done not less than fifteen (15) days before the hearing. <sup>13</sup>
6. **Notice by Mail & Affidavit:** Notice shall be deemed mailed by its deposit during normal business hours in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator may prepare an Affidavit of Mailing that lists those to whom notices were mailed as well as anyone to whom personal notice was delivered. <sup>13</sup>

#### ARTICLE VIII - ZONING BOARD OF APPEALS

##### Section 8.1 - Creation, Membership, and Organization:

The Zoning Board of Appeals shall be subject to the Michigan Zoning Enabling Act of 2006, as amended, and the provisions of this Ordinance in such a way that the objectives of this Ordinance may be achieved. <sup>10</sup> There shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance so that the spirit of the Ordinance is observed, public safety secured, and substantial justice done.

#### Section 8.1.1 - Membership Requirements

The Zoning Board of Appeals shall consist of five (5) members and shall be appointed by majority vote of the members of the Township Board serving. A vacancy on the Zoning Board of Appeals shall be filled for the remainder of the unexpired term in the same manner as the original appointment. <sup>13</sup>

#### Section 8.1.2 - Membership Terms and Removal

The first regular member of the Zoning Board of Appeals shall be a member of the Township Planning Commission. The remaining regular members and any alternate members of the Zoning Board of Appeals shall be selected from the electors of the Township residing outside of incorporated cities and villages. The members selected shall be representative of the population distribution and of the various interests present in the Township. One (1) regular member may be a member of the Township Board. An employee or contractor of the Township Board may not serve as a member of the Township Zoning Board of Appeals.

A Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend one (1) or more consecutive meetings. <sup>10</sup> An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member appointed shall serve in the case until a final decision is made. An alternate member serving on the Zoning Board of Appeals has the same voting rights as a regular member. <sup>13</sup>

Terms shall be for three (3) years, except for members serving because of their membership on the Planning Commission, or Township Board, whose terms shall be limited to the time they are members of the Planning Commission, or Township Board, respectively, and the period stated in the resolution appointing them. When members are first appointed, the appointments may be for less than three (3) years to provide for staggered terms. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office. <sup>10</sup>

The total amount annually allowed the Zoning Board of Appeals as per diem or as expenses actually incurred in the discharge of duties shall not exceed a reasonable sum, which shall be appropriated annually in advance by the Township Board.

#### Section 8.1.3 - Rules of Procedure

The Zoning Board of Appeals shall adopt its own rules or procedures as may be necessary to conduct its meeting and carry out its function. The Board shall choose, annually, its own chairman and in his absence, an acting chairman. The member from the Township Board shall not serve as chairman of the Zoning Board of Appeals.

#### Section 8.1.4 - Meetings

Regular meetings shall be held on a monthly <sup>3</sup> basis or at such times as the Zoning Board of Appeals chairperson may determine. The chairperson or, in his or her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. <sup>10</sup> The majority of the total membership of the Zoning Board of Appeals shall comprise a quorum. The Board shall not conduct official business unless it has a quorum. All meetings by the Board shall be open to the public and shall be conducted pursuant to the requirements of the Open Meetings Act, PA 267 of 1976, as amended. The Board may declare any meeting, or part of any meeting a study meeting to pursue matters of business without comment or interruption from the public in attendance.

#### Section 8.1.5 - Records

Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk <sup>10</sup> and shall be made available to the general public. The Township Clerk or Deputy shall also act as Secretary to the Zoning Board of Appeals, and all records of the Board's action shall be taken and recorded under the Clerk's direction.

#### Section 8.1.6 - Hearings and Notice Requirements

Following receipt of a written request concerning a request for a variance, the Zoning Board of Appeals shall fix a reasonable time for the hearing of the request and give notice as provided in Section 7.9 of this Ordinance.

Upon receipt of a written request seeking an interpretation of the zoning ordinance or an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing on the request. Notice shall be given as required in Section 7.9 of this Ordinance. However, if the request does not involve a specific parcel of property, notice need only be published as provided in Section 7.9 and given to the person making the request as provided in Section 7.9.<sup>13</sup>

At the hearing, a party may appear in person or by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

If there are practical difficulties in the way of carrying out the strict letter of the zoning ordinance, the Zoning Board of Appeals may grant a variance so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done.

The Zoning Board of Appeals shall have the authority to grant nonuse variances relating to the construction, structural changes, or alteration of buildings or structures related to dimensional requirements of this Ordinance or to any other nonuse-related standard in this Ordinance.

#### Section 8.1.7 - Decisions

The Zoning Board of Appeals shall return a decision on a case within sixty (60) days after a request or appeal has been filed, unless a further time is agreed upon with the parties concerned. The grounds of each decision shall be stated. Any decision of the Board shall become final as declared during the regular or special meeting. Within (5) working days after any decision, the Chairperson shall sign and forward a letter certifying the written decision to the applicant.<sup>8</sup>

#### Section 8.1.8 - Majority Vote

A concurring majority of the members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, Planning Commission, or any official administering or enforcing the provisions of this Ordinance or to decide in favor of the applicant on any matter upon which they are required to pass, or to effect any variation of this Ordinance.

#### Section 8.1.9 - Conflict of Interest and Removal from Office

A member of the Zoning Board of Appeals who is also a member of the Planning Commission or the Township Board shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission or the Township Board. However, the member may consider and vote on other unrelated matters involving the same property.<sup>13</sup>

Members of the Zoning Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office, upon written charges, and after a public hearing. A member shall disqualify himself from a vote in which he has a conflict of interest. Failure of a member to disqualify himself from a vote in which he has a conflict of interest shall constitute misconduct in office.

The Chairperson shall initially verbally notify any member of charges of their alleged nonperformance of duty or misconduct in office. Such verbal notification shall be reported to the full membership at their next regularly scheduled meeting. If this does not resolve the situation, the Chairperson shall next notify the member in writing of their alleged nonperformance of duty or misconduct in office. A copy of such written communication shall be provided to the full membership and to each member of the Township Board of Trustees. Upon receipt of such communication, the Township Board of Trustees shall, within a reasonable time, hold a public hearing and for cause shown remove the member from office. Any other person, including nonresidents and members of any Board, or employees of the Township, may and should bring any conflict of interest to the attention of the Chairperson. The failure of any other member to bring a potential conflict of interest to the attention of the Chairperson shall also be deemed misconduct.

#### Section 8.2 - Appeals to Zoning Board of Appeals:

An appeal to the Zoning Board of Appeals may be taken by a person aggrieved or by an officer, department, board, or bureau of the state or the township. In addition, a variance from the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54, as provided under this Act.<sup>8, 13</sup>

Appeal requests are made by filing a written Notice of Appeal on forms established for that purpose and accompanied with such information as is necessary to decide such request. Such appeals shall be filed with the Zoning Administrator who shall maintain all papers constituting the record from which the action appealed from was taken. The Zoning Administrator shall schedule such hearings consistent with the notification requirements of Section 7.9 of this Ordinance when the applicant has: filed a completed application form; submitted all required data, exhibits and information, and has submitted the required fee. The Zoning Administrator shall forward copies of the application form and accompanying information to members of the Zoning Board of Appeals prior to the scheduled hearing.<sup>2, 13</sup>

#### Section 8.2.1 - Stay

An appeal shall stay all proceedings in furtherance of the action appealed. However, if the Zoning Administrator certifies to the Zoning Board of Appeals, after notice, that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril of life or property, the proceedings may be stayed only by a restraining order granted by the Zoning Board of Appeals or by the circuit court, on application, on notice to the officer from whom the appeal is taken and on due cause shown.<sup>13</sup>

#### Section 8.2.2 - Fees

A fee as established by the Township Board shall be paid to the Secretary of the Zoning Board of Appeals at the time of filing application with the Board. The purpose of such fees is to cover necessary advertisements, investigation, and other expenses incurred by the Board in connection with the appeal.

#### Section 8.2.3 - Reserved

#### Section 8.3 - Duties and Powers of Zoning Board of Appeals:

The Zoning Board of Appeals shall hear and decide questions that arise in the administration of the Zoning Ordinance, including the interpretation of the zoning maps. The Zoning Board of Appeals shall also hear and decide on matters referred to the Zoning Board of Appeals or upon which the Zoning Board of Appeals is required to pass under this Ordinance as adopted under the Michigan Zoning Enabling Act, 2006. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.

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

The Zoning Board of Appeals shall not have any power to alter or change special land use and planned unit development decisions.

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in premises, and to that end shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit.

Where there are practical difficulties in the way of carrying out the strict letter of this Ordinance, the Zoning Board of Appeals may vary or modify any of its rules or provisions so that the spirit of this Ordinance is observed, public safety secured, and substantial justice is done.

#### Section 8.3.1 - Administrative Review

The Board shall hear and decide appeals where it is alleged by the person objecting that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official in administering or enforcing any provision of this Ordinance.

#### Section 8.3.2 - Interpretations, Determinations, Classifications

The Board shall have the power to:

1. Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.
2. Determine the precise location of the boundary lines between Zoning Districts.

3. Classify a use which is not specifically mentioned as part of the use regulations of any Zoning District so that it conforms to a comparable use, in accordance with the purpose and intent of each district. Where there is no comparable permitted use, the Zoning Board of Appeals declare, the effect being that the use is not permitted in the Township until or unless the text of the Ordinance is amended to permit it.

#### Section 8.3.3 - Variances

A variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54, and as provided under Ordinance. The Zoning Board of Appeals shall state the grounds of any determination made by the Board. <sup>10</sup>

The Board shall have the power to authorize, upon an appeal, specific variances from site development requirements such as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements;

To obtain a variance, the applicant must show that the following conditions listed below are satisfied:

1. Would Strict adherence to the Charter Township of Oscoda Ordinance unreasonably prevent the owner from using the property for a permitted use, or make the use extremely difficult? <sup>13, 16</sup>
2. Would strict adherence to the Charter Township of Oscoda Ordinance deprive the applicants of rights commonly enjoyed by other properties in the same district, and is the variance request the minimum necessary? <sup>13, 16</sup>
3. Is the variance request due to unique circumstances related to the property, and not conditions that are common in the neighborhood or that particular zoning district? <sup>13, 16</sup>
4. Is it true that the circumstances and conditions of the property and variance request are not a result of the actions of the applicant or previous property owner? <sup>13, 16</sup>
5. Is it true that granting the variance will not be detrimental to adjoining property or the general welfare? <sup>13, 16</sup>
6. Will granting this variance be in harmony with the general purpose and intent of the Charter Township of Oscoda Ordinance?. <sup>8, 13, 16</sup>

#### Section 8.3.4. - Reserved

Former § 8.3.4 pertained to approval of temporary uses.

#### Section 8.3.5 - Attachment of Conditions

The Zoning Board of Appeals may impose conditions upon an affirmative decision. The conditions may include, conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

1. Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well being of those who will use the land use or activity under consideration, residents, and landowners immediately adjacent to the proposed land use, or activity, and the community as a whole.
2. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
3. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the Ordinance for the land use or activity under consideration and be necessary to ensure compliance with those standards.
4. The conditions imposed shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

#### Section 8.4 - Approval Period:

No order of the Zoning Board of Appeals permitting the erection of a building shall be valid for a period longer than one (1) year, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

No order of the Zoning Board of Appeals permitting a temporary use of a building or premises shall be valid for a period longer than six (6) months unless such a use is established within such period; however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall remain in force and effect if the building permit for said erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

#### Section 8.5 - Circuit Court Review:

The decision of the Zoning Board of Appeals is final. However, any party aggrieved by a decision of the Zoning Board of appeals may appeal to the circuit court of county in which the property is located. The circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

1. Complies with the constitution and laws of the state.
2. Is based on proper procedure.
3. Is supported by competent, material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.

If the court finds the record inadequate to make the review required by this section, or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

An appeal from a decision of the Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decision in writing signed by the chairperson or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The court may affirm, reverse, or modify the decision of the Zoning Board of Appeals. The court may make other orders as justice may require. <sup>13</sup>

#### Section 8.6 - Prohibited ZBA Actions:

1. No appeal shall be taken to the Zoning Board of Appeals with regard to a planned unit development or Special Permit Use decision.
2. The Zoning Board of Appeals is without authority to grant a variance on the use of land.
3. The Zoning Board of Appeals may only act on those matters brought before it through the procedures described in this Section. In no instance may they conduct business on matters outside the scope of the appeal.

#### ARTICLE IX - SPECIAL LAND USE PERMITS

##### Section 9.1 - Intent and Purpose:

It is the intent and purpose of these provisions for the granting of special land use permits to provide for flexibility in each zoning district for uses which when properly treated will be compatible with the permitted uses in the district.

##### Section 9.2 - Approving Body:

In the administering of reviews and the decisions required thereon, including the granting of an approval for the issuance of a special land use permit, the Planning Commission is hereby designated, authorized and responsible for the provisions of this Article of the Zoning Ordinance.

##### Section 9.3 - Uses and Districts:

The uses subject to and permitted in a district are listed in Article IV. Only those special land uses specifically identified on the District sheet may be considered by the Planning Commission for inclusion in the District in which the lot, plot or parcel is located.

##### Section 9.4 - Reserved

##### Section 9.5 - Application Requirements:

1. Application for a Special Land Use Permit shall be made to the Zoning Administrator. The Zoning Administrator shall schedule a Special Land Use Permit public hearing, consistent with the notification requirements of Section 7.9 of this Ordinance, when the applicant has: filed a completed application form; submitted all required data, exhibits and information; and submitted the required fee. The Zoning Administrator shall forward copies of the application and accompanying information to members of the Planning Commission prior to the scheduled hearing. <sup>3, 13</sup>
2. An application for a special land use permit shall contain the following:
  - A. Applicant's name, address, and telephone number.
  - B. Address and tax identification number of the subject parcel.
  - C. A signed statement that the applicant is the owner of the subject parcel, or is acting as the owner's representative.

- D. A complete site plan containing all of the applicable data outlined in Article X, Site Plan Review Procedures.
  - E. Supporting statements, evidence, data, information and exhibits which address those standards and requirements for assessing special land use permit applications outlined above.
3. Two (2) copies of the completed application materials shall be provided by the applicant.
  4. Special Land Use Permit review and Site Plan review shall be concurrent. <sup>2</sup>

#### Section 9.6 - Public Hearing Requirements:

Upon receipt of a completed Special Land Use Application and Site Plan, the Planning Commission shall hold a public hearing and give notice as provided in Section 7.9 of this Ordinance.

#### Section 9.7 - Approval of Special Use Permits:

1. The Planning Commission shall review the particular circumstances and facts applicable to each proposed special condition use in terms of the following standards and requirements and shall make a determination as to whether the use proposed to be developed on the subject parcel meets the following standards and requirements:
  - A. Shall be incumbent upon the Planning Commission when considering Special Land Use Permits that the proposed use be in accordance with the general objectives of the current master plan, to the maximum extent possible. <sup>2</sup>
  - B. Will be designed, constructed, operated, maintained, in harmony with existing and intended character of the general vicinity and so that such use will not change the essential character of that area.
  - C. Will not be hazardous or disturbing to existing or future neighboring uses.
  - D. Will represent a substantial improvement to property in the immediate vicinity and to the community as a whole.
  - E. Will be served adequately by necessary public services and utilities, such as highways, streets, drainage structures, sanitary sewers, water, police, and fire protection and refuse disposal, or persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately for such services.
  - F. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community.
  - G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odors.
  - H. Will be consistent with the intent and purposes of this Ordinance in general, and Article X, basis for approval (for site plans) in particular.
2. If the facts regarding the special use permit being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not grant special condition use approval.

In approving a special use permit, the Planning Commission may impose such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare still not be infringed upon.

The Planning Commission may deny, approve, or approve with conditions, a request for special use permit approval. The action on a special use permit shall be incorporated in a statement containing the conclusions relative to the special use permit under consideration which specifies the basis for the decision and any conditions imposed.

3. Any conditions imposed shall remain unchanged except upon the mutual consent of a majority of the Township Planning Commission and the landowner. The Township shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.
4. The Special Land Use Application review and the Site Plan review shall be concurrent.
5. The word "temporary" will be defined during Site Plan Review, either administratively, or by the Planning Commission.

(Amd. of 7-12-2018; Amd. of 11-29-2018; Amd. of 12-12-2019)

#### Section 9.8 - Expiration of Special Land Use Permit:



A special land use permit shall become null and void and all fees forfeited unless construction and/or use is commenced within twelve (12) months of the date of issuance of the special land use permit, except that the Planning Commission may at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve-month extensions.

A violation of any requirement, condition, or safeguard imposed hereunder shall be considered a violation of this Ordinance and constitute grounds for termination of a previously granted special land use permit.

#### Section 9.9 - Reapplication:

No application for a special land use permit which has been denied, wholly or in part, by the Planning Commission shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on the grounds of newly discovered evidence or changed conditions.

#### Section 9.10 - Required Fees:

Fees for the review of special land use applications shall be established by resolution of the Township Board.

#### Section 9.11 - Modification of Approved Special Land Uses:

An application to modify an existing approved special land use shall be processed in one of the following ways:

1. If the proposed modification would increase the scale or intensity of the existing use, or change the use of the property to another type of permitted Special Land Use, or change one or more of the original conditions of approval, the modification application shall be reviewed and acted upon by the Planning Commission in the same manner as an application for a new Special Land Use Permit in accordance with Sections 9.5, 9.6 and 9.7 above.
2. If the proposed modification would not increase the scale or intensity of the existing use, or change the use of the property to another type of permitted Special Land Use, or change one or more of the original conditions of approval, but would structurally alter a building or change part of the approved site plan, the modification application shall be reviewed and acted upon by the Planning Commission as a Site Plan application in accordance with Article X of this Ordinance.
3. Minor modifications that would not increase the scale or intensity of the existing use, change the use of the property, change one or more of the original conditions of approval, structurally alter a building or change part of the approved site plan may be approved by the Zoning Administrator in accordance with Section 7.4 of this Ordinance.

#### Section 9.12 - Standards for Special Permit Uses:

Those uses permitted by special permit enumerated in any zoning district shall be subject to all conditions and requirements of this Section. The regulations contained in this Section shall be applied in addition to any other applicable standard or regulation contained elsewhere in this Ordinance unless specifically noted.

1. **Adult Entertainment Establishments:** In the development and execution of this article, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of these uses are concentrated under certain circumstances which produce or result in a deleterious effect upon the use and enjoyment of adjacent areas and the surrounding neighborhood. Special regulation of these uses is necessary to insure that these adverse effects will not contribute to the blighting or downgrading of property values of the surrounding neighborhood. These special regulations are set forth in this Article are designed to prevent the concentration of such uses in any one area.
  - A. Uses subject to the conditions contained herein shall be referred to as adult entertainment establishments and shall include the following:
    - (1) Adult bookstore;
    - (2) Adult cabaret;
    - (3) Adult motion picture theater;
    - (4) Adult motel;
    - (5) Adult personal service business;
    - (6) Any use similar to the above listed uses.
  - B. Adult Entertainment Establishments shall be permitted by special use permit in the I (Industrial) District, subject to the following location requirements.

- (1) No such regulated land use shall be established within one thousand (1,000) feet of any residential dwelling. The required separation measured from the property line of the regulated use to the protected residential dwelling, using the closest points along the property line of the residential dwelling involved.
  - (2) No such regulated land use shall be established within one thousand (1,000) feet of any property which is zoned residential. The required separation distance shall be measured from the property line of the regulated use to the protected zoning district boundary, using the closest points along the property line and the zoning district boundary involved.
  - (3) No such regulated land use shall be established within one thousand five hundred (1,500) feet of a public or private school, child care facility, place of worship, public building or park. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
  - (4) No such regulated land use shall be established within five hundred (500) feet of another regulated land use or within five hundred (500) feet of any establishment licensed by the Michigan Liquor Control Commission. The required separation distance shall be measured from property line to property line, using the closest points along the property lines involved.
- C. Further, no more than one (1) adult entertainment establishment shall be permitted in a single structure.
- 2. Adult Foster Care Large Group Homes (13—20 Residents):**
- A. One (1) on-site parking space shall be provided for each employee in addition to the parking required for the dwelling unit.
  - B. A designated passenger loading/unloading area of adequate dimensions shall be provided near a barrier-free entrance to the facility.
  - C. A loading/unloading area of adequate dimensions shall be provided for delivery vehicles servicing the home.
  - D. A greenbelt buffer shall be provided along all property lines that abut a less intense residential district and around the visible perimeters of the off-road parking and loading/ unloading areas in accordance with Section 6.13.
  - E. All exterior lighting of entryways, parking spaces, or loading/unloading areas should not reflect onto adjacent properties; and, preferably, should be motion activated.
  - F. Notice to the neighbors and/or neighborhood associations is recommended but not required to promote integration of the adult foster care home into the community.
  - G. If the proposal does not meet the above criteria, a variance may be sought according to the procedures outlined in Article VIII, Zoning Board of Appeals.
- 3. Airport, Public:**
- A. Minimum area required for the airport shall not be less than one hundred sixty (160) acres.
  - B. The area shall have its principal means of access to a paved public street and said pavement cover shall extend to the principal urbanized areas being served by said airport/landing field.
  - C. The Planning Commission shall be assured that there is a clear and unobstructed 50:1 glide slope approach to all landing strips and that no obstruction falls within the required approach zones.
- 4. Automobile Service and Repair Stations and Small Equipment Repair:**
- A. The applicant shall provide the Planning Commission evidence during Site Plan Review that all Local, State, and Federal guidelines have been adhered to concerning any use of underground storage tanks.<sup>7</sup>
  - B. Ingress and egress to the facility shall be only from a major thoroughfare, or from a shared access drive to such roadway.
  - C. No driveway or curb cut shall be located less than ten (10) feet from any lot line, measured from the edge of the driveway to the lot line.
  - D. No more than two (2) driveways onto a roadway shall be permitted per site. Driveway approach width shall not exceed thirty (30) feet.
  - E. The site shall be no less than two hundred (200) feet from any place of public assembly, including any hospital, sanitarium, school, church or other institution. Measurement shall be the closest distance between exterior lot lines.
  - F. In addition to the minimum lot size of the district, gasoline stations shall have an additional five hundred (500) square feet of lot area for each pump over four (4), and one thousand (1,000) additional square feet of lot area for each additional bay over two (2).
  - G. The minimum lot width and frontage shall be two hundred (200) feet.
  - H. All gasoline pumps shall be located not less than fifteen (15) feet from any lot line or within thirty (30) feet of the road right-of-way, and shall be arranged so that motor vehicles using them will not be parked on or overhanging any public sidewalk or street right-of-way.
  - I. The entire area used for vehicle service shall be hard-surfaced and adequately drained.

- J. There shall be no above-ground outdoor storage/dispensing tanks on the site without leak proof secondary containment sufficient to account for one hundred twenty (120) percent of the volume of the tank.
  - K. Buffer zones shall comply with the requirements of Section 6.13.
  - L. Dumpsters shall be screened from adjacent properties in accordance with Section 6.3.
  - M. The view of all restroom doors shall be shielded from adjacent streets and residential districts.
  - N. All lighting shall be shielded from adjacent streets and residential districts.
  - O. Hydraulic hoists, service pits, lubricating, greasing, washing, and repair equipment and operations shall be located within a completely enclosed structure.
  - P. Storage of vehicles rendered inoperative for any reason, and vehicles without current license plates and registration, shall be limited to a period of not more than thirty (30) days and then only for the purpose of temporary storage pending transfer to a junkyard. Such storage shall not occur in front of the building.
  - Q. Sales of new and used motorized vehicles shall not be permitted.
  - R. No public address system shall be audible from any abutting residential parcel.
  - S. All floor drains shall be connected to a public sanitary sewer system with the approval of the sewer authority or connected to an approved holding tank.
  - T. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
  - U. All handling of flammable or hazardous substances shall be in accordance with state and federal laws and all required state and federal permits shall be obtained and the establishment shall remain in conformance therewith.
  - V. A car wash may be established as part of the principal structure or as a separate structure but shall conform to all setback requirements for a principal structure.
5. **Bed and Breakfast Establishments:**
- A. One (1) parking space per room to be rented shall be provided on site, in addition to the parking required for a single-family dwelling. Parking shall be arranged so as not to pose negative impacts on adjacent properties or necessitate on-street parking.
  - B. The parcel on which the establishment is to operate must meet or exceed the minimum lot area requirements of the zoning district.
  - C. The bed and breakfast facility must be a single-family dwelling which is operated and occupied by the owner of the dwelling.
  - D. The applicant shall provide a scaled floor plan of the premises as part of the special land use application.
  - E. The exterior appearance of the structure shall not be altered from its single-family character.
  - F. The impact of the bed and breakfast establishment on the neighborhood shall be no greater than that of a private home with weekend guests.
  - G. No transient occupant shall reside on the premises for more than fourteen (14) consecutive days and not more than thirty (30) days in any one (1) year.
  - H. No separate or additional kitchen facilities shall be provided for the guests.
  - I. Retail sales are not permitted beyond those activities serving overnight patrons.
  - J. Meals shall not be served to the public at large but only to guests.
  - K. No receptions, private parties or activities for which a fee is paid shall be permitted.
  - L. Exterior solid waste facilities beyond what might normally be expected for a single-family dwelling shall be prohibited.
6. **Canoe and Boat Liveries:**
- A. Launching ramps shall be constructed with materials and colors indigenous to the area, and established in a manner in keeping with the character of the natural river.
  - B. No livery shall provide engine repair, boat fueling facilities, public launching ramps, or commercial outlets other than those necessary to the livery itself; and,
  - C. Every canoe and boat livery shall be currently registered and certified by the Iosco County Sheriff's Department under the Boat Liveries Act, Public 257 of 1952.
- 6A. **Casinos:** <sup>7</sup>
- A. No such use shall be established within one thousand (1,000) feet of any property zoned residential, a public or private school, child

care facility, place of worship, public building or park.

- B. Such uses shall front upon and have direct access to a major thoroughfare.
- C. A minimum site size of three (3) acres.
- D. Land not utilized for buildings, parking, etc., shall be landscaped.

**7. Cemeteries, Crematories and/or Mausoleums:**

- A. Cemeteries, crematories, and/or mausoleums are permitted by special land use permit in Rural Residential and Suburban Residential Districts.
- B. All ingress and egress to the site shall be from a major thoroughfare.
- C. The site shall not interfere with the future development of a system of collector and larger streets in the vicinity.
- D. The minimum lot or parcel size for cemeteries, crematories, and/or mausoleums shall be twenty (20) acres.
- E. No more than five (5) percent of the site area may be occupied by buildings.
- F. All burial plots and all structures including but not limited to a mausoleum shall be set back no less than fifty (50) feet from any lot line or road right-of-way.
- G. Adequate parking shall be provided on the site, at least fifty (50) feet from any lot line, and no cemetery parking shall be permitted on any public street.
- H. A ten-foot buffer zone containing screening plant materials approved by the Planning Commission is to be provided adjacent to all interior lot lines pursuant to the requirements of Section 6.13.
- I. All facilities for the ground burial area of the site shall be designed and constructed in accordance with the requirements of the County Health Department and the State of Michigan.

**8. Places of Worship (Churches, synagogues, temples, and other facilities normally incidental thereto):**

- A. The minimum lot area shall be three (3) acres.
- B. Off-street parking shall be prohibited from the front yard setback area and within twenty (20) feet of the rear or side property line.
- C. An obscuring greenbelt buffer shall be provided between the parking area and neighboring property lines in accordance with Section 6.13.
- D. The property shall have frontage on and direct access to a major thoroughfare.
- E. Principal buildings on the site shall be set back from abutting residentially zoned properties not less than twenty-five (25) feet.

**9. Commercial Recreation (Outdoor):** Outdoor commercial recreation uses shall include, but need not be limited to, the following: miniature golf; golf driving range; animal racing, go-cart, automobile or motorcycle tracks; amphitheaters; amusement parks; drive-in theaters; air gun or survival games; campgrounds (including youth camps, religious retreats and hunting camps), recreational vehicle parks or travel trailer parks; resorts; fairgrounds; batting cages; skate board parks; flea markets; uses similar to the above uses; and, uses accessory to the above uses, such as refreshment stands, retail shops selling items related to the above uses, maintenance buildings, offices for management functions, spectator seating and service areas, including locker rooms and rest rooms.

Commercial Recreation (Outdoor) operations shall satisfy the requirements that are set forth for Open Air Business (Section 9.12.32) and are also subject to the following requirements: <sup>2</sup>

- A. The site shall be located with access to a major thoroughfare, however, the Planning Commission may waive this requirement upon a showing that such access is not in keeping with the nature of the use (i.e., primitive campsites, etc.) or detrimental to the proposed use.
- B. Minimum site area shall be three (3) acres for: flea markets, batting cages, skateboard parks and miniature golf.
- C. A minimum of ten (10) acres shall be provided for: amphitheater, amusement parks, golf driving ranges, resorts and campgrounds. Minimum lot width shall be six hundred (600) feet.
- D. Twenty (20) acres shall be required for all other listed commercial recreation uses. Minimum lot width shall be six hundred (600) feet.
- E. No building or spectator seating facility shall be located within one hundred (100) feet of a lot line.
- F. Front, side and rear yards shall be at least eighty (80) feet. The first fifty (50) feet of such yards shall not be used for off-street parking and shall be landscaped.
- G. Whenever parking areas are adjacent to land zoned or used for residential purposes, a six-foot wall or greater shall be provided along the sides of the parking area adjacent to such residential land.
- H. Race tracks and drive-in theaters shall be enclosed around the entire periphery with an obscuring screen fence at least eight (8) feet

in height. Fences shall be of permanent finished construction, painted or otherwise finished neatly, attractively and inconspicuously.

- I. The applicant shall provide evidence of compliance with all appropriate federal, state, county and local permits as appropriate.
  - J. Facilities shall provide off-street parking and passenger loading areas.
  - K. Adequate stacking area shall be provided for vehicles waiting to enter the lot.
  - L. Facilities which have a participant capacity greater than five hundred (500) people shall provide letters of review from the Police Agency and the County Road Commission with respect to the proposed project.
  - M. Exterior lighting shall be installed in such a manner so that it does not impede the vision of traffic along adjacent streets.
  - N. Facilities using night lighting adjoining a residentially zoned property shall deflect lighting away from these areas.
  - O. Excessive dust, noise, traffic, and trespassing shall not be inflicted on adjacent properties.
  - P. Outside storage shall be screened.
  - Q. Landscaped areas shall be maintained in a healthy condition. See Section 6.15.
  - R. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.
  - S. In no case shall a recreational accessory use pre-date the installation and operation of the principal use. When the principal use ceases to operate, the accessory use shall immediately cease.
  - T. Accessory commercial activities shall be limited to those necessary to serve only the seasonal patrons of the facility.
  - U. Not more than sixty-five (65) percent of the land area shall be covered by recreational uses.
  - V. Central loudspeakers/paging systems are prohibited adjacent to residential property.
  - W. The intensity level of sounds shall not exceed seventy (70) decibels (dBA) at the lot line of industrial uses; sixty-five (65) decibels at the lot line of commercial uses and fifty-five (55) decibels at the lot line of residential uses. The sound levels shall be measured with a type of audio output meter approved by the United States Bureau of Standards.
  - X. No temporary sanitary facility or trash receptacle shall be located within two hundred (200) feet of an existing dwelling.
  - Y. All sanitary facilities shall be designed and constructed in strict conformance with County Health Department regulations.
  - Z. Adequate trash receptacles shall be provided, as needed throughout the site.
  - AA. Operating hours for all uses shall be determined by the Planning Commission based on the nature of the use and the nuisance potential to adjoining property owners.
  - BB. In the case of public or privately-owned camping facilities, including those operated by the Township:
    - (1) Each campsite shall contain a minimum of fifteen hundred (1,500) sq. ft.
    - (2) Each campsite shall be set back from any right-of-way or lot line at least seventy (70) feet.
    - (3) A common use area shall be provided at a rate of five hundred (500) square feet per campsite.
    - (4) There shall be no permanent storage of tents, campers, travel trailers or mobile home units in the development unless specifically permitted.
    - (5) At least one (1) public telephone shall be provided in the facility.
    - (6) Maximum density for campgrounds shall be fifteen (15) campsites per acre.
    - (7) No more than one (1) permanent residence shall be allowed in a campground which shall only be occupied by the owner, manager or an employee.
    - (8) Separate toilet and bathing facilities shall be provided for each sex and shall contain hot and cold water at a ratio of one facility per twenty (20) campsites.
    - (9) Each campsite shall have a picnic table and designated place for fires.
  - CC. Drive-in theater screens shall not face any public street and shall be so located as to be out of view from any major thoroughfare.
10. **Composting Facilities or Recycling Centers:** <sup>252</sup>
- A. **Location Requirements:**
    - (1) Minimum lot area shall be twenty (20) acres.
    - (2) Ingress/egress to the facility shall be from a paved, county primary road.
    - (3) The property shall be graded and maintained to permit surface water run-off from the composting process to be collected in an on-site retention basin. Collected run-off shall be handled in one (1) of the following ways.
      - (a) Reintroduced into the compost pile.

- (b) Transported by a liquid industrial waste hauler.
- (4) A composting or recycling facility shall not be allowed in any one hundred-year floodplain unless the Michigan Department of Environmental Quality (MDEQ) has approved the area of operations. Proof of MDEQ approval shall be a requirement of special land use and site plan approval.
- (5) A composting or recycling facility shall not be allowed in any protected wetlands unless the MDEQ has approved the area of operations. Proof of MDEQ approval shall be a requirement of special land use and site plan approval.
- (6) All activities and structures shall be setback at least fifty (50) feet from any body of water. The setback shall be measured from the outer edge of the body of water. The term body of water shall include, but not be limited to, streams, wetlands, ponds, and drainage ditches. Proof of approval of soil erosion and sedimentation controls shall be a requirement of special land use and site plan approval.
- (7) No facility shall be constructed within one thousand five hundred (1,500) feet of any residential zoning district. The required separation distance shall be measured from the property line to the nearest point along the residential district boundary line or the residential property line in a non-residential district.
- (8) Storage of any material, other than compost-type or recycling material, shall not be allowed on-site. No sludge of any kind shall be stored or deposited on the property.
- (9) The height of stored material shall not exceed eight (8) feet.

**B. Buffering Requirements:**

- (1) A fifty-foot greenbelt shall be established parallel to any adjacent public road right-of-way and shall extend the full length of any adjacent road frontage. The greenbelt width shall be measured from the edge of the existing right-of-way line.  
The greenbelt shall include a six-foot high seeded earthen berm and be constructed and landscaped according to the following schedule. The berm side slopes shall not exceed a 3:1 slope ratio and shall have a two-foot wide crown. For every one hundred (100) lineal feet of required greenbelt there shall be planted three (3) deciduous trees, three (3) evergreen trees, and one (1) ornamental tree. Required plant materials may be planted in groupings or staggered rows. Deciduous trees shall have a minimum caliper size of two and one-half (2½) inches, evergreen trees shall be a minimum of six (6) feet in height, and ornamental trees shall have a minimum caliper size of two (2) inches.
- (2) A six-foot high seeded earthen berm or dense evergreen screen shall be constructed along all side and rear lot lines. The evergreen screen shall consist of a double row of evergreen trees, a minimum of six (6) feet in height planted fifteen (15) feet on center and in staggered rows.
- (3) All plant materials shall be in accordance with the American Standards for Nursery Stock, published by the American Association of Nurserymen.

**C. Monitoring Well Installation and Sampling Requirements:**

- (1) To ensure that ground or surface waters are not contaminated, monitoring wells must be installed on the site prior to construction of the composting or recycling facility. The location of such wells shall be subject to review and approval by a professional acceptable to the Township.
- (2) Sampling of groundwater monitoring wells shall start before operations begin, shall continue quarterly during the active life of operation, and continue quarterly for a two year period after operations cease. The monitoring well sampling and reporting shall be done by a professional acceptable to the Township, and at the expense of the facility operator or owner.
- (3) Should test wells reveal a violation of state water quality standards, the owner or operator shall be required to install a groundwater remediation system. System design shall be subject to review and approval by a professional acceptable to the Township.
- (4) Surface water monitoring shall be required to assess the adequacy of leachate containment and run-off control. Surface water monitoring shall be required quarterly. The monitoring and reporting shall be done by a professional acceptable to the Township, and at the expense of the facility operator or owner.
- (5) Reports regarding ground and surface water monitoring activities shall be submitted to the Township Clerk within forty-five (45) days of sampling.

- D. Operational Performance Standards:** The operation of a composting or recycling facility shall not result in unreasonable off-site deterioration of air quality, cause unreasonable interference with the comfortable enjoyment of life and property, or cause injurious effects to human health, safety, and welfare. All facilities shall be designed, constructed and operated so that anaerobic conditions, dust, odors, noise, vibration, light, and debris are controlled and do not cause off-site problems or nuisances.

- (1) **Anaerobic Conditions.** Compost materials shall not be accepted in an anaerobic condition nor shall materials be permitted to develop condition while on the site. If inspections reveal presence of anaerobic materials, the owner or operator shall be subject to the conc subparagraph (b) below.
  - (a) Determination of anaerobic conditions shall be made by the Township Zoning Administrator or, in his absence, one (1) of the designated Township representatives. (See subparagraph F.) Corrective actions must be undertaken immediately upon determination of anaerobic conditions. The facility shall close when anaerobic conditions arise and the only activities which take place on the site shall be concerned with correcting the condition.
  - (b) If anaerobic conditions arise more than two (2) times in a thirty-day period, the facility must pay a fine set by Township Board and close for a thirty-day period of time. After three (3) thirty-day closures in a year, the Township may order the site to be closed permanently.
- (2) **Odors.** The emission of odorous matter in such quantities as to be readily detectable at any point along the lot lines or to produce a public nuisance or hazard beyond lot lines is prohibited.
- (3) **Noise.** The pressure level of sounds shall not exceed the following decibel levels when adjacent to the following types of uses:

| Sound Level | Adjacent Use             | Where Measured |
|-------------|--------------------------|----------------|
| 65 dBA      | Residential/Agricultural | Property Line  |
| 75 dBA      | Commercial/Office        | Property Line  |
| 80 dBA      | Industrial               | Property Line  |

Objectionable noise as determined by the Township Board, of an intermittent nature, or high frequency, even if falling below the aforementioned decibel readings, shall be muffled so as not to become a nuisance to adjacent uses.

Sound levels shall be measured using a weighted decibel measurement and with a type of audio output meter approved by the National Institute of Standards and Technology.

- (4) **Vibration.** All machinery shall be so mounted and operated as to prevent transmission of ground vibration exceeding a displacement of 0.003 inches as measured at along any of the source's lot lines.
- (5) **Light.** Exterior lighting shall be so installed that the surface of the source light shall not be visible from any adjacent property or public road right-of-way, and shall be so arranged as to reflect light away from any adjacent residential use.
- (6) If there is evidence that performance standards have not been met and/or that a problem or nuisance condition exists despite compliance with the operation plan, then a contingency plan shall be developed by the owner or operator. This plan shall be submitted within ten (10) working days from the date that the Township Zoning Administrator notifies the owner or operator of the problem or nuisance condition. This plan shall demonstrate to the satisfaction of the Township Zoning Administrator that the problem will be abated within two (2) weeks.

**E. Informational Requirements:**

- (1) In addition to the information required by Article X, a composting or recycling facility site plan shall be provide the following information:
  - (a) A vicinity map and legal description.
  - (b) Distances to nearby residential district(s) or existing residential dwelling(s).
  - (c) Landscaping plan.
  - (d) Professional seal of the engineer responsible for preparing the site plan.
- (2) Written documentation addressing the following:
  - (a) Hours of operation.
  - (b) The capacity of the facility in terms of cubic yards, and the maximum amount of material to be accepted annually.
  - (c) Method of receiving and handling materials, including daily clean-up procedures, frequency for turning composting windrows, removal of materials, and proposed equipment to be used on the site.

- (d) Maintenance plan for all outdoor areas where compost materials are received, processed, cured, or stored to prevent rutting with ponding/puddling of water in places other than a retention basin.
- (e) Remediation plan for anaerobic conditions.
- (f) Remediation plan for surface or groundwater contamination.
- (g) Operations plan to minimize the off-site occurrences of dust, odors, vibrations, light, and debris.
- (h) Off-site road maintenance plan which addresses, at a minimum, the following:
  - 1. Method of dislodging mud and/or composting materials from the vehicles or undercarriage.
  - 2. Method for removing soil, dust, and/or compost materials attributable to the composting operations from public off-site roads within two thousand five hundred (2,500) feet of the composting area entrance and exits.
- (i) Fire suppression plan.
- (3) A closure plan which details the final end condition of the property should use of the facility be discontinued for more than twelve (12) months. The plan shall describe:
  - (a) How the existing site will be cleaned up.
  - (b) How and where the existing surface debris will be disposed.
  - (c) What the final disposition of the land will be.

**F. Right of Entry and Inspection:**

- (1) At the initiation of composting or recycling operations, the owner or operator shall notify the Township Zoning Administrator and County Health Department that operations have begun.
- (2) To monitor compliance with this Ordinance, the Township Board shall appoint three (3) persons, in addition to the Township Zoning Administrator, who will be prepared to act as Township representatives for purposes of site inspections.
- (3) All composting areas shall be subject to inspection by the Township Zoning Administrator or Township representative during reasonable hours. This includes all site inspections made during construction, operation, and closure periods. Should entry to a premise for an inspection be refused, the Township Zoning Administrator or Township representative may obtain a warrant authorizing premise entry and inspection pursuant to Section 2446 of Act 368 of Public Acts of 1978, being Section 333.2446 of the Michigan Compiled Laws.
- (4) The Township Zoning Administrator or Township representative is empowered to collect and examine samples as deemed necessary to perform the duties prescribed herein, and to take photographic, video tape, or other representation of conditions existent at the composting area. No person shall hinder, obstruct, delay, resist, or prevent any inspection made or any sample collected and examined by the Township Zoning Administrator or a Township representative. Nor shall any person molest, intimidate, harass, or impede the Township Zoning Administrator or a representative of the Township in the lawful discharge of his or her powers and duties.

**11. Communication Towers:**

- A. The communication tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse would be completely contained on the property.
- B. The base of the tower and wire/cable supports shall be fenced with a minimum five-foot woven fence.
- C. All structures shall be located at least two hundred (200) feet from any single-family dwelling.
- D. All towers shall be equipped with an anti-climbing device or fence to prevent unauthorized access.
- E. The plans of the tower construction shall be certified by a registered structural engineer.
- F. The applicant shall provide verification that the antenna mount and structure have been reviewed and approved by a professional engineer and that the installation is in compliance with all applicable codes.
- G. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- H. Accessory structures are limited to uses associated with operation of the tower.
- I. No part of any tower or antenna shall be constructed, located or maintained at any time, permanently or temporarily, in or upon any required setback area for the district in which the antenna or tower is to be located.
- J. Metal towers shall be constructed of, or treated with, corrosive-resistant material. Wood poles shall be impregnated with rot-resistant substances. The antenna shall be painted to match the exterior treatment of the structure. The chosen paint scheme should be designed to minimize off-site visibility of the antenna.



- K. Antennae and metal towers shall be grounded for protection against a direct strike by lightning and shall comply, as to electrical wiring connections, with all applicable local statutes, regulations and standards.
  - L. All signal and remote control conductors of low energy extending substantially horizontally above the ground between a tower or antenna and a structure, or between towers, shall be at least eight (8) feet above the ground at all points, unless buried underground.
  - M. Towers shall not be artificially lighted unless required by the Federal Aviation Administration.
  - N. Existing on-site vegetation shall be preserved to the maximum extent practicable.
  - O. There shall not be display advertising or identification of any kind intended to be visible from the ground or other structures.
  - P. Structures shall be subject to any state and federal regulations concerning non-ionizing electromagnetic radiation. If more restrictive state or federal standards are adopted in the future, the antenna shall be made to conform or the special use permit will be subject to revocation by the Township Board. Cost for testing and verification of compliance shall be borne by the operator of the antenna.
  - Q. There shall be no employees located on the site on a permanent basis to service or maintain the antenna. Occasional or temporary repair and service activities are excluded from this restriction.
- 11A. **Contractor Services, Tree Service, and Asphalt and Equipment (Plants and Storage):** <sup>7</sup>
- A. Outside storage areas for vehicles or materials shall be fenced, screened, and completely obscured from view from public streets.
  - B. The site shall be kept in a neat and orderly fashion.
  - C. All lighting shall be shielded from adjacent streets and residential districts.
12. **Convention Center:** Ingress and egress to the Center shall only be from a major thoroughfare, or from a shared access drive to such roadway.
- 12A. **Correctional Facility:** <sup>7</sup> Applicant must prove that all Federal, State, and County laws, codes, and ordinances regarding correctional facilities have been adhered to prior to site plan review.
13. **Day Care Centers:**
- A. No portion of a day care center shall be located within three hundred (300) feet of any gasoline pumps, underground storage tanks, or any other explosive material.
  - B. One (1) parking space shall be provided for each employee working during the largest shift plus one (1) space for each eight (8) persons the facility is licensed to receive for care at any one (1) time.
  - C. A loading/unloading area shall be provided to the Planning Commission to assure safe access to the facility and the adequacy of parking areas and maneuvering lanes to circulate peak hour traffic.
  - D. On-site traffic circulation shall be restricted to a one-way traffic flow, where possible.
  - E. Any on-site outdoor play area shall be enclosed by a fence that conforms to the applicable requirements of [Section 6.13](#).
  - F. Any facility boundary which abuts property which is residentially used or zoned shall be screened according to the provisions of [Section 6.13](#).
  - G. Signs shall conform to the applicable requirements of Article III.
14. **Drive-In, Carry-Out Restaurant, or Fast-Food Restaurant Establishment:**
- A. No drive-in, fast-food, or carry-out restaurant shall be located within five hundred (500) feet from an elementary, junior, or senior high school.
  - B. Points of vehicular ingress and egress shall be limited to an adjacent major thoroughfare only.
  - C. The minimum width of driveways at the property line shall be twenty-four (24) feet, and not greater than thirty (30) feet.
  - D. The minimum distance between driveways on the site shall be seventy-five (75) feet measured from the two (2) closest driveways' curbs, measured along the right-of-way.
  - E. The minimum distance a driveway into the site shall be from a street intersection shall be sixty (60) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius.
  - F. Motor-vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
  - G. The entire parking area shall be paved with a permanent surface of concrete or asphalt and shall be graded and drained in accordance with standards specified in [Section 6.7](#) as may be adopted by the Township. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times and separated from the

paved parking or driveway area by a raised curb or other equivalent barrier.

- H. Concrete curbing, six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

The Planning Commission, upon application of the property owner, may modify or waive the curbing requirement where unusual site characteristics exist or in instances where landscaping or other natural or manmade features would produce the same effect.

- I. All outside trash receptacles, except those intended for use by the customer, shall be enclosed as required by Section 6.3.
- J. During the period when a drive-in restaurant, fast-food restaurant, or carry-out restaurant is vacated, closed, or otherwise not opened for business for more than thirty (30) consecutive days, the owner, franchise holder, or lessee shall be subject to complying with the following regulations:
- (1) Vehicular parking and storage shall be prohibited at all times anywhere on the premises and the owner, franchise holder, or lessee shall post a sign or signs on the premises, giving notice that all parked or stored vehicles are subject to ticketing and removal by the Township at vehicle owner's expense. In addition, the owner, franchise holder, or lessee, whoever is in possession, is subject to ticketing if unlawfully parked or stored vehicles are permitted on the premises by consent of owner, franchise holder, or lessee. The Township shall have the right of entry to subject property for the purpose of accomplishing said ticketing and removal.
  - (2) The ground shall be kept free of rubbish and debris, and the grass, if any shall be well kept and cut as necessary so as to present a neat and attractive appearance at all times.
  - (3) Within sixty (60) days of such closing, all curb cuts across driveway entrances and all other points of ingress and egress to the premises shall be closed to vehicular traffic by properly placed and secure precast concrete wheel stops or the equivalent, as may be approved by the appropriate Township agency.

**15. Elderly Housing:**

- A. All housing complexes for the elderly shall be constructed on parcels of at least three (3) acres and may provide for the following:
- (1) Cottage type one-story dwellings and/or low-rise (thirty (30) feet or less) apartment type dwelling units.
  - (2) Common service containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
- B. Minimum dwelling unit size shall be four hundred (400) square feet of living area per unit.
- C. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed twenty-five (25) percent of the total site not including any dedicated public right-of-way.

**16. Excavation and Landfill Operations:**

**A. Prohibition, Permits Required:**

- (1) It shall be unlawful for any person, firm, corporation, partnership, or other organization or entity to engage in or conduct any soil removal or excavation within the unincorporated areas of the Township without first procuring a Special Land Use Permit, from the Township Board as specified below. This provision shall not apply to excavations for building construction purposes, pursuant to a Building Permit issued under the local Building Code, or for ponds.
- (2) The filling of land with garbage or rubbish or any other waste matter is hereby prohibited in all areas of the Township, except that, pursuant to the terms and conditions of a Special Land Use Permit that may be granted in a proper case by the Township Board and Planning Commission in areas designated as AG, Agricultural and F, Forestry.

**B. Application for Special Land Use Permit:**

- (1) Application for a Special Land Use Permit hereunder shall be made in accordance with Article IX. Applications shall contain the name and address of the applicant, a legal description of the property upon which the proposed operation is to be carried out, a topographic map drawn at a scale of 1" to 100' with a two (2) foot contour interval, showing both existing and proposed grades, a description of the extent and nature of the proposed operation (including in the case of filling, the amount of fill to be deposited and the exact nature thereof), the name of the owner of the land described therein, and if the applicant is not the owner, shall contain or have attached thereto the written consent of the owner to the proposed operation on said land, and authorizing the Township to enter upon the land for the purpose of inspecting the premises and considering said application. It shall also contain an agreement that the applicant, and the owner if the applicant is not the owner, will comply with all of the provisions of this Ordinance, and any and all rules and conditions regarding and excavation and/or filling operations established by the Township pursuant to this Ordinance and filed in the office of the Township Clerk.

(2) The original of each application shall be signed by the applicant and sworn to before a notary public. Two (2) conformed copies shall be filed with said original.

C. **Reference of Application to Zoning Administrator, Investigation and Report, Standards:** One (1) copy of the application shall be referred to the Zoning Administrator, or his duly authorized agent, who shall investigate the premises described in the application, including the surrounding area, and within a reasonable time make recommendations to the Planning Commission as to whether the Special Land Use Permit should be granted subject to this Ordinance, or whether the application should be denied.

Recommendations shall include a report on the following matters which shall serve as the standards to be used by the Zoning Administrator in making his recommendation to the Planning Commission and by the Planning Commission in making its findings and rendering its recommendation to the Township Board regarding the Special Land Use Application:

(1) The qualifications of the applicant to comply satisfactorily with the terms and conditions applicable to any permit to be granted as necessary to protect the public health, safety, and general welfare.

NOTE: No Special Land Use Permit shall be granted to an applicant deemed unfit by the Township Board on the basis of the clear and substantial weight of the facts presented.

(2) The full and complete affect on the public health, safety, and general welfare of granting the Special Land Use Permit without special terms and conditions. For an application to be granted on this basis, the Township Board, exercising its discretion, must be able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.

(3) The necessity of special terms and conditions, with an enumeration thereof, and specific reasons therefore. Even subject to special terms and conditions, an application shall not be granted unless the Township Board, exercising its discretion, is able to find the application consistent with the public health, safety, and general welfare by the clear and substantial weight of the facts presented.

(4) In connection with items (2) and (3) above, any geographical, soil, or other physical conditions pertaining to the land or general area involved, or arising out of any of the proposals of the application that would affect the present and future value or condition of the land involved, the general area, or otherwise affect the public health, safety, and general welfare of the residents of the Township shall be considered. No application shall be granted on any basis whatever if the Township Board, exercising its discretion, finds that the granting of the application, because of such condition or conditions, would tend to injuriously affect the public health, safety, or general welfare, or make worse an already unsatisfactory situation.

The Zoning Administrator, or his duly authorized agent, shall include on his report to the Planning Commission and the Planning Commission shall consider in its recommendation to the Township Board, whether the granting of the permit, because of the nature of the fill proposed to be deposited on the site, would tend to leave the land in an unstable, wasted, or unfit condition for the growing of turf or other land uses permitted herein, or tend to impair the surrounding lands as to their respective permitted uses, or tend to create a stagnant or standing water condition, create a drowning hazard, other attractive nuisance, disease problem, or other unhealthful condition.

If the facts regarding the special land use being reviewed do not establish by a preponderance of the evidence that the standards and requirements set forth in this Zoning Ordinance will be met by the proposed use, the Planning Commission shall not recommend special land use approval to the Township Board.

In recommending approval of a Special Land Use Permit to the Township Board, the Planning Commission shall recommend imposition of such reasonable conditions of use as it deems necessary to protect the best interests of the Township and the general vicinity, to achieve the objectives of this Ordinance and to assure that the general public health, safety, and welfare will not be infringed upon.

The Planning Commission may recommend denial, approval or approval with conditions, a request for special land use approval. The recommendation on a special condition use shall be incorporated in a statement containing the conclusions relative to the special condition use under consideration which specifies the basis for the decision and any conditions recommended.

Upon holding a public hearing and completing the review of the Special Land Use Permit request, the Planning Commission shall within thirty (30) days forward to the Township Board its finding and recommendation. The finding shall include a record of those conditions which are recommended to be imposed. The Township Board, upon receipt of the finding and recommendation, may deny, approve, or approve with conditions, any request for a special land use approval. Any decision on such a request shall state the findings of fact and specify the conclusions drawn therefrom and any conditions imposed thereon. Any conditions imposed

shall remain unchanged except upon the mutual consent of a majority of the Township Board and the landowner, and the Township Board shall maintain a record of all conditions that are changed. All records of proceedings hereunder shall be kept and made available to the public.

A Special Land Use Permit shall be issued by the Township Board upon approval. The Township Board shall forward a copy of the permit to the owner/applicant, Clerk, and Zoning Administrator. The Zoning Administrator shall not issue a building permit until he has received a copy of the Special Land Use Permit approved by the Township Board.

- D. **Rules and Conditions:** Each party granted a Special Land Use Permit is required to faithfully adhere to and abide by any special condition or conditions which may be attached to the Special Land Use Permit, to honor any and all applicable provisions of law, and to comply with the following regulations:
- (1) No top soil, earth or sand shall be removed and no excavation shall be conducted on a parcel of less than five (5) acres in area, or within two hundred (200) feet of any public thoroughfare, or within a distance of one hundred (100) feet, plus the measurement of the depth of the cut, of any adjoining private property line.
  - (2) Water, ice, or other unsatisfactory matter shall not be permitted to stand or accumulate in any excavation during or following the completion of the excavation operations, unless an impoundment of water has been previously approved by the Township Board as a part of restoration operations as described in item (d), below.
  - (3) Each permitted excavation in excess of four (4) feet in depth shall be barricaded with a fence six (6) feet in height, constructed of wire mesh, or other suitable material, to afford protection to persons and property, with warning signs, lights and watchman provided where found by the Township Board to be reasonably necessary based on the conditions involved.  
  
In any event, the slopes of the excavation shall not exceed a ratio of four (4) feet horizontal to one (1) foot vertical, except where an impoundment of water has been previously approved by the Township Board as a part of restoration operations (as described in item (d) immediately below). Slopes at a ratio of four (4) feet horizontal to one (1) foot vertical shall be maintained for all areas lying below the proposed water surface, to a depth of six (6) feet.
  - (4) Where a permit for soil removal or excavation specifies grading, or filling and grading, as a special condition of the permit, said applicant, within ninety (90) days after completion of the removal or excavation operation, shall commence and complete with all due dispatch the grading, or filling and grading, as required. Only proper fill deposited in the proper manner shall be permissible. Grading shall be on the basis of an average grade at least twelve (12) inches above the crown of the lowest road or highway adjacent to or abutting said land, and the land shall be leveled so as to provide drainage suitable for growing of turf or for other land uses permitted under this Ordinance, except that filling the land to an average grade higher than that which existed prior to the removal of the top soil, earth, or sand from said land shall not be required. In the case of a permit for filling:
    - (a) Evidence of compliance with PA 641 of 1978, as may be amended (the Solid Waste Management Act) must be provided by the applicant. No rubbish or garbage shall be burned, permitted to burn or smolder as a result of voluntary igniting of said material or as a result of involuntary internal combustion of said rubbish or fill material deposited at the site of the permitted operation;
    - (b) A temporary fence to prevent the scattering of rubbish, garbage, and other waste matter, if required by the Township Board, shall be erected around the place of the fill so as to enclose the matter to be deposited; provided that any rubbish, garbage, or other matter that nevertheless collects shall be picked up and removed from the area daily, it being the duty of the Special Land Use Permit holder to keep the area in a reasonably clean and neat condition;
    - (c) All rubbish and garbage fill when deposited must be thoroughly compacted;
    - (d) All rubbish and garbage fill, within twenty-four (24) hours of depositing in the place or places authorized in the Special Land Use Permit, shall be covered with a compacted layer of soil matter twelve (12) inches thick and of a kind and texture that will be suitable for growing of turf or for other land uses permitted within the district. A final compacted layer of soil matter twenty-four (24) inches thick of a kind and texture that will be suitable for the growing of turf, or for other suitable land uses permitted within the district, shall be placed within one (1) week following the completion of the deposit of refuse in that area. In applying the standards of public health, safety and welfare provided for in this Ordinance, the Township Board may extend the above twenty-four (24) hour period to such longer period as is deemed satisfactory under the circumstances.
    - (e) Conveyance vehicles for rubbish or garbage shall not be open lid and while in transit shall be closed and covered so as to reduce odor and the scattering of the matter being carried. Any rubbish or garbage that is nevertheless dropped in transit shall be recovered by the conveyor of such rubbish or garbage and the affected area restored to its prior condition. Further,

any undue collection of soil matter deposited on the public highways by the tracking of the vehicles shall be removed and the affected area restored to its prior condition.

(5) The Township, through its duly authorized agents, shall have the right to enter upon any land designated in any Special Land Use Permit, for the purposes of making inspections, and for causing compliance with the terms of this Ordinance in the event the permit holder shall fail to do so. It shall be the duty of the Zoning Administrator or his duly authorized agents to make periodic inspections of all land for which permits have been issued, and to report any violation of the terms hereof to the Township Board.

- E. **Permits, Suspensions, Revocation:** In the event a Special Land Use Permit holder violates the terms of this Ordinance or conditions previously imposed by the Township Board, the Zoning Administrator shall have the power to suspend said permit issued pursuant to this Ordinance, provided that written notice of such suspension, stating the reasons therefore, shall be served upon the permit holder, either personally or by registered mail, and provided further that the permit holder shall have the right to appeal such suspension to the Township Board within ten (10) days after receipt of such notice. If it shall appear to the Township Board from the facts presented that the Special Land Use Permit holder has been committing the violation as charged, then the Township Board shall revoke said permit. In the event of the revocation of a Special Land Use Permit for cause, any performance guarantee shall not be canceled until said premises are restored to a condition deemed satisfactory to the Township Board, based on the standards of this Ordinance and conditions previously imposed by the Township Board.
- F. **Dangerous Excavations or Holes Prohibited:** The construction, maintenance, or existence within the Township of any unprotected, unbarricaded, open or dangerous excavations, holes, pits, or wells, or of any excavations, holes or pits which constitute, or are reasonably likely to constitute, a menace to the public health, safety or welfare, is hereby prohibited. This section shall not apply to excavations operated under a Special Land Use Permit issued pursuant to this Ordinance, or the local Building Code, where such excavations are barricaded and warning signs posted in such manner as may be approved by the Zoning Administrator, nor does this section apply to lakes, streams, or other natural bodies of water, or to ditches, streams, reservoirs, or other major bodies of water created or existing by authority of the state of Michigan, Iosco County, Charter Township of Oscoda, or other governmental agencies.
- G. **Restoration:** All areas within any landfill or excavation site operating under a single permit shall be restored progressively. Restoration shall be in accordance with a plan approved by the Township Board prior to the issuance of a Special Land Use Permit. Restoration shall be to a condition as to leave the surface of the land at a grade which blends with the general surrounding terrain so as to appear reasonably natural and to permit the establishment of other land uses allowed in the district in which said excavation or filling occurs.
- The Township Zoning Administrator shall conduct inspections hereunder, and shall notify the owner and/or operator in writing of any portions of the site that is deemed abandoned or ready for restoration. Upon receipt of such written notification, the owner and/or operator shall have said areas restored within ninety (90) days, or within thirty (30) days supply the Township Board with a written reply indicating the date restoration is anticipated. The Township Board may accept or reject said dates. If said date is accepted, it shall be binding on both parties. If said date is rejected, the Township Board shall set a new date which shall be final.

17. **Reserved**<sup>9</sup>

18. **Fraternal Organizations and Clubs:**

- A. Such uses shall front upon and have direct access to a major thoroughfare.
- B. A minimum site size of three (3) acres shall be required.
- C. Land not utilized for buildings, parking, etc., shall be landscaped.

19. **Funeral Homes (Mortuary Establishments):**

- A. Adequate assembly area shall be provided off-street for vehicles to be used in the funeral procession.
- B. Such assembly area will be in addition to required off-street parking.
- C. A caretaker's residence may be provided within the main building of the mortuary establishment.

20. **Golf Courses and Country Clubs:**

- A. Minimum site shall be eighty (80) acres for a nine-hole course.
- B. Minimum site shall be one hundred sixty (160) acres for an eighteen-hole course.
- C. The minimum site for tennis, racket sport and swimming facilities shall be no less than four (4) acres.
- D. A landscaped buffer zone shall be provided between the parking and principal building area and any adjacent residential development in accordance with Section 6.13.

- E. A 50-foot minimum undisturbed buffer zone between turf areas and natural water bodies, watercourses or wetlands must be maintained. The buffer zone must contain natural vegetation and shall not be chemically treated.
  - F. Accessory uses may include: clubhouse/pro shop, managerial facilities, maintenance shed, toilets, lockers, standard restaurant and drinking establishments, tennis, racket sport, and swimming facilities.
  - G. The clubhouse design is to be of a residential character and exterior materials are to be primarily wood or brick.
  - H. Major accessory uses such as a standard restaurant and bar shall be housed in a single building with the club house. Minor accessory uses strictly related to the operation of the golf course itself, such as maintenance garage and pro shop or golf shop may be located in separate structures.
  - I. There may be a maximum of two (2) identification signs. Each sign may have a maximum area of thirty (30) feet. Both signs may be lighted but not internally.
  - J. All principal or Accessory Structures and parking areas shall be not less than two hundred (200) feet from any lot line or abutting residentially zoned lands; provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
  - K. Access shall be so designed as to provide all ingress and egress directly onto or from a major thoroughfare.
  - L. The total lot area covered with principal and Accessory Structures shall not exceed fifteen (15) percent.
  - M. All artificial lights shall be directed away from adjoining properties.
  - N. No outdoor loudspeaker or call system shall be audible on adjoining property.
  - O. Outside storage shall be properly screened.
  - P. No dwelling units shall be provided on the premises except for living quarters for a resident manager, watchman or caretaker. Those living quarters, if any, shall be constructed as part of the principal building.
  - Q. A golf driving range accessory to the principal use of the golf course is permitted provided the area devoted to this use shall maintain a seventy-five (75) foot front yard and a one hundred (100) foot side and rear yard setbacks. The area shall be buffered by natural vegetation and fencing to minimize the impact upon adjoining properties.
  - R. Toilet facilities for use by patrons shall be located conveniently. Satellite restrooms are to be located away from lot lines and painted or finished in an earth tone color. Such facilities shall be approved by the County Health Department.
  - S. Golf courses shall retain and preserve native vegetation over at least thirty (30) percent of the total upland area of the course to reduce water demand, excessive soil erosion and heavy nutrient run-off.
  - T. Water quality protective measures are required as follows:
    - (1) Maintenance of erosion control barriers during construction and until all ground cover is established.
    - (2) To the extent practicable, runoff must be directed to on-site holding/sedimentation ponds with a water quality control structure installed at the outlet prior to water discharge from the premises.
    - (3) Site areas in proximity to fuel and chemical storage areas shall be designed to direct all runoff to an on-site ponding area.
    - (4) A chemical storage area must be designated within an Accessory Structure. The area must provide secondary containment to prevent the spread of spills.
    - (5) An inventory manifest of stored chemicals must be posted at the entrance of the Accessory Structure. Said listing must also be filed with the Township.
  - U. At any time widespread or non-spot application of herbicide, insecticide, fungicide or rodenticide is to occur, notification signs must be posted at lot lines. The signs are to state the type and name of the chemical, date and time of application, and other appropriate information. All chemical applications must be applied by a Michigan Department of Agriculture Licensed Applicator.
  - V. Chemicals shall meet the requirements of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency (EPA), and all appropriate state statutes and administrative directives.
  - W. In order to ensure that the site can be restored to prior conditions should golf course construction not be completed, the Township may require posting of a performance guarantee or other acceptable security.
  - X. Swimming pools shall conform with the requirements of Section 6.4.
21. **Group day care home licensed or registered under Act 116 of the Public Acts of 1973 (Child Care Organizations), as may be amended, provisions:**
- A. It is not located closer than one thousand five hundred (1,500) feet to any of the following:
    - (1) Another licensed group day care home.

- (2) Another adult foster care small group home or large group home licensed under Act 218 of 1979 (Adult Foster Care Facility Licensing Act), being Sections 400.701 to 400.737 of the Michigan Compiled Laws.
  - (3) A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people licensed under Article 6 of the Public Health Code, Act No. 368 of the Public Acts of 1978 (Public Health Code), being Sections 333.6101 to 333.6523 of the Michigan Compiled Laws.
  - (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the department of corrections.
- B. It has appropriate fencing for the safety of the children in the group day care home as determined by the Township Planning Commission.
  - C. It maintains the property consistent with the visible characteristics of the neighborhood. It does not exceed sixteen (16) hours of operation during a twenty-four (24) hour period.
  - D. One (1) sign, in addition to the sign indicating the address and/or name of the occupant, may be permitted provided it is non illuminated, mounted flush to the exterior of the structure, and not exceeding four (4) square feet in area.
  - E. The group day care home operator shall provide off-street parking for his or her employees in accordance with Section 6.7, in the ratio of one (1) parking space for each employee.
  - F. Adequate vehicular maneuvering area shall be provided off-street for the arrival and departure of children.
22. **Gunnery Ranges (Rifle, Skeet, Trap, Pistol, and Archery):** Gunnery Ranges shall satisfy the requirements that are set forth for Open Air Business (Section 9.12.32) and are also subject to the following requirements: <sup>3</sup>
- A. All federal, state and county codes and ordinances in regard to firearms shall be strictly adhered to.
  - B. A site plan for the range, whether indoor or outdoor, shall be submitted to the Planning Commission. The site plan shall clearly demonstrate that all applicable National Rifle Association range design standards and guidelines have been met.
  - C. The operator shall have the Police Agency review and comment on the site plan prior to submitting it to the Township Planning Commission.
  - D. A five-foot high chain link fence shall be provided around the entire shooting area to assure that individuals will not unknowingly trespass on the property, particularly where firearms are being discharged.
  - E. Hours of outdoor operation shall be between 8:00 a.m. and dusk.
  - F. The intensity level of sounds shall not exceed eighty-five (85) decibels (dBA) at the lot line of industrial uses; seventy-five (75) decibels at the lot line of commercial uses and sixty-five (65) decibels at the common lot line when adjacent to residential uses and residential districts.
23. **Home for the aged (congregate care facility):**
- A. The building height shall not exceed a height of thirty (30) feet.
  - B. No building shall be located closer than fifty (50) feet to any property line.
  - C. The site shall be so located as to have at least one (1) property line abutting a major thoroughfare.
  - D. All ingress and egress to the off-street parking area, for guests, employees and staff, as well as other users of the facility, shall be directly from a major thoroughfare.
  - E. There shall be provided on the site, not less than one thousand five hundred (1,500) square feet of land area for each bed in the care facility. The one thousand five hundred (1,500) square feet of land area shall provide for landscape setbacks, yard requirements and space request for accessory uses, but shall not include the area covered by the principal building.
  - F. An obscuring landscaped greenbelt not less than ten (10) feet wide shall be provided in those yards abutting a residential zone, or the Planning Commission may require that a masonry or other permanent wall six (6) feet in height shall be provided and maintained along the entire property line abutting such zone. In those instances where such yard abuts a major thoroughfare, the centerline of which forms the boundary of such zones, no greenbelt or wall is required, except as required by Item g, below. Required yard space may be used for parking.
  - G. Off-street parking shall be permitted to occupy a portion of the required front yard provided that there shall be maintained an obscuring landscaped greenbelt of not less than ten (10) feet wide between the nearest point of the off-street parking area, exclusive of access driveways, and the right-of-way line (see Section 6.13).
24. **Hospitals:**
- A. Minimum lot area shall be ten (10) acres.

- B. The lot location shall be such that at least one (1) property line abuts a major thoroughfare. The ingress and egress for off-street parking, guests and patients shall be directly from said major thoroughfare.
  - C. The building height of hospital, shall be no more than thirty (30) feet.
  - D. The minimum setback distance of any main or Accessory Structure from bounding lot lines or streets shall be at least one hundred (100) feet. For every story above two (2), the minimum yard setback distance shall be increased by at least twenty (20) feet.
  - E. Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence six (6) feet in height.
25. **Junkyards, Salvage Yards, and Used Materials Yards:**
- A. Minimum lot area shall be five (5) acres.
  - B. The setback from the front property line to the area upon which materials shall be stored shall be not less than one hundred (100) feet.
  - C. Materials shall be screened by a screening wall and by an evergreen screen. The evergreen screen shall be planted between the screening wall and the property line. Materials shall not be stored in a manner which exceeds the height of any required screening (see [Section 6.13](#)).
  - D. The area upon which materials are stored, including any principle or accessory structures, shall not be located any closer than three hundred (300) feet to any public building, institutional use, residential zoning district or use.
  - E. All roads, driveways, and parking lots used by the general public shall be paved. All other areas of the site shall be maintained in such a manner as to limit the nuisance caused by wind borne dust.
  - F. All fluids contained in junk vehicles and equipment shall be drained prior to storage on the site. Drained fluids shall be contained and disposed of in accordance with the regulations of the Michigan Department of Public Health, Michigan Department of Natural Resources, the County Health Department, and US Environmental Protection Agency.
26. **Kennels:**
- A. The minimum lot size shall be five (5) acres.
  - B. Buildings wherein animals are kept, animal runs, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent occupied dwelling or any adjacent building used by the public, and shall not be located in any required front, rear, or side yard setback area.
27. **Medical/Dental Offices and Clinics:**
- A. No building shall exceed a building height of thirty (30) feet.
  - B. Ingress and egress shall only be from a major thoroughfare.
28. **Metal Fabricating Establishments:**
- A. Necessary precautions shall be taken to ensure that any resulting dust, flushing, fumes, gas, noise, odor, smoke, or vibration do not create a condition detrimental to the surrounding area.
  - B. All outdoor storage of materials or equipment is prohibited unless it is screened by a six-foot masonry wall. The material being stored shall not be stacked higher than the wall.
  - C. Ingress and egress shall only be from a major thoroughfare or collector street.
29. **Mini-warehouses:**
- A. Building separation between self-storage buildings on the same site shall be a minimum of twenty-four (24) feet or equal to the building height, whichever is greater.
  - B. The total lot coverage of all structures shall be limited to thirty-five (35) percent of the total lot area.
  - C. A ten-foot landscaped greenbelt shall be provided between the property line and wall required along all street frontages. A five-foot landscaped greenbelt shall be provided between the property line and wall where the site abuts any residential district. All materials shall be planted in conformance with [Section 6.13](#).
  - D. Parking shall be provided in accordance with the following: two (2) spaces for the resident manager, one (1) additional space for each additional employee, and two (2) additional spaces for customers shall be provided adjacent to the rental office.
  - E. Internal driveway aisles shall be a minimum of twenty-four (24) feet in width.
  - F. All off-street parking areas and driveways shall be hard surfaced and drained so as to preclude drainage onto adjacent property.
  - G. All ingress and egress from this site shall be onto a collector street or major thoroughfare.
  - H. Building height shall not exceed one (1) story or fifteen (15) feet except that a caretaker or resident manager's unit may be allowed a



building height of two (2) stories or twenty-five (25) feet.

- I. No single storage building shall exceed seventy-five hundred (7,500) square feet.
- J. All storage on the property shall be kept within an enclosed building.

**30. Motels, Hotels, and Resorts:**

- A. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.
- B. Where a unit is provided as a residence for the owner or the manager, the following minimum floor area requirements shall be provided: one-bedroom unit, six hundred (600) square feet; two-bedroom unit, eight hundred (800) square feet; three-bedroom unit, one thousand (1,000) square feet; four-bedroom unit, one thousand two hundred (1,200) square feet.
- C. No guest shall establish a residence for a period to exceed nine (9) months.
- D. Ingress and egress shall only be from a major thoroughfare.

**31. Nursing Homes or Convalescent Centers:**

- A. The building shall not exceed a building height of thirty (30) feet.
- B. No building shall be closer than forty (40) feet to any property line.
- C. All access to the site shall be directly from a major thoroughfare or collector street.
- D. There shall be provided on the site, not less than one thousand five hundred (1,500) square feet of land area for each bed in the home. The one thousand five hundred (1,500) square feet of land area shall provide for landscape setting, yard requirements and accessory uses, but shall not include the area covered by main or Accessory Structures.

**32. Open Air Businesses:** Open air businesses shall include, but need not be limited to, the following: motor vehicle, aircraft, watercraft sales and service; agricultural equipment sales and service, nursery (no production, retail only) landscaping supplies, lumber yards, home and garden centers and seasonal goods.

- A. The minimum frontage shall be two hundred (200) feet.
- B. No loading activities shall be permitted within seventy-five (75) feet of any lot line abutting a residential land use.
- C. All buildings shall be set back a minimum of fifty (50) feet from any lot line.
- D. Ingress and egress to the facility shall be only from a major thoroughfare, or from an approved shared access drive to such thoroughfare.
- E. No more than two (2) driveways onto a thoroughfare shall be permitted per site. Driveway approach width shall not exceed thirty-five (35) feet.
- F. Trucking, outside storage, loading and dock areas shall be fenced and screened, pursuant to the requirements of [Section 6.13](#).
- G. If the site is immediately adjacent to a residential district it shall comply with the screening requirements of [Section 6.13](#).
- H. Storage yards associated with home and garden centers, lumber yards and nurseries shall be completely obscured from view from public streets.
- I. The site shall be kept in a neat and orderly fashion.
- J. Not more than fifty (50) percent of the parcel shall be covered by buildings and outdoor storage of materials and goods.
- K. Storage or display of goods and materials shall not occur in the required yards.
- L. No public address system shall be audible from any abutting residential parcel.
- M. All lighting shall be shielded from adjacent streets and residential districts.
- N. All flammable liquids, solvents, cleaners, and other hazardous substances capable of contaminating groundwater shall be stored within the building and secondary containment measures shall be installed and utilized to prevent spilled materials from contacting the ground.
- O. The storage of any soil, fertilizer, or similar loosely packaged materials shall be sufficiently contained to prevent any adverse affect on adjacent properties, water bodies, wetlands and drainage ways.
- P. In the case of motor vehicle sales:
  - (1) No vehicles which are inoperative shall be stored on the premises.
  - (2) All repair, assembly, disassembly or maintenance of vehicles shall occur within a closed building except minor maintenance, including tire replacement, adding oil and wiper replacement.
  - (3) For facilities with new underground storage tanks, the site shall be three hundred (300) feet from any residential well, eight hundred (800) feet from a non-community public water well and two thousand (2,000) feet from any public water well.

(4) See Article IX, 49 for used motor vehicle sales.

Q. All areas subject to vehicular use which adjoin major roads will require the driveway be paved for the initial one hundred (100) feet as measured from the existing edge of the major roadway. This distance may be reduced during site plan review if an appropriate screening is placed. Remaining areas designed for vehicular use will be designed with a durable, dust-free surface. <sup>9</sup>

32A. **Reserved** <sup>9</sup>

33. **Professional and Executive Offices:** Ingress and egress to the site shall only be from a major thoroughfare.

34. **Propane Filling Stations:** Propane tanks shall not be less than two hundred (200) feet distant from any place of public assembly, including any hospital, place of worship, or school.

35. **Public Facilities:**

A. Lot area and width shall not be less than that specified for the district in which the proposed use would be located.

B. No building shall be erected to a height greater than that permitted in the district in which the proposed use is located.

C. Where mechanical equipment is located in the open air, it shall be screened from the surrounding residential area by suitable plant material and it shall be fenced with a chain link fence five (5) feet in height.

D. All buildings housing mechanical equipment shall be landscaped and maintained in accordance with the requirements of Section 6.13.

E. All buildings shall be harmonious in appearance with the surrounding area and shall be similar in design and appearance to other buildings on the same site development.

F. No adverse environmental conditions such as noise, air pollution, lighting or other disruptions result.

G. Outdoor storage areas shall be located a minimum of fifty (50) feet from any residentially zoned property.

H. Facilities shall provide off-street parking and passenger loading areas at least twenty-five (25) feet from residential lot lines.

I. Sites shall be periodically cleared of debris so that litter does not accumulate on adjacent properties.

36. **Recreational Vehicle Storage Facilities:** Shall satisfy the requirements that are set forth for Open Air Business (Section 9.12.32) and are also subject to the following requirements: <sup>3</sup>

Storage areas shall be effectively screened from exterior view by a combination of landscaping, masonry walls, fences, or other comparable screening devices eight (8) feet in height, subject to the approval of the Planning Commission. <sup>9</sup>

37. **Recycling Centers:** (Refer to Composting or Recycling Centers) <sup>252</sup>

37A. **Recycling Collection Stations:** <sup>252</sup>

A. A Recycling Collection Station may be established as the primary use of a parcel or as a secondary use on a parcel occupied by another use, as long as the combined uses on the parcel comply with all applicable requirements of this ordinance.

B. A Recycling Collection Station may be used to sort and collect non-putrescible post-consumer materials such as glass, plastic and aluminum containers, paper, cardboard and newsprint. A Recycling Collection Station shall not be used to sort or collect: building or salvage materials; furniture, appliances or other used goods; household or other trash; leaves, grass clippings, tree branches or wood chips; medical waste; fluids or chemicals; vehicles or vehicle parts; or any other materials that might be unsightly, foul-smelling or hazardous to persons or the environment in any way.

C. Recyclable materials shall be collected and stored in durable waterproof and rustproof containers with lids or doors.

D. The areas occupied by the containers and the areas used for vehicular access and parking shall be paved with asphalt or concrete paving.

E. A Recycling Collection Station that is open between dusk and dawn shall have adequate lighting for safety and security. A Station that is not open on a twenty-four-hour basis shall have fencing to enclose and secure the site when it is closed.

F. Screening and landscaping for the site shall be provided in accordance with Section 6.13 of this Ordinance, and storm water drainage shall comply with Section 6.14 of this Ordinance.

38. **Resident Manager Quarters:** No basement shall be used or occupied as a dwelling unit at any time, nor shall a dwelling be erected in a commercial or industrial district, except for the sleeping quarters of a watchman or caretaker, or as the homestead of a resident manager for uses found by the Planning Commission to customarily require twenty-four-hour site management.

39. **Riding Stable, Public or Private:** Shall satisfy the requirements that are set forth for Open Air Business (Section 9.12.32) and are also subject to the following requirements: <sup>3</sup>

A. **General Requirements:** Animals shall be provided with a covered and enclosed shelter and outdoor fenced area of adequate size to

accommodate all animals kept on the premises. All stables, public and private, shall be constructed and maintained so that odor, dust, noise, and drainage shall not create a nuisance or hazard to adjoining properties. All manure shall be stored at least seventy (70) feet from any property line and shall be removed from the premises at least once per week.

B. **Private Stables:** Private stables, as defined in Section 2.2 of this Ordinance, are intended for the keeping of horses or other large domestic animals for the non-commercial use of the residents of the principal residential use on the site. Private stables shall comply with the following:

(1) **Setback:** All buildings in which animals are kept shall be located a minimum of sixty (60) feet from any occupied dwelling and any other building used by the public.

(2) **Maximum Number of Animals:** The maximum number of animals permitted shall be related to lot size as follows:

| Minimum Lot Size | Maximum Number of Animals |
|------------------|---------------------------|
| 2 acres          | 2                         |
| 3 acres          | 4                         |
| 4 or more acres  | 6                         |

C. **Public Stables:** Public stables, as defined in this Ordinance, and riding academies shall comply with the following:

(1) **Lot Size:** Public stables and riding academies shall have a minimum of two (2) acres per animal, but in no event shall there be less than ten (10) acres.

(2) **Setback:** All buildings in which animals are kept shall be located a minimum of sixty (60) feet from any occupied dwelling and any other building used by the public.

40. **Schools (Public, Private or Parochial):**

- A. Ingress and egress to the site shall be only from a major thoroughfare.
- B. A preferential location is one (1) which would offer natural or man-made barriers or buffer zone that would lessen the effect of intrusion of the institution on adjoining uses.
- C. The minimum lot or parcel size for schools shall be five (5) acres.
- D. No more than sixty (60) percent of the site shall be covered with impervious surface. The remainder shall be suitably landscaped.
- E. Service areas and facilities, and outdoor recreation facilities, shall not be located within one hundred (100) feet of a residential district or use.
- F. Parking areas shall not be located within fifty (50) feet of a residential district or use.
- G. Student drop-off and vehicular turn-around facilities shall be provided on the site so that vehicles will not interfere with traffic.
- H. No parking shall be allowed within the minimum front yard setback of fifty (50) feet.
- I. The principal building shall be no closer than seventy-five (75) feet from any lot line or right-of-way.
- J. Parking areas shall be screened from surrounding residential areas by a wall or fence, in combination with suitable plant materials as specified in Section 6.13 of this Ordinance.
- K. All lighting shall be shielded away from public right-of-way and neighboring residential lots.

40A. **Small Arms Range (Indoor Only):** <sup>7</sup>

- A. Minimum front, side, and rear setbacks shall be 250 feet.
- B. All Federal, State, and County codes and ordinances regarding firearms shall be strictly adhered to.
- C. The site plan shall clearly demonstrate that all applicable National Rifle Association range design standards and guidelines have been met.
- D. The applicant shall have the Oscoda Police Chief review and comment on the site plan prior to submitting it to the Planning Commission.

41. **Taverns:**

- A. No tavern shall be located within one thousand five hundred (1,500) feet of a public or private school or day care facility.
  - B. Ingress and egress to the site shall only be from a major thoroughfare.
42. **Theaters:** The following regulations shall apply to Drive-In Theaters:
- A. **Lot Size:** The minimum lot size for a drive-in theater shall be twenty (20) acres.
  - B. **Setbacks:** The face of the theater screen shall not be closer than five hundred (500) feet to any public road or highway right-of-way, and shall be constructed so it is not visible from any road, highway, or residentially-zoned district.
  - C. **Frontage and Road Access:** Such uses shall front onto a paved County Primary Road or State Trunk Line, and the main means of access to the theater shall be via the Primary Road or State Trunk Line. In no case shall access to a drive-in theater be off of a residential street. The nearest edge of any entrance or exit drive shall be located no closer than two hundred fifty (250) feet from any street or road intersection (as measured from the nearest intersection right-of-way line).
  - D. **Access Drive Design:** The access drive shall be designed with separate entrance and exit lanes which shall be separated by a landscaped median strip at least twenty (20) feet in width. There shall be a minimum of four (4) entrance and four (4) exit lanes, and each lane shall be at least ten (10) feet in width.
  - E. **Stacking Space:** A minimum of fifty (50) stacking spaces shall be provided on the premises for vehicles waiting to enter the theater.
  - F. **Fencing:** The entire drive-in theater site shall be screened with an eight (8) foot high fence, constructed according to the specifications in Section 6.13.
43. **Reserved**<sup>9</sup>
44. **Truck Stops:** Shall satisfy the requirements that are set forth for Open Air Business (Section 9.12.32) and are also subject to the following requirements:<sup>3</sup>
- A. The minimum lot area shall be three (3) acres.
  - B. An obscuring greenbelt buffer shall be provided along the property line where the adjacent property is zoned or used for residential purposes.
  - C. The property shall have frontage on and direct access to a major thoroughfare.
  - D. Buildings on the site shall be set back from abutting residentially zoned property not less than one hundred (100) feet.
  - E. No outside storage of oil drums, trailers, or equipment for rent, sale, or display shall be permitted.
  - F. No truck stop shall be located or no property used as such nearer than four hundred (400) feet, in any direction as measured from any point on the property line of any church, school (public or parochial), public playground or park, public library, police station, fire station, post office, hospital, theater, or any place of public assembly where twenty-five (25) or more persons ordinarily, and with some regularity, are gathered for lawful purposes.
  - G. All lubrication equipment, motor vehicle washing equipment, hydraulic hoists and pits shall be enclosed entirely within a building. All fuel pumps shall be located not less than fifty (50) feet from any lot line.
  - H. All outside storage areas for trash, used tires, truck parts, and similar items shall be enclosed by a six-foot masonry wall and shall comply with requirements for location of Accessory Structures. No storage may be extended above the height of the wall. Outside storage or parking of disabled, wrecked, or partially dismantled vehicles shall not be permitted unless ordered by a law enforcement agency. (Refer also to Section 6.3).
45. **Truck Terminals:** Shall satisfy the requirements that are set forth for Open Air Business (Section 9.12.32) and are also subject to the following:<sup>3</sup>
- A. The minimum lot area shall be five (5) acres.
  - B. An obscuring greenbelt buffer shall be provided along the property line where the adjacent property is zoned or used for residential purposes.
  - C. The property shall have frontage on and direct access to a major thoroughfare.
  - D. Buildings on the site shall be set back from abutting residentially zoned property not less than one hundred (100) feet.
  - E. Any repair and maintenance activity shall be conducted within a totally enclosed building.
  - F. Truck parking and/or loading shall not be permitted in the front yard.
46. **Two-Family Dwellings:** Two-family residential structures shall be developed in accordance with the following standards:
- A. Minimum lot area shall be twenty thousand (20,000) square feet and minimum lot width shall be one hundred thirty-five (135) feet.
  - B. Maximum building height shall not exceed twenty-five (25) feet.

**47. Vehicle Wash Establishments:**

- A. Minimum lot size shall be one (1) acre with a minimum lot width of one hundred fifty (150) feet.
- B. All washing activities must be carried on within a building.
- C. Vacuuming activities shall be at least fifty (50) feet distant from any adjoining residential zone, and be provided in the rear yard.
- D. The entrances and exits of the facility shall be from within the lot and not directly to or from an adjoining street or alley. A street or alley shall not be used as maneuvering or parking spaces for vehicles to be serviced by the subject facility.
- E. Provision shall be made for the drying of the automobiles undercarriage during subfreezing weather prior to entering the public thoroughfare.
- F. There shall be provided two (2) vehicle stacking spaces for each self-serve wash stall, not containing the vehicle wash or vacuum area.

**48. Veterinary Clinics:**

- A. Buildings where animals are kept, dog runs, paddocks, and/or exercise areas shall not be located nearer than one hundred (100) feet to any adjacent residential district lot line or any adjacent building used by the general public and shall not be located in any required yard.
- B. Uses permitted include medical treatment, retail sales and boarding. Animals included are dogs, cats and similar household pets.
- C. All activities must be confined within a fully enclosed building that is soundproofed except for large animal paddock.
- D. All principal use activities shall be conducted within a totally enclosed main building.
- E. There shall be no storage or boarding of animals outside of the fully enclosed and soundproofed building.
- F. No dogs shall be permitted in open run areas between the hours of 10:00 p.m. and 7:00 a.m.
- G. An adequate, enclosed method of refuse storage and disposal shall be maintained so that no public nuisance shall be created at any time.

**49. Used Motor Vehicle Sales:** Used Motor Vehicle Sales operations shall satisfy the requirements that are set forth for Open Air Business (Section 9.12.32) and are also subject to the following: <sup>3</sup>

- A. The lot or area shall be provided with a paved, durable, and dustless surface and shall be graded and drained.
- B. Servicing of vehicles and major vehicle repair and refinishing except for minor maintenance including tire replacement and adding oil and wiper replacement and shall be subject to the following requirements:
  - (1) It shall be clearly incidental to the sale of vehicles and shall occur within an enclosed building.
  - (2) Partially dismantled or damaged vehicles shall be stored within an enclosed building.
  - (3) New, used, or discarded parts and supplies shall be stored within an enclosed building.
  - (4) Uses which emit odors, dust, gases, noise, or vibrations beyond the building or which are potentially harmful to an adjoining use or the public shall be prohibited.
- C. All vehicles need to be immediately operable.

**ARTICLE X - LAND USE PERMIT APPLICATION AND SITE PLAN REVIEW PROCEDURES****Section 10.1 - Application:**

1. Prior to the establishment of a new use, change of use, addition to an existing use, or the erection of any structure in any zoning district, subject to the conditions listed below, a site plan shall be submitted and approved, approved with conditions, or disapproved by the Planning Commission in accordance with the requirements of this Article.

An application for site plan review shall be made to the Zoning Administrator. The required fee must be submitted with application materials in order for the Zoning Administrator to proceed in scheduling a site plan review. When the applicant has filed a completed application form, submitted all required data, exhibits and information, and submitted the required fee, the Zoning Administrator shall schedule the site plan review for a regular or special Planning Commission meeting and shall forward copies of the application and accompanying information to members of the Planning Commission prior to the scheduled meeting. <sup>3, 13</sup>

- A. Except for the single-family detached and their accessory structures, Planning Commission site plan reviews are required for all permitted principal uses and structures in all zoning districts and special land uses in all zoning districts.

- B. When proposed new construction or remodeling constitutes an addition to an existing building or use, site plan review procedures may be at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a formal review Planning Commission. The Zoning Administrator may conduct an administrative review provided both of the following are true:
  - (1) No variances to the Ordinance are required.
  - (2) The proposed new construction will not increase the total existing building area by more than twenty-five (25) percent or one thousand (1,000) square feet, whichever is less.
- C. For those cases requiring site plan review solely as a result of building reoccupancy, site plan review procedures may be modified, at the discretion of the Zoning Administrator, to provide for an administrative review by the Zoning Administrator in lieu of a formal review by the Planning Commission. The Zoning Administrator may conduct an administrative review provided all of the following are true:
  - (1) No variances to the ordinance are required.
  - (2) Such use is conducted within a completely enclosed building.
  - (3) Reoccupancy does not create additional parking demands beyond ten (10) percent of that which exists.
  - (4) Reoccupancy will not substantially alter the character of the site.
- D. Every site plan submitted for review shall be in accordance with the requirements of this Ordinance. Administrative review procedures are not intended to modify any ordinance, regulation or development standard. The Zoning Administrator shall notify the Planning Commission of all site plans in the process or scheduled for administrative review.
- E. At the Zoning Administrator's discretion a site plan may be referred to the Planning Commission for review and approval/disapproval procedures.

#### Section 10.2 - Required Data:

1. No building or structure other than single-family dwellings shall be erected, moved, enlarged, or substantially altered, nor shall any work be started on such structures or buildings until a site plan review application and site plan have been submitted to and approved by the Planning Commission except as specified in section 10.1.
2. Each submittal for site plan review shall be accompanied by two (2) copies each of an application and site plan. The application shall at a minimum include the following information:
  - A. The applicant's name, address, and phone number in full.
  - B. Proof of property ownership, and whether there are any options on the property, or any liens against it.
  - C. A signed statement that the applicant is the owner of the property or officially acting on the owner's behalf.
  - D. The name and address of the owner(s) or record if the applicant is not the owner of record (or firm or corporation having a legal or equitable interest in the land), and the signature of the owner(s).
  - E. The address and/or parcel number of the property.
  - F. Project title.
  - G. Project description, including the total number of structures, units, bedrooms, offices, square feet, parking spaces, employees, amount of recreation and open space, and related information as pertinent or otherwise required by the ordinance.
  - H. Name and address of the developer (if different from the applicant).
  - I. Name and address of the engineer, architect and/or land surveyor.
  - J. A vicinity map drawn at a scale of one (1) inch equals two thousand (2,000) feet with north point indicated.
  - K. The gross and net acreage of all parcels in the project.
  - L. Land use, zoning classification and existing structures on the subject parcel and adjoining parcels.
  - M. Project completion schedule/development phases.
3. In lieu of the site plan data requirements enumerated above, the following information is required for those site plans receiving administrative review solely as a result of building re-occupancy or minor improvement (see Sec. 3.2.2.A, Sign Permits).
  - A. An accurate description of the subject property.
  - B. A description of the proposed use including number of employees, nature of the proposed use, floor plan sketch, and other general information describing the use.
  - C. A description of existing and proposed parking serving the site, including parking area improvements (paving, landscaping, etc.) existing and contemplated.

- D. A description of existing and proposed landscaping, sidewalks, and other site amenities.
- E. A description of buffering (i.e., berm, walls, greenbelt) between the use and adjacent residential properties both existing and proposed.
- F. A description of site ingress and egress both existing and proposed.
- G. Any other information as required by the Zoning Administrator which will assist in evaluating the new use.

#### Section 10.3 - Standards for Approval:

A site plan shall be reviewed and approved by the Planning Commission upon finding that the following conditions are met.

1. That the proposed use will not be detrimental to the adjacent properties or the surrounding neighborhood.
2. That there is a proper relationship between existing roads and highways and proposed deceleration lanes, service drives, ingress and egress drives, and parking areas to assure the safety and convenience of pedestrian and vehicular traffic.
3. That buildings, structures, parking areas, utility areas, walls, and fences are so designed and located to minimize the adverse effects of such development on users of such development and occupants of adjacent properties.
4. That any adverse effects of the proposed development and activities which will impact adjoining occupants or owners shall be minimized by appropriate landscaping, fencing, or other screening.
5. That as many natural landscape features possible are retained, particularly where they provide a barrier or buffer between the development and adjoining properties used for dissimilar purposes and where they assist in preserving the general appearance of the neighborhood or help control soil erosion or the discharge of storm water.
6. The proposed development provides for the proper development of public utilities and infrastructure.
7. All buildings or groups of buildings are arranged to permit emergency vehicle access.
8. That the plan for soil erosion control, storm water discharge, wells, and septic systems have been approved by appropriate public agencies.
9. The Planning Commission may further require landscaping, fences, and walls in pursuit of these objectives and same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
10. In approving a site plan, the Planning Commission may recommend marginal access drives. For a narrow frontage, which will require a single outlet, the Planning Commission may recommend that escrow money be placed with the Township so as to provide for a marginal service drive equal in length to the frontage of the property involved. Zoning compliance permits shall not be issued until the improvement is physically provided or monies having been deposited with the Township Treasurer. The Planning Commission shall require marginal access drives for all subdivisions having residential lots facing onto major thoroughfares. Where practical, the Planning Commission shall require a rear lot relationship to major thoroughfares.
11. Where the Township has adopted specific area or neighborhood improvement or redevelopment plans and recommendations involving, but not limited to, public rights-of-way, utilities and storm drainage, parking facilities, building placement, access drives, floor space density allocations, building facade and architectural treatment, no site plan shall be approved unless there is general compliance with such Township plan.

#### Section 10.4 - Revocation of Site Plan Approval:

1. Any site plan approval shall be revoked when construction of said development is not in conformance with the approved plans, in which case the Planning Commission shall give the applicant notice of site plan approval revocation at least ten (10) days prior to review of the violation by the Planning Commission and the Zoning Administrator shall issue a stop work order. After conclusion of such review, the Planning Commission shall revoke its approval of the development if the Planning Commission feels that a violation in fact exists and has not been remedied prior to such hearing.
2. The approval by the Planning Commission of any site plan under the provisions of this Ordinance shall expire and be considered automatically expired one (1) year after the date of such approval unless actual construction has commenced and is proceeding in accordance with the issuance of a valid building permit. If such construction activity ceases for any reason for a period of more than one (1) year, any subsequent use of said land shall be subject to review and approval of a new site plan for said property in conformance with the regulations specified by this Ordinance, except that the Planning Commission may, at its discretion, upon application by the owner and for cause shown, provide for up to two (2) successive twelve-month extensions.

#### Section 10.5 - Site Plan Approval for Special Land Uses:

All approvals for site plans reviewed in conjunction with a special land use application shall be conditioned upon the approval of the special land use by the Planning Commission.<sup>2</sup>

#### Section 10.6 - Review and Approval of Condominium Conversions:

Prior to the conversion of any existing development to the condominium form of ownership a site plan shall be submitted and approved by the Township Planning Commission in accordance with all standards and requirements of this Ordinance.

1. **Initial Information:** Concurrently with notice required to be given, the Charter Township of Oscoda, pursuant to Section 71 of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, a person, firm, or corporation intending to convert existing development into the condominium form of ownership shall provide the Township Zoning Administrator with the following information:
  - A. The name, address, and telephone number of:
    - (1) All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
    - (2) All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the Condominium Conversion.
    - (3) The developer or proprietor of the condominium conversion.
  - B. The legal description of the land on which the condominium conversion will include together with any proposed expansion plans and appropriate tax identification numbers.
  - C. The acreage of the land on which the condominium conversion currently occupies.
  - D. Proposed project land use(s) (for example, private use residential, commercial, time sharing, industrial, etc.) and the number units, parcels or acres of each type of land used being proposed.
  - E. Approximate number of condominium units to be developed on the subject parcel.
  - F. Description of the water supply systems that includes a diagram of the service connections to each unit.
  - G. Description sanitary waste disposal system that includes a diagram of the service connections to each unit.
2. **Certification of Safe Occupancy:** Transient use buildings, such as motels, hotels, and resort cottages that are being converted to condominium form of ownership will require that a Certificate of Safe Occupancy be issued by the Iosco County Building Department. A copy of said certificate shall be submitted to the Township Zoning Administrator prior to the Planning Commission's hearing for the proposed conversion project.
3. **Site Plan Requirements for Condominium Conversion:**
  - A. A Condominium Conversion constitutes a change in use. Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium conversion shall undergo site plan review and approval pursuant to this article<sup>11</sup>, Site Plan Review Procedures. In addition, the Township shall require appropriate safe occupancy inspections and corrective engineering plans prior to the issuance of any zoning land use permit.
  - B. **Lot, Building and Yard Requirements:**
    - (1) Each residential unit shall be provided with a minimum of six thousand (6,000) square feet of lot area that is dedicated as yard for that unit or in the case of common property ownership a minimum of six thousand (6,000) square feet multiplied by the total number of units is required for the site.
    - (2) Each residential unit shall contain a minimum of five hundred (500) square feet of floor area<sup>8</sup>.
    - (3) Site coverage for all structures, including all principal use and Accessory Structures, shall not exceed thirty-five (35) percent.
    - (4) Non-residential condominiums shall be subject to the requirements that are established by the Township Planning Commission during site plan review procedures.
  - C. **Parking and Recreational Vehicle Storage Requirements:** Transient use buildings, such as motels, hotels and resort cottages that are being converted to condominium form of ownership will most likely require more parking area as compared to the often single vehicle arriving for the short stay transient use. Without hindering sufficient emergency vehicle ingress/egress routes, condominium conversion properties shall be required to provide for vehicle parking and recreational vehicle storage as follows:
    - (1) Two (2) spaces for each residential unit, plus one (1) visitor parking space for every three (3) residential units.
    - (2) When deeded restrictive covenants do not prohibit recreational vehicles from entering the property, three hundred (300) square feet of recreational vehicle storage parking will be required for each residential unit.



(3) Parking requirements for non-residential condominium conversion properties shall be defined by the Planning Commission during procedures.

4. **Master Deed, Restrictive Covenants and "As Built" Survey to be Furnished:** The condominium conversion developer or proprietor shall furnish the Zoning Administrator with the following:
- A. One (1) copy of the recorded Master Deed;
  - B. One (1) copy of all restrictive covenants;
  - C. Two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Zoning Administrator for compliance with Township Ordinances. Fees for review and hearing processes shall be established by resolution of the Township Board.

#### Section 10.7 - Review and Approval of Condominium and Site Condominium Projects:

##### 1. Purpose and Scope.

- A. Tracts of Land that are developed and sold as site condominium developments and condominium developments are not subject to regulation under the Michigan Land Division Act. The Township determines that it is in the best interest of public health, safety, and welfare to regulate site condominium developments and condominium developments to assure that the developments will not adversely affect the occupants thereof, or other properties in the Township.
- B. This chapter covers both site condominiums and condominiums, whether for residential use or non-residential use. The references herein to site condominiums shall also include condominiums; accordingly, the requirements of this chapter for submission of condominium plans and for Township consideration and approval thereof shall apply to condominium developments as well as to site condominium developments.

2. **Definitions:** Unless otherwise defined by this Section, words shall have the meanings as set forth in the Condominium Act, Act 59 of the Public Acts of 1978, as amended.

3. **Preliminary Standards of Approval:** Concurrently with notice required to be given, the Charter Township of Oscoda, pursuant to Section 71 of the Condominium Act, Act 59 of the Public Acts of 1978, as amended, a person, firm, or corporation intending to develop a condominium project in the Township shall provide the following information:

- A. The name, address, and telephone number of:
  - (1) All persons, firms, or corporations with an ownership interest in the land on which the condominium project will be located and a description of the nature of each entity's interest (for example, fee owner, optionee, or land contract vendee).
  - (2) All engineers, attorneys, architects, landscape architects, or registered land surveyors associated with the project.
  - (3) The developer or proprietor of the condominium project.
- B. The legal description of the land on which the condominium development will be developed together with any proposed expansion plans and appropriate tax identification numbers.
- C. The acreage of the land on which the condominium development will be developed.
- D. Proposed project land use(s) (for example, residential, commercial, industrial, etc.) and the number of acres of each type of land use proposed.
- E. Approximate number of condominium units to be developed on the subject parcel.
- F. A utility plan including the descriptions of water, sanitary sewer, electric, and gas.
- G. Topographical Maps.

4. **Information to be Kept Current:** The information shall be furnished to the Zoning Administrator and shall be kept updated until such time as a zoning compliance permit has been issued.

##### 5. Site Plan Requirements: <sup>11</sup>

- A. **New Projects:** Prior to recording of the Master Deed required by Section 72 of PA 59 of 1978, as amended, the condominium project shall undergo site plan review and approval pursuant to Article X, Site Plan Review Procedures. In addition, the Township shall require appropriate engineering plans and inspections prior to the issuance of any zoning compliance permit.
- B. **Expandable or Convertible Projects:** Prior to the expansion or conversion of a condominium project to include additional land, the new phase of the project shall undergo site plan review and approval pursuant to this article, Site Plan Review Procedures. The conversion of any development to the condominium form of ownership shall require all standards and requirements of the Ordinance regarding condominiums to be met.
- C. **Lot, Building and Yard Requirements:**

- (1) Each residential unit shall be provided with a minimum of six thousand (6,000) square feet of lot area that is dedicated as yard for that case of common property ownership a minimum of six thousand (6,000) square feet multiplied by the total number of units is required
  - (2) Each residential unit shall contain a minimum of five hundred (500) square feet of floor area. <sup>8</sup>
  - (3) Site coverage for all structures, including all principal use and Accessory Structures, shall not exceed thirty-five (35) percent.
  - (4) Non-residential condominiums shall be subject to the requirements that are established by the Township Planning Commission during site plan review procedures.
- D. **Parking and Recreational Vehicle Storage Requirements:** Transient use buildings, such as motels, hotels and resort cottages that are being converted to condominium form of ownership will most likely require more parking area as compared to the often-single vehicle arriving for the short stay transient use. Without hindering sufficient emergency vehicle ingress/egress routes, condominium conversion properties shall be required to provide for vehicle parking and recreational vehicle storage as follows:
- (1) Two (2) spaces for each residential unit, plus one (1) visitor parking space for every three (3) residential units.
  - (2) When deeded restrictive covenants do not prohibit recreational vehicles from entering the property, three hundred (300) square feet of recreational vehicle storage parking will be required for each residential unit.
6. **Master Deed, Restrictive Covenants, and "As Built" Survey to be Furnished:** The condominium project developer or proprietor shall furnish the Zoning Administrator with the following: one (1) copy of the recorded Master Deed, one (1) copy of all restrictive covenants, and two (2) copies of an "as built" survey. The "as built" survey shall be reviewed by the Zoning Administrator for compliance with Ordinances. Fees for this review shall be established by resolution of the Township Board.
7. **Monuments Required:** All condominium projects, which consist in whole or in part of condominium units which are building sites, mobile home sites, or recreational sites, shall be marked with monuments as provided in this subsection.
- A. All monuments used shall be made of solid iron or steel bars at least one-half (½) inches in diameter and thirty-six (36) inches long and completely encased in concrete at least four (4) inches in diameter.
  - B. Monuments shall be located in the ground at all angles in the boundaries of the condominium development; at the intersection lines of roads and at the intersection of the lines of roads with the boundaries of the condominium development and at the intersection of alleys with the boundaries of the condominium development; at all points of curvature, points of tangency, points of compound curvature, points of reverse curvature and angle points in the side lines of roads 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 road to mark angles in the boundary of the condominium project if the angle points can be readily re-established by reference to monuments along the sidelines of the roads.
  - C. If the required location of a monument is 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.
  - D. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least one-half (½) inch in diameter shall be drilled and grouted into solid rock to a depth of at least eight (8) inches.
  - E. All required monuments shall be placed flush with the ground where practicable.
  - F. All unit corners and the intersection of all limited common elements and all common elements shall be monumented in the field by iron or steel bars or iron pipes at least eighteen (18) inches long and one-half (½) inch in diameter, or other approved markers.
  - G. 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 Treasurer cash or a certified check, or irrevocable bank letter of credit to Oscoda Township, whichever the proprietor selects in an amount to be established by resolution of the Township Board. 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.
8. Compliance with Federal, State and County statutes, and Local ordinances, including the State Condominium Act 59.
9. All State, County, and local permits be obtained.
10. **Occupancy of Condominium Project:** The Zoning Administrator may allow occupancy of the condominium project before all improvements required by this Ordinance are installed provided that cash, a certified check, surety bond 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.
11. **Site Condominiums:**
- A. A single-family detached condominium project shall be subject to all the requirements and standards of the applicable zoning districts, as provided by this Ordinance.

- B. A single-family detached condominium project shall be subject to the design layout and engineering design standards of the Charter Towns Oscoda and/or Iosco County applicable to subdivisions platted pursuant to PA 288 of 1967, as amended.
12. **Final Documents to be Provided—Final review by Planning Commission:** The Site Condo Master Deed must be submitted for review before final site plan is approved. The Master Deed must include:
- A. The Site Condo By-Laws.
- (1) Defining maintenance and assuring that the private roads are compliant with the Iosco County Road Commission.
- (2) The usage and maintenance of common elements be defined.
- B. The utilities plan including ownership of easements and rights for usage.
- C. The survey plans.
- D. Any non-exclusive easement(s).
13. Upon local and County approval, a Land Use permit must be obtained, and the Master Deed shall be registered prior to the commencement of construction.

(Ord. of 10-12-2020)

#### Section 10.8 - Performance Guarantees:

1. To ensure compliance with the Zoning Ordinance and any condition imposed thereunder, the Planning Commission may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township covering the estimated cost of improvements associated with a project for which site plan approval is sought, be deposited with the Township Treasurer to ensure faithful completion of the improvements and also be subject to the following:
- A. The performance guarantee shall be deposited at the time of the issuance of the building permit authorizing the activity of the project. The Township may not require the deposit of the performance guarantee prior to the time when the County is prepared to issue the permit. The Township shall establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure the proper functioning of said public improvements.
- B. This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to the Subdivision Control Act, Act 288 of the Public Acts of 1967, as amended.
- C. As used in this section, "improvements" mean those features and actions associated with a project which are considered necessary by the body or official granting zoning approval, to protect natural resources, or the health, safety, and welfare of the residents of the Township and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage.

#### Section 10.9 - Required Fees:

Fees for the review of site plans shall be established by resolution of the Township Board.

### ARTICLE XI - GENERAL EXCEPTIONS

#### Section 11.1 - Application:

The regulations in this Ordinance shall be subject to the interpretations and exceptions, specified in Sections 11.2 through 11.7.

#### Section 11.2 - Essential Services:

Nothing in this Ordinance shall prohibit the provision of essential services, provided the installation of such service does not violate any other applicable provisions of this Ordinance or any other Ordinance of the Charter Township of Oscoda.

#### Section 11.3 - Voting Place:

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

#### Section 11.4 - Height Limit:

The height limitations of this Ordinance shall not apply to farm buildings, chimneys, church spires, flag poles, public monuments,<sup>1</sup> of normal or customary height, provided that the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a special permit use or falls under the regulations of Section 6.25.

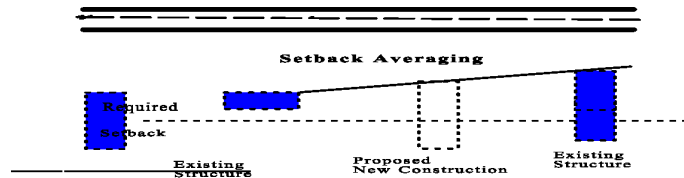
#### Section 11.5 - Yard Regulations:

Where yard regulations cannot reasonably be complied with, or where their application cannot be determined on lots of peculiar shape or topography, or due to architectural or site arrangement, such regulations may be modified as determined by the Zoning Board of Appeals.

##### Section 11.5.1 - Setback Averaging

When a street or district has existing legal nonconforming structures, it may be undesirable to force new construction buildings to comply with setback restrictions. The Zoning Administrator may approve the placement of new construction buildings using "Setback Averaging."<sup>6</sup> Setback Averaging shall only be allowed when the proposed construction is on the same side of the street and within two hundred (200) feet of pre-existing buildings that are placed within the established setbacks. Reduction in setback shall not exceed fifty (50) percent of the required setback. A general exception, based upon Setback Averaging, may only be applied to Front and/or Rear Setbacks.<sup>6</sup>

#### Section 11.6 - Projections into Yards:



Architectural features, not including vertical projections, may extend or project into a required side yard not more than three (3) inches for each one (1) foot of width of such side yard; and may extend or project into a required setback not more than three (3) feet.

#### Section 11.7 - Access Through Yards:

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other pavement servicing a like function, and not in excess of nine (9) inches above the grade upon which placed, shall for the purpose of this Ordinance not be considered to be a structure, and shall be permitted in any required yard.

### ARTICLE XII - ENFORCEMENT, PENALTIES, AND OTHER REMEDIES

#### Section 12.1 - Violations:

**Nuisance Per Se.** Any building or structure which is erected, moved, placed, reconstructed, razed, extended, enlarged, altered, maintained or used, and any use of a lot or land which is begun, continued, or changed in violation of any term or provision of this Ordinance, is hereby declared to be a nuisance per se subject to abatement pursuant to MCL 125.3407 and as otherwise provided by law.<sup>10</sup>

**Violation.** Any person who violates, disobeys, neglects or refuses to comply with any provision of this Ordinance, any administrative decision made under the Ordinance, or any permit or approval issued under the Ordinance, including any conditions imposed thereon, or who causes, allows, or consents to any of same, shall be deemed to be responsible for a violation of this Ordinance. Any person responsible for a violation of this Ordinance whether as an owner (by deed or land contract), lessee, licensee, agent, contractor, servant, employee, or otherwise, shall be liable as a principal.

**Municipal Civil Infraction.** A violation of this Ordinance is a municipal civil infraction as defined by Michigan statute.

#### Section 12.2 - Enforcement and Penalties:

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 liable for the fines, penalties, and provisions of the Charter Township of Oscoda Code, Section 1-10.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which Oscoda Township has incurred in connection with the municipal civil infraction.

#### Section 12.3 - Each Day a Separate Offense:

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

#### Section 12.4 - Rights and Remedies are Cumulative:

Any violation of this Ordinance shall constitute a basis for injunctive relief or other appropriate remedy in any court of competent jurisdiction to compel compliance with this Ordinance and enforce the provisions thereof.<sup>10</sup>

### ARTICLE XIII - SEVERABILITY AND ENACTMENT

#### Section 13.1 - Validity:

Should any Article, Section, Clause, or Provisions of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

#### Section 13.2 - Conflicting Provisions Repealed:

##### Section 13.2.1 - Other Ordinances in Conflict

The 1984 Zoning Ordinance of the Charter Township of Oscoda, enacted by the Charter Township of Oscoda Board, effective April 16, 1984, and all amendments which in total are known as the Zoning Ordinance of the Charter Township of Oscoda, all other Ordinances in conflict with this Ordinance, to the extent of such conflict and no further are hereby repealed.

##### Section 13.2.2 - This Ordinance in Conflict

Where a provision of this Ordinance is in conflict with a provision of any law or Ordinance the strictest provision shall prevail.

##### Section 13.2.3 - Savings Clause

This Ordinance shall not impair or affect any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time this Ordinance takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if this Ordinance had not been adopted. Such proceedings may be consummated under and according to the Ordinance, or offenses or acts committed under and according to the date of this Ordinance, may be continued or instituted under and in accordance with the provisions of the Ordinance in force at the time of such offense.

##### Section 13.2.4 - Effective Date

The provisions of this Ordinance are hereby declared to be necessary for the welfare, health, peace and safety and shall be in effect on May 13, 1999.

### ARTICLE XIV - STATUTORY COMPLIANCE AND REPEALER

#### Section 14.1 - Compliance with Open Meetings Act; Availability of Writings to Public:

- (1) All meetings subject to this Ordinance shall be conducted in compliance with the Open Meetings Act, 1976 PA 267, MCL 15.261 to 15.275.
- (2) A writing prepared, owned, used, in the possession of, or retained as required by this Ordinance shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2006, Act 110, Eff. July 1, 2006.)

#### Section 14.2 - Repeal of MCL 125.581 to 125.600, 125.201 to 125.240, and 125.271 to 125.310; Construction of Section:

(1) The following acts and parts of acts are repealed:

- (a) The City and Village Zoning Act, 1921 PA 207, MCL 125.581 to 125.600.
- (b) The County Zoning Act, 1943 PA 183, MCL 125.201 to 125.240.
- (c) The Township Zoning Act, 1943 PA 184, MCL 125.271 to 125.310.

(2) This Article shall not be construed to alter, limit, void, affect, or abate any pending litigation, administrative proceeding, or appeal that existed on the effective date of this Ordinance or any ordinance, order, permit, or decision that was based on the acts repealed by Michigan Zoning Enabling Act of 2006, as amended.

(2006, Act 110, Eff. July 1, 2006.)

#### ZONING ORDINANCE COMPARATIVE TABLE

This is a numerical listing of the amendments of the Township added to this Zoning Ordinance subsequent to November 29, 2016. Repealed or superseded laws at the time of the republication and any omitted materials are not reflected in this table.

| Number | Date       | Section | Section<br>this<br>Code    |
|--------|------------|---------|----------------------------|
|        | 2- 9-2017  |         | <u>2.2</u>                 |
|        | 2- 9-2017  |         | <u>6.1.1</u> —<br>6.1.10   |
|        | 2- 9-2017  |         | <u>6.2.5</u>               |
|        | 2- 9-2017  |         | <u>6.23</u> —<br>6.23.3    |
|        | 5-11-2017  | Added   | 4.23.6.F                   |
|        | 6-20-2018  | Added   | <u>6.34.1</u> —<br>6.34.12 |
|        | 7-12-2018  |         | <u>4.13</u>                |
|        | 7-12-2018  |         | <u>4.14</u>                |
|        | 7-12-2018  |         | <u>4.16</u>                |
|        | 7-12-2018  |         | <u>9.7</u>                 |
|        | 7-26-2018  |         | <u>2.2</u>                 |
|        | 7-26-2018  |         | <u>4.15</u>                |
|        | 7-26-2018  |         | <u>4.15A</u>               |
|        | 11-29-2018 |         | <u>4.13</u>                |

|  |            |       |                               |
|--|------------|-------|-------------------------------|
|  | 11-29-2018 |       | <u>4.14</u>                   |
|  | 11-29-2018 |       | <u>9.7</u>                    |
|  | 2-17-2019  |       | <u>2.2</u>                    |
|  | 3-28-2019  |       | <u>4.16</u>                   |
|  | 3-28-2019  |       | <u>4.20</u>                   |
|  | 3-28-2019  |       | <u>6.5</u>                    |
|  | 8- 7-2019  |       | <u>4.13</u>                   |
|  | 8- 7-2019  |       | <u>4.14</u>                   |
|  | 8- 7-2019  |       | <u>4.15</u>                   |
|  | 8- 7-2019  |       | <u>6.23—</u><br><u>6.23.3</u> |
|  | 12-12-2019 |       | <u>2.2</u>                    |
|  | 12-12-2019 |       | <u>4.15</u>                   |
|  | 12-12-2019 |       | <u>6.2.1,</u><br><u>6.2.4</u> |
|  | 12-12-2019 |       | <u>9.7</u>                    |
|  | 12-26-2019 |       | <u>2.2</u>                    |
|  | 12-26-2019 |       | <u>6.2.4</u>                  |
|  | 12-26-2019 | Added | <u>6.2.8</u>                  |
|  | 1-27-2020  |       | <u>4.13</u>                   |
|  | 3- 2-2020  |       | <u>4.28</u>                   |
|  | 10-12-2020 |       | <u>6.2.1</u>                  |
|  |            | Rpld  | <u>6.2.4</u>                  |
|  | 10-12-2020 |       | <u>10.7</u>                   |
|  | 6-21-2021  | Rpld  | <u>3.1—3.7</u>                |

|                |            |       |  |
|----------------|------------|-------|--|
|                |            | Added | <u>3.1—3.8</u>   |
| 2021-270(Ord.) | 8-12-2021  |       | Zoning<br>ref.<br>chart  |
|                |            |       | <u>4.14,</u><br><u>4.15,</u><br><u>4.15A,</u><br><u>4.22,</u><br><u>4.23</u> |
|                |            | Added | <u>6.35—</u><br>6.35.9   |
|                | 9- 9-2021  |       | <u>4.13.1—</u><br>4.13.6   |
|                | 10-28-2021 |       | <u>4.15</u>  |