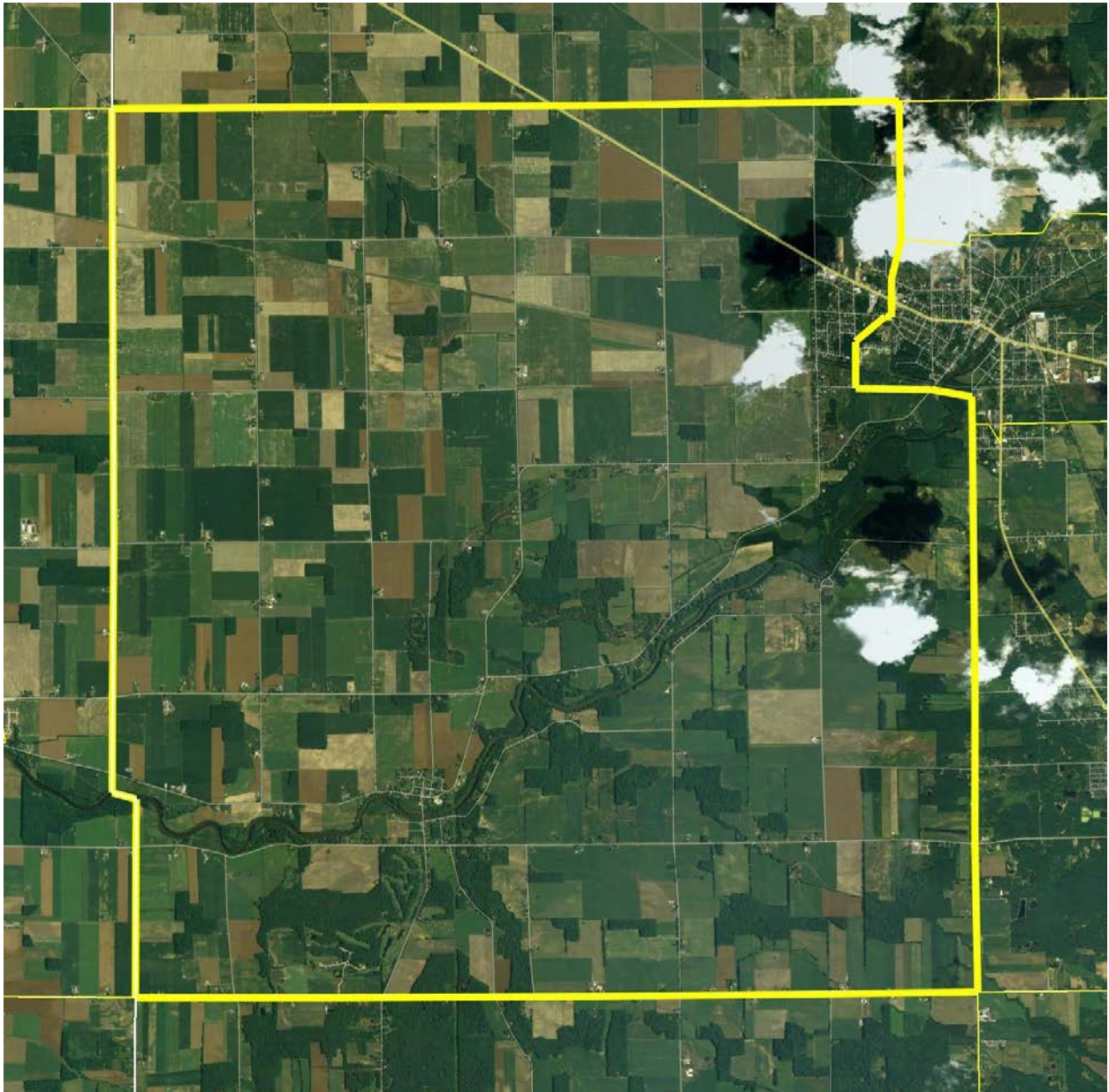


# Tuscola Township

## *Zoning Ordinance*

Tuscola County, Michigan



Amended & Adopted: June 18, 2013

Effective: July 6, 2013

# Tuscola Township

## *Zoning Ordinance*

### **Board of Trustees**

Supervisor - Tod Fackler

Clerk - Mary Lou Blasius

Treasurer - Shirley Olson

Trustee - David Bushong

Trustee - John Bishop

### **Planning Commission**

Earl Begg, Chair

Carol Smith, Secretary

Craig Kirkpatrick

Larry Kern

Gerald Peterson

Jon Blasius

### APPRECIATED ASSISTANCE

This task could not have been accomplished without the assistance of many people and organizations including:

- The Spicer Group, especially Alan Bean and Rob Eggers for their efforts in helping us achieve our objectives and to many support personnel involved in illustration revisions, proof reading, zoning map revisions, and final document production.
- The Michigan Township Association (MTA) whose assistance was only a phone call away.
- Seminars and training sessions for Planning Commission members sponsored by MTA, Michigan State University, The Michigan Planning Association, and others.
- The Tuscola Township Board of Trustees for their input and support during the development process
- The Tuscola County Planning Commission for reviewing the ordinance and suggesting changes for our consideration.
- Mr. James Abbey, our township attorney, for reviewing the final document and advising us of needed changes.

# Table of Contents

Page No.

---

## Chapter 1 – Preamble

SECTION 1.01	PREAMBLE .....	1-1
SECTION 1.02	SHORT TITLE .....	1-1
SECTION 1.03	BACKGROUND .....	1-1
SECTION 1.04	OBJECTIVES .....	1-1
SECTION 1.05	INTERPRETATION.....	1-2
SECTION 1.06	SEVERABILITY .....	1-3
SECTION 1.07	SEVERABILITY, APPLICABLE TO AMENDMENTS.....	1-3
SECTION 1.08	REPEAL .....	1-3
SECTION 1.09	EFFECTIVE DATE.....	1-3
SECTION 1.10	LEGAL BASIS.....	1-3

## Chapter 2 – Definitions

SECTION 2.01	DEFINITIONS .....	2-1
--------------	-------------------	-----

## Chapter 3 – General Provisions

SECTION 3.01	PUBLIC HEARING NOTICE REQUIREMENTS .....	3-1
SECTION 3.02	ESSENTIAL PUBLIC SERVICES .....	3-1
SECTION 3.03	VOTING PLACE .....	3-2
SECTION 3.04	HEIGHT LIMIT .....	3-2
SECTION 3.05	YARDS ABUTTING ALLEY .....	3-2
SECTION 3.06	UNLAWFUL BUILDINGS .....	3-2
SECTION 3.07	UNLAWFUL USES OF LAND .....	3-2
SECTION 3.08	LOT SPLIT REVIEW.....	3-2
SECTION 3.09	PROHIBITED DWELLINGS .....	3-3
SECTION 3.10	TEMPORARY DWELLINGS .....	3-3
SECTION 3.11	MOTOR HOMES/TRAILER HOMES AS TEMPORARY RESIDENCES.....	3-4
SECTION 3.12	SINGLE FAMILY DWELLING REGULATIONS .....	3-4
SECTION 3.13	COMMON DRIVEWAYS AND ACCESS EASEMENTS .....	3-6
SECTION 3.14	PRIVATE ROADS.....	3-7
SECTION 3.15	OBSCURING WALLS AND FENCES .....	3-11
SECTION 3.16	FRONTAGE.....	3-11
SECTION 3.17	ONE PRINCIPAL RESIDENCE.....	3-11
SECTION 3.18	BUILDING COMPLETION/PRIOR ZONING PERMITS.....	3-12
SECTION 3.19	RECREATIONAL VEHICLE STORAGE.....	3-12
SECTION 3.20	EXCAVATIONS OR HOLES .....	3-12
SECTION 3.21	SCREENING OF TRASH STORAGE AREAS .....	3-12
SECTION 3.22	CORNER CLEARANCE.....	3-12
SECTION 3.23	ACCESSORY STRUCTURES .....	3-13
SECTION 3.24	TERRACES .....	3-13
SECTION 3.25	CONSTRUCTION FACILITIES .....	3-14

# Table of Contents

---

## Chapter 4 – Administration

SECTION 4.01	INTENT.....	4-1
SECTION 4.02	ROLES AND RESPONSIBILITIES.....	4-1
SECTION 4.03	ADMINISTRATIVE PROCEDURES.....	4-2
SECTION 4.04	ENFORCEMENT.....	4-4
SECTION 4.05	PARTY AGGRIEVED BY TOWNSHIP DECISION; CIRCUIT COURT REVIEW.....	4-5

## Chapter 5 – Non-Conforming Uses

SECTION 5.01	THREE CLASSES OF NON-CONFORMING USES.....	5-1
SECTION 5.02	ABANDONMENT OF NON-CONFORMING USES.....	5-4
SECTION 5.03	NON-CONFORMING LOTS OF RECORD.....	5-4
SECTION 5.04	NON-CONFORMING STRUCTURES.....	5-4

## Chapter 6 – Parking

SECTION 6.01	GENERAL OFF-STREET PARKING REQUIREMENTS.....	6-1
SECTION 6.02	OFF-STREET PARKING SPACE LAYOUT, CONSTRUCTION, AND MAINTENANCE STANDARDS.....	6-1
SECTION 6.03	OFF-STREET LOADING AND UNLOADING AREA REQUIREMENTS.....	6-3
SECTION 6.04	LOADING AND UNLOADING AREA DESIGN REQUIREMENTS.....	6-4
SECTION 6.05	TABLE OF PARKING REQUIREMENTS.....	6-4

## Chapter 7 – Signs

SECTION 7.01	PURPOSE AND INTENT.....	7-1
SECTION 7.02	SIGNS PROHIBITED IN TUSCOLA TOWNSHIP.....	7-1
SECTION 7.03	SIGNS PERMITTED IN TUSCOLA TOWNSHIP WITHOUT A PERMIT.....	7-1
SECTION 7.04	SIGNS PERMITTED IN TUSCOLA TOWNSHIP WITH A PERMIT.....	7-3
SECTION 7.05	SIGN ILLUMINATION.....	7-7
SECTION 7.06	MOVING OR REVOLVING SIGNS.....	7-7
SECTION 7.07	SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD.....	7-8
SECTION 7.08	OUTDOOR ADVERTISING STRUCTURES.....	7-8
SECTION 7.09	CONSTRUCTION REQUIREMENTS.....	7-8
SECTION 7.10	SIGN PERMITS.....	7-8
SECTION 7.11	SIGN RELATED ITEMS NOT PERMITTED IN TUSCOLA TOWNSHIP.....	7-9
SECTION 7.12	EXPIRATION OF SIGN PERMIT.....	7-9

## Chapter 8 – District Regulations

SECTION 8.01	ZONING DISTRICTS ESTABLISHED.....	8-1
SECTION 8.02	ZONING DISTRICTS MAP.....	8-1
SECTION 8.03	ZONING DISTRICTS.....	8-1
SECTION 8.04	SCHEDULE OF REGULATIONS.....	8-11
SECTION 8.05	SCHEDULE OF USES.....	8-12

ZONING MAP

# Table of Contents

---

## Chapter 9 – Wind Energy

SECTION 9.01	PURPOSE AND INTENT .....	9-1
SECTION 9.02	CLASSES OF WIND ENERGY TURBINES PERMITTED.....	9-1
SECTION 9.03	TEMPORARY ANEMOMETER USE.....	9-2
SECTION 9.04	REQUIREMENTS APPLICABLE TO ALL WIND ENERGY TURBINES .....	9-2
SECTION 9.05	PUBLIC NOISE LEVEL INQUIRIES AND COMPLAINTS .....	9-4
SECTION 9.06	ADDITIONAL PERSONAL USE CLASS REQUIREMENTS .....	9-4
SECTION 9.07	FAILURE TO DECOMMISSION PERSONAL USE CLASS WETS.....	9-6
SECTION 9.08	PERSONAL USE CLASS PERMIT APPLICATION REQUIREMENTS .....	9-6
SECTION 9.09	ELECTRIC GRID CLASS WET REQUIREMENTS .....	9-7
SECTION 9.10	ELECTRIC GRID WET SITING AND DESIGN REQUIREMENTS .....	9-7
SECTION 9.11	ELECTRIC GRID CLASS WET SAFETY REQUIREMENTS.....	9-9
SECTION 9.12	DECOMMISSIONING OF ELECTRIC GRID WETS .....	9-9
SECTION 9.13	ELECTRIC GRID CLASS WET SITE PLAN REQUIREMENTS .....	9-11
SECTION 9.14	CERTIFICATION AND COMPLIANCE.....	9-14
SECTION 9.15	ELECTRIC GRID CLASS WET INQUIRIES AND COMPLAINTS .....	9-14

## Chapter 10 – Site Plan Review

SECTION 10.01	INTENT.....	10-1
SECTION 10.02	WHEN SITE PLANS ARE REQUIRED .....	10-1
SECTION 10.03	APPLICATION AND REQUIRED INFORMATION .....	10-1
SECTION 10.04	WHO REVIEWS SITE PLANS .....	10-4
SECTION 10.05	SITE PLAN REVIEW PROCESS .....	10-4
SECTION 10.06	CONSIDERATIONS FOR SITE PLAN APPROVAL .....	10-6
SECTION 10.07	CONDITIONS .....	10-7
SECTION 10.08	PERFORMANCE GUARANTEES.....	10-8
SECTION 10.09	CHANGES TO APPROVED SITE PLANS .....	10-10
SECTION 10.10	EXPIRATION OF SITE PLAN APPROVAL .....	10-10

## Chapter 11 – Conditional Use

SECTION 11.01	INTENT.....	11-1
SECTION 11.02	WHEN A CONDITIONAL USE PERMIT IS REQUIRED.....	11-1
SECTION 11.03	REQUIRED INFORMATION .....	11-1
SECTION 11.04	WHO APPROVES CONDITIONAL USE PERMITS .....	11-1
SECTION 11.05	CONDITIONAL USE PERMIT REVIEW PROCESS.....	11-1
SECTION 11.06	CONDITIONS .....	11-3
SECTION 11.07	CHANGES TO APPROVED SITE PLANS .....	11-3
SECTION 11.08	EXPIRATION OF SITE PLAN APPROVAL .....	11-3
SECTION 11.09	BASIS OF DETERMINATION .....	11-4

# Table of Contents

---

## Chapter 12 – Amendments

SECTION 12.01	INTENT.....	12-1
SECTION 12.02	CONFORM TO ORDINANCE .....	12-1
SECTION 12.03	ORDINANCE AND AMENDMENT ADOPTION.....	12-1
SECTION 12.04	INITIATION OF ZONING ORDINANCE AMENDMENT.....	12-1
SECTION 12.05	ZONING AMENDMENT REVIEW PROCEDURES .....	12-2
SECTION 12.06	NOTICE OF INTENT TO FILE PETITION.....	12-4

## Chapter 13 – Zoning Board of Appeals

SECTION 13.01	COMPOSITION .....	13-1
SECTION 13.02	MEETINGS.....	13-2
SECTION 13.03	POWERS; CONCURRING VOTE .....	13-2
SECTION 13.04	EXCLUDED APPEALS .....	13-3
SECTION 13.05	PROCEDURES .....	13-3
SECTION 13.06	NONUSE (DIMENSIONAL) VARIANCES .....	13-4
SECTION 13.07	INTERPRETATION OF ZONING ORDINANCE AND MAP .....	13-5
SECTION 13.08	ZBA DECISION AS FINAL.....	13-5
SECTION 13.09	CIRCUIT COURT REVIEW.....	13-5

## Chapter 14 – Condominiums

SECTION 14.01	INTENT.....	14-1
SECTION 14.02	REVIEW REQUIREMENTS .....	14-1
SECTION 14.03	ZONING ORDINANCE STANDARDS.....	14-1
SECTION 14.04	CONDOMINIUM DESIGN REQUIREMENTS .....	14-2
SECTION 14.05	SURVEY REQUIREMENTS .....	14-2

## Chapter 15 – Design Standards

SECTION 15.01	LANDSCAPE STANDARDS .....	15-1
SECTION 15.02	BUFFER YARDS .....	15-2
SECTION 15.03	SPECIFIC DESIGN STANDARDS FOR USES.....	15-5
	A. Farm Animals and Horses	
	B. Home Occupation	
	C. Commercial Kennel Regulations	
	D. Bed and Breakfast	
	E. Planned Unit Development	
	F. Development Requirements for Sand and Gravel Extraction Activities	
	G. Commercial Freestanding Towers, Communication Towers, and related wireless communications equipment	
	H. Swimming Pools	
	I. Fences, Walls, Screens	
	J. Regulations for General Solar Energy Systems	
	K. Open Space Preservation	

# Chapter 1 – Preamble

---

## SECTION 1.01 PREAMBLE

An ordinance to provide for the establishment of Zoning Districts to encourage and regulate the proper location and use of land, buildings (*D2-2*), and structures (*D2-20*) for residence, trade or other purposes; to regulate the height and bulk of buildings; the density of population (*D2-14*), and the minimum dimensions of yards, and other spaces; to provide for the administration, enforcement, penalties for violation, and amendment of said ordinance.

## SECTION 1.02 SHORT TITLE

This ordinance shall be known as the Tuscola Township Zoning Ordinance (*D2-23*).

## SECTION 1.03 BACKGROUND

In 2006 the State of Michigan enacted a new Zoning Enabling Act governing all units of local government in the state. Prior to that time there had been three different zoning enabling acts governing township zoning, county zoning, and city/village zoning. The new act included sections from each of the previous acts and entirely new provisions. All governmental units covered by the new act were required to change their zoning ordinances to comply with the new act.

## SECTION 1.04 OBJECTIVES

It is the general purpose of this ordinance to promote the public safety, health, convenience, and general welfare. Tuscola Township adopted the following objectives in revising our ordinance:

- A. Conform to all requirements of the new Michigan Zoning Enabling Act.
- B. Avoid redundancy by listing a requirement only once and referring to it when additional sections of the ordinance had the same requirements.
- C. Use easily understood plain language as much as possible throughout the ordinance.
- D. Correct typos and change text to meet these objectives.
- E. Whenever a term is used in the text of the ordinance that has a definition in Chapter 2, refer to the page where the definition can be found.
- F. Attempt to deliver the minimum size final document avoiding a unnecessarily large document.

## Chapter 1 – Preamble

---

- G. Guide the use and development of land, buildings (*D2-2*) and natural resources according to their suitability for particular activities.
- H. Protect the community's quality of life and enhance the social and economic stability of the Township.
- I. Reduce congestion on public streets and highways and facilitate safe and convenient access to buildings and land uses.
- J. Guide efforts to provide public services, such as water supply, sewers, storm drainage, waste disposal, transportation, education, recreation and public safety.
- K. Establish standards to guide physical development of each Zoning District and of the Township as a whole, and provide for enforcement of said standards.
- L. Educate citizens and public officials about our shared responsibility of effective use of community resources.
- M. Strive to balance one property owners right to the peaceful use and enjoyment of his or her parcel (*D2-13*) with the rights of neighboring property owners to the peaceful use and enjoyment of theirs.
- N. Carry out the objectives of the Tuscola Township Master Plan.

### SECTION 1.05 INTERPRETATION

The provisions of this ordinance shall be held to be minimum requirements, adopted to promote public health, safety, comfort, convenience and general welfare. Except for the prior Tuscola Township Zoning Ordinance, adopted 11-12-96, this ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing provisions of law or ordinance. Nor is it intended to overturn any previously approved or adopted rules, regulations or permits which relate to the use of land or buildings (*D2-2*). Nor is this ordinance intended to interfere with, abrogate or annul any lawful easements (*D2-7*), covenants or other agreements.

Where this ordinance imposes a greater restriction upon the use of land or buildings than is imposed by other laws or ordinances, or by rules, regulations, permits, easements, covenants or agreements that may be in force, the provisions of this ordinance shall control. Where provisions of any other ordinance or regulation of Tuscola Township impose stricter requirements for the use of land or buildings, the provisions of the other ordinance or regulation shall govern.



## Chapter 1 – Preamble

---

### SECTION 1.06 SEVERABILITY

This ordinance and the various parts, sections, subsections, phrases and clauses are hereby declared severable. If any part, sentence, paragraph, section, subsection, phrase or clause or the application thereof to any person (D2-13) or circumstance be adjudged invalid by the courts, it is hereby provided that the remainder of this ordinance shall not be affected thereby. The Tuscola Township Board (D2-19) hereby declares that it would have passed this ordinance and each section, subsection, phrase, sentence or clause thereof irrespective of the fact that any one or more section, subsection, phrases sentences or clauses be declared invalid.

### SECTION 1.07 SEVERABILITY, APPLICABLE TO AMENDMENTS

The provisions of subsection 1.06 of this chapter shall apply to the amendment of any section of this ordinance whether or not such provision is re-enacted in the amendatory ordinance.

### SECTION 1.08 REPEAL

The Tuscola Township Zoning Ordinance (D2-23) adopted the 12th day of March, 1996; as amended, is hereby repealed. Any other ordinance or parts of any ordinance in conflict with any of the provisions of this ordinance are hereby repealed subject to the limitation hereinafter provided.

### SECTION 1.09 EFFECTIVE DATE

This ordinance enacted by the Township Board (D2-19) of Tuscola Township, Tuscola County, State of Michigan, at a regular meeting of said Township Board, on the 18<sup>th</sup> day of June, 2013.

This ordinance shall become effective 7 days from and after the date of publication of notice of the adoption of this ordinance, per P.A. 110 of 2006, as amended, (Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*).

### SECTION 1.10 LEGAL BASIS

This ordinance is enacted pursuant to P.A. 184 of 1943, as amended, (being the Township Zoning Act, M.C.L. 125.271 *et seq.*). The continued administration of this ordinance, amendments to this ordinance, and all other matters concerning operation of this ordinance shall be done pursuant to P.A. 110 of 2006, as amended, (being the Michigan Zoning Enabling Act, M.C.L. 125.3101 *et seq.*), hereinafter referred to as the “Michigan Zoning Enabling Act.”

## Chapter 1 – Preamble

---

THIS PAGE INTENTIONALLY LEFT BLANK

b:\proj2008\115287\_08-tuscola\_zoning\\_drafts\\_new\_format\2014-10-17 final\tuscola\_twp\_01\_final.doc

## Chapter 2 – Definitions

---

WHENEVER A TERM DEFINED IN CHAPTER 2 APPEARS IN OTHER CHAPTERS IT WILL BE FOLLOWED BY THE FOLLOWING: **(D2-2)**, WHICH INDICATES THE PAGE IN THIS CHAPTER WHERE THAT DEFINITION IS LOCATED.

### SECTION 2.01 DEFINITIONS

**Accessory Building:** A supplemental building on the same lot, the use of which is purely incidental to that of the main building.

**Adult Foster Care Family Home:** A private residence licensed under PA 218 of 1979 or PA 116 of 1973 with an approved capacity to receive 6 or fewer adults, under 24-hour supervision or care to be provided foster care for 5 or more days a week. The licensee shall be a member of the household and occupant of the residence.

**Adult Foster Care Large Group Home:** An adult foster care facility licensed under PA 218 of 1979 with an approved capacity of at least 13 but not more than 20 adults.

**Adult Foster Care Medium Group Home:** An adult foster care facility licensed under PA 218 of 1979 with an approved capacity of at least 7 but not more than 12 adults.

**Adult Foster Care Small Group Home:** An adult foster care facility licensed with an approved capacity to receive 6 or fewer adults to be provided for 5 or more days a week.

**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. (MZEA)

**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. (MZEA)

**Airport Manager:** That position defined in Section 2 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.2. (MZEA 125.3102.e)

**Airport, Small** A limited commercial airport that accommodates the take off and landing of aircraft as well as limited service and/or repair facilities (BII class airport).

**Alley:** A public thoroughfare less than 20 feet in width.

**Alteration:** Any change, addition or modification in construction and any change in the structural members of a building, such as walls, or partitions, columns, beams, or girders.

## Chapter 2 – Definitions

---

**Amusement Facilities:** A building or part of a building that houses a business whose principal purpose is the operation of pin ball machines, video games, pool tables or similar player operated amusement devices.

**Apartment:** Three or more residences, attached by a common wall or ceiling/floor, with residences sharing a common exterior entrance

**Auto Body Repair Shop:** A business for the repair of vehicles including painting and bodywork.

**Auto Parts Supplies:** Businesses dealing primarily with auto parts supplies.

**Auto Service Station:** See Gasoline Service Station.

**Bar:** A business serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks may also be sold.

**Bed and Breakfast:** A house, or portion of a house where short-term lodging rooms and meals are provided, typically 7 days or less.

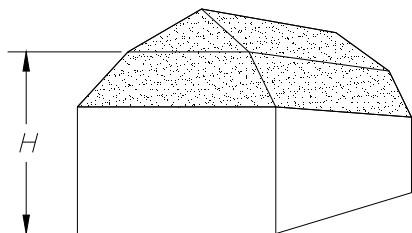
**Boarding House:** A house or portion of a house where long term lodging rooms and meals are provided, typically longer than 7 days..

**Building:** A structure having a roof supported by columns or walls for shelter, support or enclosure of persons, animals or chattels is a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, each portion of such building shall be deemed a separate building. The word “building” shall be understood to include the word “structure.”

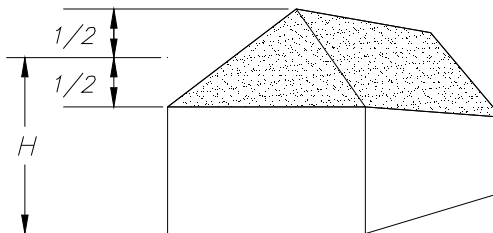
## Chapter 2 – Definitions

---

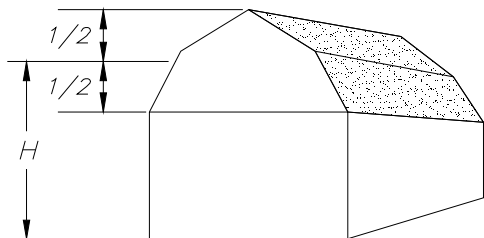
**Building Height:** The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip, and gambrel roofs.



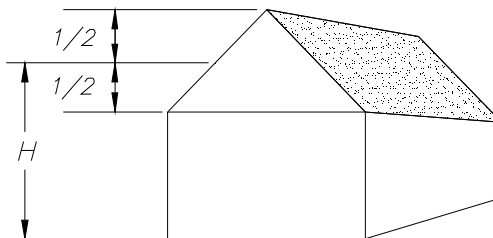
MANSARD ROOF



HIP ROOF



GAMBREL ROOF



GABLE ROOF

*H = HEIGHT OF BUILDING*

## BUILDING HEIGHT

**Building Material Supplier:** Businesses dealing primarily with the sale of building supplies characterized by the need for outdoor display and storage of their merchandise.

**Business Service Establishments:** Facilities that support a wide range of businesses such as consumer credit reporting agencies, mailing list and packaging companies, and business management consulting services.

**Butchering:** The provision of services for killing and dressing animals for a fee or in order to sell the meat, hides or other products of the carcass.

## Chapter 2 – Definitions

---

**Cabin:** A small shelter or home that does not meet residential building requirements. (AC3)

**Camper:** A motor vehicle or trailer with accommodations for camping out. (AC3)

**Campground:** An area of land on which accommodations for temporary occupancy are located or may be placed, including cabins, motor homes, tents and campers.

**Car Wash:** An area of land and/or structures with machine or hand-operated facilities used principally for the cleaning, washing and waxing of motor vehicles.

**Cemeteries:** Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including columbarium's, crematories, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Chemical Manufacturing:** An operation creating products used in or obtained by a chemical process.

**Co-locate:** To place or install wireless communications equipment on an existing wireless communications support structure or in an existing equipment compound. "Co-location" has a corresponding meaning.

**Commercial Freestanding Towers:** A structure situated on a non-residential site that is intended for transmitting and/or receiving television, radio, telephone communications or telecommunications for commercial purposes.

**Community Building:** A structure used for providing fraternal, social and/or recreational programs generally open to the public.

**Community Shopping Center** See Strip Mall (**Strip Mall**): A group of stores attached or separate, each of which are accessed from a separate outside entrance.

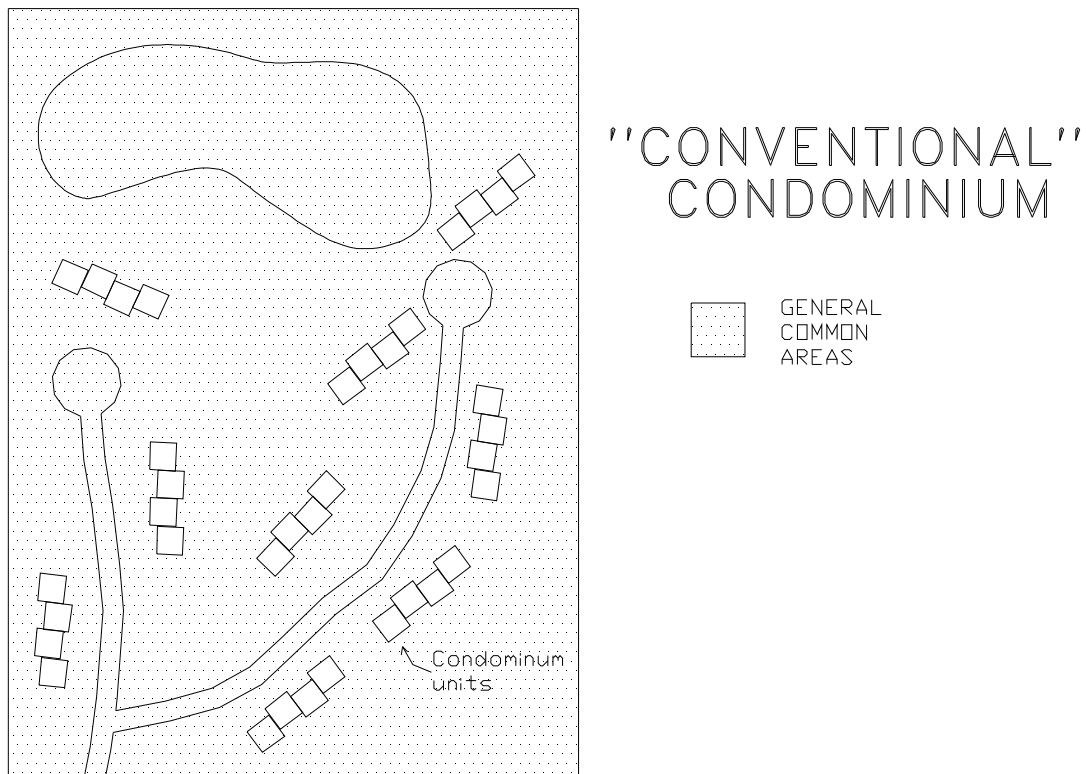
## Chapter 2 – Definitions

---

### Condominium Definitions:

**Condominium Development:** A development created under the Condominium Act PA 59 of 1978.

**Conventional Condominium Development:** As used in this ordinance, the term conventional condominium means development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists primarily of the dwelling or other principal structure and most of the land in the development is part of the general common area.

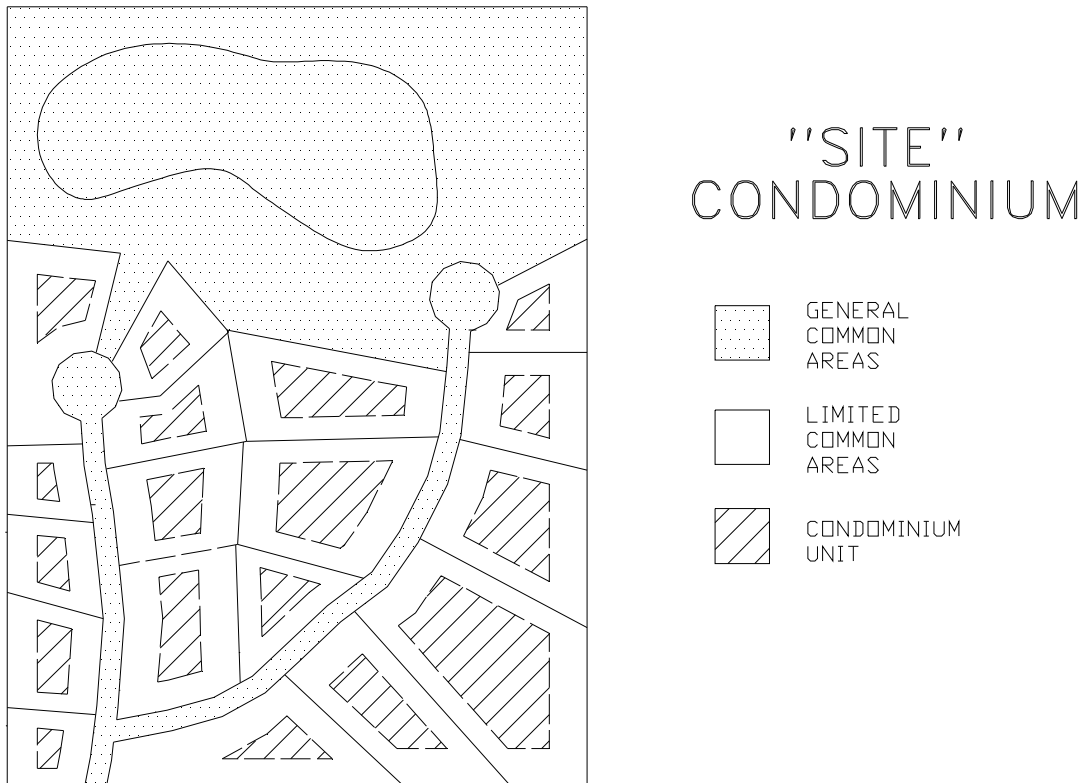


**Site Condominium Development:** As used in this ordinance, the term site condominium means a development in which ownership interest is divided under the authority of the Condominium Act (PA 59 of 1978) and in which the condominium unit consists of a building site, with or without structures, which along with associated limited common area, constitutes the equivalent of a lot.

## Chapter 2 – Definitions

---

### Condominium Definitions (continued):



**General Common Element:** Portions of the Condominium development owned and maintained by the condominium association.

**Limited Common Areas:** Portions of the condominium development other than the condominium unit itself reserved for the exclusive use of less than all of the co-owners of the condominium development.

**Condominium Subdivision Plan:** Drawings and information prepared pursuant to section 66 of the Condominium Act, PA 59 of 1978

**Master Deed:** The condominium document recording the condominium project to which are attached as exhibits and incorporated by reference the bylaws for the project and including those items required in Section 8 of the Condominium Act, PA 59 of 1978.

### End of Condominium Definitions

**Conservation Easement:** Means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140



## Chapter 2 – Definitions

---

**Convalescent Home:** A facility where aged, infirmed or incapacitated persons are furnished care, food, lodging and medical attention.

**Correctional Facility:** A building or group of buildings and land used to house inmates confined to that institution by the local, state or federal courts, including jails, prisons, and work camps.

**Country Club:** A club established to provide its members with access to outdoor activities such as golf, tennis and swimming.

**Crematory:** A facility designed with an incinerator for the burning of human corpses.

**Crop Production:** Agricultural activities required in the raising and harvesting of grains, fruits, vegetables and similar foodstuffs, of which more than ten percent (10%) of the yield is processed or consumed off of the premises.

**Drive-Thru Establishment:** A business establishment that provides customers the opportunity to pay or receive goods or services without leaving their vehicle, by use of a driveway approach that customers use to access a service window, purchase their product and leave.

**Dry Bulk Blending Plant:** A facility that manufactures products by the mixing of large amounts of separate non-liquid chemicals and other substances.

**Duplex:** Two residences attached by a common wall or ceiling/floor.

**Dwelling:** See definition for Single Family Residence.

**Easement:** A legal right, evidenced by a document recorded with the Tuscola County Registrar of Deeds, to use the property of another for purposes of ingress, egress, utilities, drainage or similar uses for a parcel of land. (AC3)

**Equestrian Sport Facility:** A facility for the care and training of horses, including stables, arenas, and riding trails.

**Equipment Compound:** An area surrounding or adjacent to the base of a wireless communications support structure and within which wireless communications equipment is located.

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

**Essential Public Services:** The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems, collections, communication, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith reasonably necessary for the

## Chapter 2 – Definitions

---

furnishing of adequate service by such public utilities or municipal departments or commissions, or for the public health, safety, and general welfare of the community, but not including buildings other than such buildings as primary enclosures or shelters of the above essential service equipment. Personal wireless communication facilities are not considered an essential public service.

**Fabrication, Forming, Molding of Metal or Plastic Products:** Manufacturing facilities whose principal function is production of items using these processes.

**Family Day Care Home:** A private home, as defined in Section 1 of 1973 PA 116, MCL 722.111, where not more than six children are received for care and supervision for a period of less than 24 hours per day. The six-child limitation includes children under seven years old in the resident family and shall not include more than 2 children under 1 year old. The Michigan law applies only to the bona fide private residence of the operator of the family day care home. (MZEA)

**Farm Implement and Supplies:** Businesses dealing primarily with the sale of farm machinery and supplies that are characterized by the need for outdoor display and storage of their merchandise.

**Feed Lot:** A parcel of land or structure, pen, or corral, wherein cattle, horses, sheep, goats, swine, and other livestock are maintained in close proximity.

**Fertilizer Blending Plant:** A facility that mixes liquid and non-liquid chemicals to produce fertilizer.

**Finishing or Assembly Facility:** A type of manufacturing facility limited to the assembly of previously manufactured products.

**Fraternal Club:** A group of individuals, banded together for mutual benefit or to work towards a common goal.

**Frontage:** Frontage is the distance along the front lot line.

**Fuel Storage Facility:** An establishment that stores various types and grades of products including petroleum, propane, ethanol, butanol, fuel oil, natural gas and petrochemicals.

**Garden Supplies:** Businesses dealing primarily with the sale of garden supplies, characterized by the need for outdoor display and storage of their merchandise.

**Gasoline Service Station:** A place for the dispensing, retail sale or offering for retail sale of motor fuels, together with the sale of minor accessories and services for motor vehicles, but not including major automobile repair such as engine overhauls or auto body repair.

**General Building Contractor's Establishment:** An area of land and structures used for the operation of contracting construction services including offices and storage of equipment and supplies.

## Chapter 2 – Definitions

---

**Golf Course:** A tract of land for playing golf, with tees, greens, fairways and hazards. A miniature golf course is not a golf course in the meaning of this term in this ordinance.

**Golf Driving Range:** A facility including golf tees and fairways designed to permit participants to practice driving golf balls. Practice putting greens are also permitted as an accessory use.

**Grain Elevators:** Facilities for the storage of grains and other agricultural products as well as the sale of seed, fertilizers, herbicides and other material used in agricultural production.

**Greenhouse:** A building designed to regulate temperature and humidity for the cultivation of plants for sale.

**Group Day Care Home:** A private home, as defined in section 1 of PA 116, MCL 722.111, where not less than 7 or more than 12 children are received for care and supervision for a period of less than 24 hours per day, and shall not include more than 2 children under 2 years old. The Michigan law applies only to the bona fide private residence of the operator of the group day care home. (MZEA)

**Home Occupation:** The operation of a business as an accessory use in a residence.

**Hospital:** An institution specializing in giving clinical, temporary and emergency services of a medical or surgical nature to sick or injured human patients and including accessory facilities such as laboratories, out-patient departments, training facilities and staff offices.

**Hotel:** A building or group of buildings used primarily for providing transient sleeping accommodations at a daily rate to the general public.

**House of Worship:** A place. Recognized by the State of Michigan, where religious worship is conducted, such as a Church, Chapel, Mosque, or Temple.

**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 residents of Tuscola Township 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. (MZEA)

**Industrial Park:** An area of land with or without buildings, planned and developed to provide appropriate sites for industrial operations.

**Jobbing and Machine Shop:** A facility with machine equipment in which various grinding, finishing, drilling and welding services are provided to various clients.

**Kennels:** An establishment where three or more dogs, cats or other pets over 1 year of age are confined or kept for sale, boarding, breeding or training purposes for remuneration, or the boarding of 5 or more dogs, whether for remuneration or not.

## Chapter 2 – Definitions

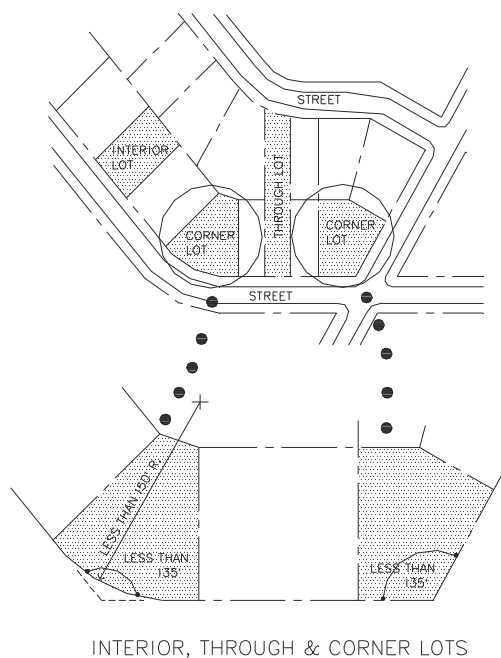
---

**Library:** A public or private institution responsible for the care and circulation of a collection of books and other accessory reference material including audio and video tapes, access to databanks, records and audio CD's and DVD's.

**Lodging House:** A house or portion of a house where long-term lodging rooms are provided.

**Lot:** A parcel of land occupied or to be occupied by a building and its accessory buildings, or by any other activity permitted thereon and including the open spaces required under this ordinance and having frontage upon a public street or any private accessibility from a public street. A lot need not be specifically designated as such on public records.

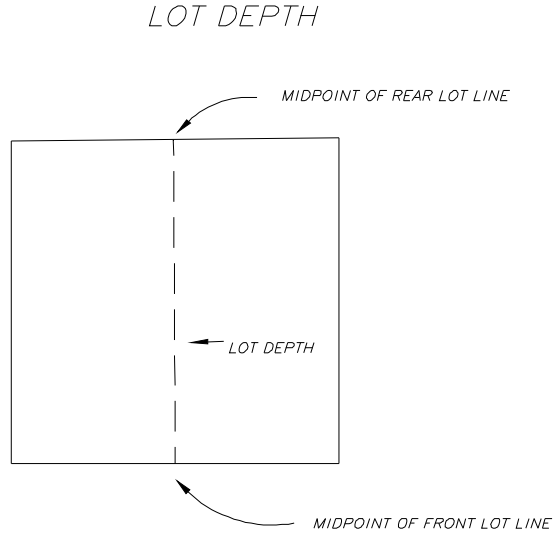
**Lot, Corner:** A lot of which at least 2 adjacent sides abut, for their full length upon a street or highway, provided that such 2 sides intersect at an angle of not more than 135 degrees. Where a lot is on a curve, if tangents through extremist point of the street line of such lot make an interior angle of not more than 135 degrees it is a corner lot. In the case of a corner lot with a curved street line, the corner shall be considered to be that point on the street line nearest to the point of intersection of the tangents herein prescribed.



## Chapter 2 – Definitions

---

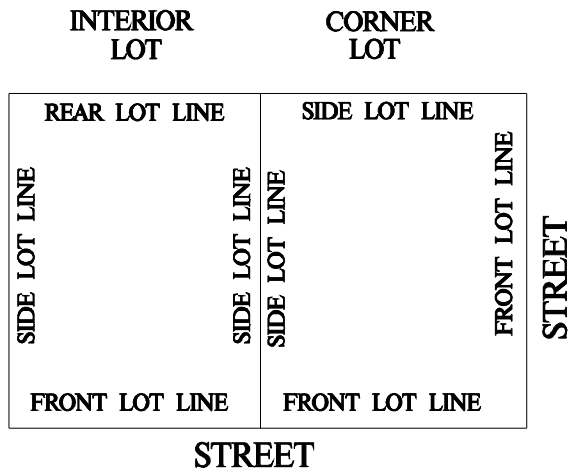
**Lot Depth:** The distance from the midpoint of the front lot line to the midpoint of the rear lot line.



**Lot Line, Front:** The line dividing a lot from a street. On a corner lot, both lot lines fronting a street shall be considered a front lot line.

**Lot Line, Rear:** The line opposite the front lot line on an interior lot. There is no rear lot line on a corner lot.

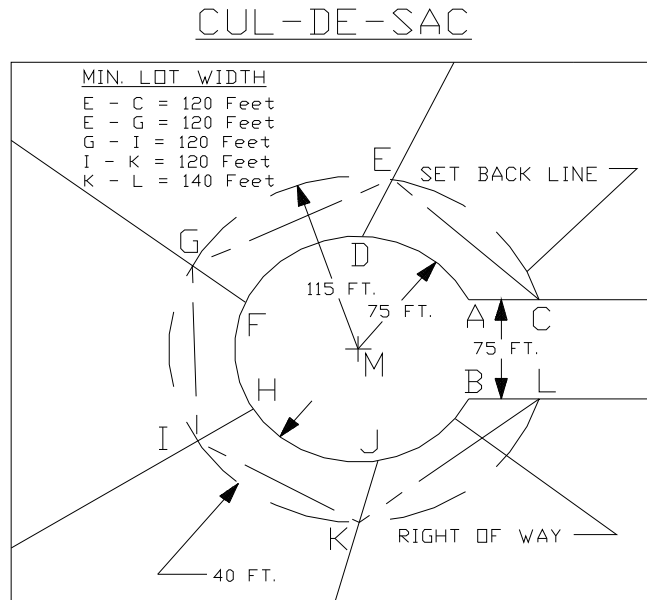
### LOT LINE DEFINITIONS



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

## Chapter 2 – Definitions

**Lot Width:** Lot width will be measured from side lot to side lot where the front yard setback intersects the side lot lines. In the case of a curvilinear street or cul-de-sac, the lot width shall be a straight line connecting the intersection of the side lot line with the front setback line.



**Manufacturing Facility:** A building or parcel housing an operation in which raw materials or partially finished material is processed into goods for sale. This processing can include stamping, rolling, machining, forging, plating, heat-treating, forming, molding and assembly.

**Manufacturing of Electrical and Electronic Equipment:** A facility used in the fabrication of components and subcomponents equipment that operate through the use of transistors and computer chips.

**Mobile Home:** A structure, transportable in 1 or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and including the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

**Mobile Home Park:** A parcel or tract of land under the control of a person upon which 3 or more mobile homes are located on a continual, non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefor, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a mobile home.

**Monument and Art Stone Production:** An area of land and buildings used in the forming, engraving and sculpting on monuments and stone art including headstones.

## Chapter 2 – Definitions

---

**Motel:** A building or group of buildings used primarily for providing transient sleeping accommodations at a daily rate for automobile travelers with parking spaces adjacent to the sleeping rooms.

**Motor Home:** A vehicle built on a truck or bus frame that includes kitchen facilities and sleeping areas. (AC3)

**Municipal Building:** A building used and dedicated for the official functions of the township.

**Museum:** A place for preserving and exhibiting artistic, historical or scientific objects.

**MZEA:** The Michigan Zoning Enabling Act, 2006 PA 110 as amended. (AC3) When it is referenced in this ordinance it lists the section of the MZEA authorizing the specific item(s) in this ordinance. (AC13)

**New and Used Automobile Sales:** An area of land and structures used to display and sell automobiles, and may include auto servicing and repair as accessory uses.

**Non-conforming Structures:** A structure conflicting with the provisions of this ordinance.

**Non-conforming Use:** The use of a structure or land area conflicting with the provisions of this ordinance.

**Nursery:** Land with or without buildings used for the raising and sale of trees, shrubs, flowers and other plants.

**Office:** A building or portion of a building in which services are performed involving predominantly administrative, professional, or clerical operations.

**Parcel:** A continuous quantity of land owned by the same person.

**Park:** An area open to the general public and reserved for recreational, educational or scenic purposes.

**Person:** An individual, partnership, corporation, limited liability company, association, governmental entity, or other legal entity.

**Personal Service Establishment:** A business that provides services to individuals such as a barbershop, beauty salon, dry cleaners, photography studio, and shoe repair.

**Pet Crematory:** A facility designed with an incinerator for the burning of animal corpses.

**Petroleum Refining:** An establishment that processes crude petroleum into various types and grades of products including fuel and petrochemicals.

**Planned Unit Development:** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

## Chapter 2 – Definitions

---

**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. 1971 PA 140, MCL 141.907, whichever is the more recent. (MZEA)

**Private Landing Fields:** A private airfield, closed to the public, which accommodates the take-off and landing of aircraft and which has sod runways (BI class airfield).

**Private Road:** A road that provides direct access to a parcel and which is not dedicated to and accepted by an authorized governmental road agency. A common driveway as used in this ordinance does not constitute a private road. (AC3)

**Processing of Agricultural Products:** A facility used in the modifying or grading of agricultural products including dairy products, fruits and vegetables for final consumption or secondary processing by processes including washing, steaming milling, candling and pasteurizing.

**Restaurant, Conventional:** An establishment serving prepared food or beverages for consumption on the premises and which may or may not include accessory “take-out” service.

**Restaurant, Drive In:** An establishment serving prepared food or beverages for consumption on the premises and so developed that its principle form or service delivery is to patrons parked in provided driveway parking spaces.

**Retail Sales Establishment:** A building or site used for the sale of products directly to the customer.

**Right-of-way:** An area or strip of land, either public or private, on which a right-of-passage has been recorded for the use of vehicles, pedestrians or both.

**Roadside Stand:** A temporary or portable structure designed for the display and sale of fresh produce.

**Salvage Yard:** A tract of land on which inoperable vehicles and other machinery and their component parts are collected, stored, salvages, recycled, processed or sold.

**Sand and Gravel Extraction:** An operation under which material is removed from an area of land in connection with the production of sand or gravel by surface or open pit methods.

**Sawmill:** A facility where logs are sawed into boards.

**School:** A facility that provides instruction.

**Set Back Lines:** Lines established as a distance offset from lot lines for the purpose of defining the limits within which no building or structure or any part thereof shall be erected or maintained. “Within a set back line,” means between the set back line and the lot line.



## Chapter 2 – Definitions

---

### Sign Definitions:

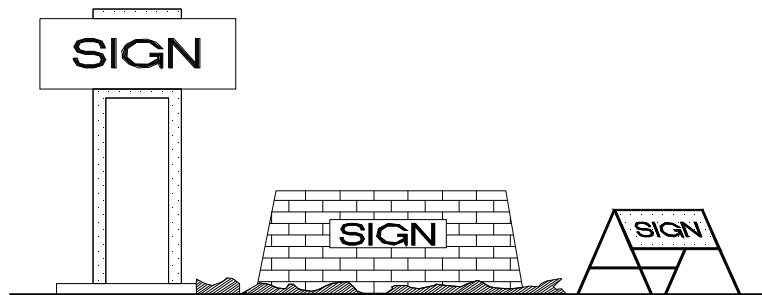
**Advertising Signs:** A sign that directs attention to a business or profession conducted or to a commodity, service or entertainment sold or offered.

**On-Premises:** An advertising sign, whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on the same premises.

**Off-Premises:** An advertising sign whose message relates to a business, service, commodity, or profession lawfully being conducted, sold or offered on premises other than that upon which the sign is located.

**Election Signs:** Signs advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election.

**Freestanding Signs:** A sign supported by 1 or more uprights, poles or braces placed in the ground and not attached to any building. Such sign may also be commonly known as a ground sign or pole sign.



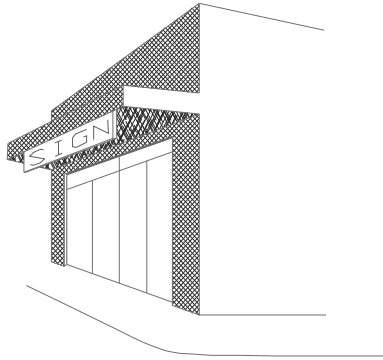
**Illuminated Signs:** A sign that provides artificial light directly (or through any transparent or translucent material) from a source of light connected with such sign, or a sign illuminated by a light so shielded that no direct rays from it are visible from any public right-of-way or from abutting properties.

## Chapter 2 – Definitions

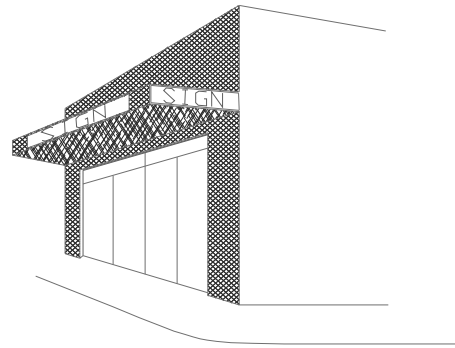
---

### Sign Definitions (continued):

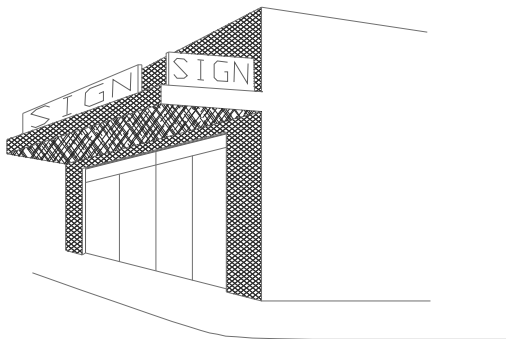
**Marquee Sign:** An identification sign attached to a marquee, canopy or awning projecting from and supported by the building, no less than 9 feet above sidewalk level.



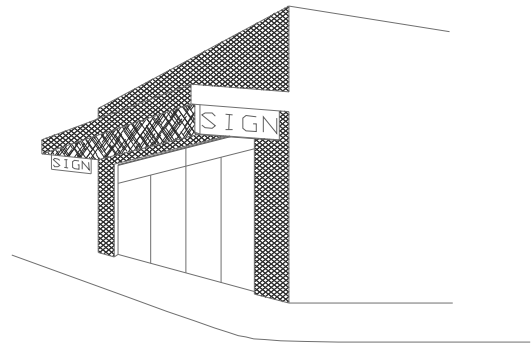
BELOW-PARALLEL MARQUEE SIGNS



VERTICAL-SURFACE MARQUEE SIGNS



ABOVE-PARALLEL MARQUEE SIGNS



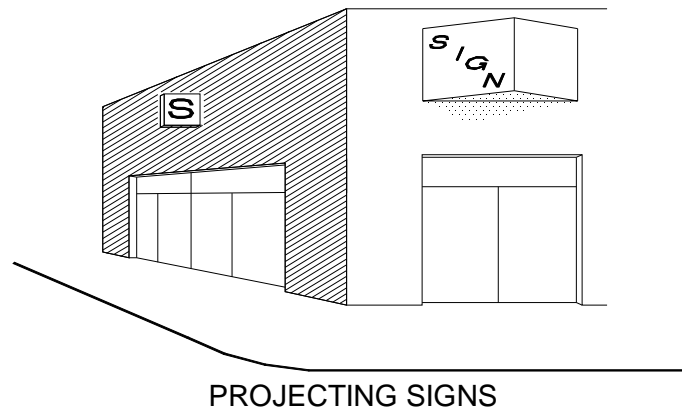
BELOW-PERPENDICULAR MARQUEE SIGNS

## Chapter 2 – Definitions

---

### Sign Definitions (continued):

**Projecting Signs:** A sign which projects from and is supported by a wall of a building and does not extend beyond the minimum required setback line or into and over street right-of-way, and not less than 9 feet, at its lowest point, above sidewalk or ground level.



**Real Estate Signs:** A sign located on premises containing land or buildings for sale, rent or lease or buildings under construction and intended for sale, rent or lease.

**Surface Display Area:** The surface display area of any sign is the entire area within a single continuous perimeter enclosing the extreme limits of lettering, representations, emblems, or other figures, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. Structural members bearing no sign copy shall not be included. (One side or all faces of a freestanding or projecting sign shall be included in calculating surface display area.)

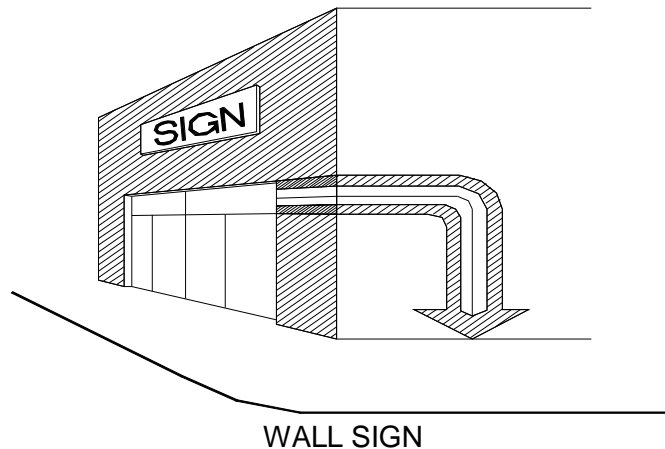
**Temporary Sign:** A display or informational sign with or without a structural frame including seasonal produce sales, decorative display, for holiday or public demonstrations.

## Chapter 2 – Definitions

---

### Sign Definitions (continued):

**Wall Sign (Fascia Sign):** A sign which is attached directly to or painted upon a building wall and which does not extend more than 18 inches from the wall or above the roof line, with the exposed face of the sign in a plane parallel to the building wall.



**Window Sign:** Signs affixed to, in contact with, or within 12 inches of a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.

### End of Sign Definitions

**Single Family Residence:** An unattached residence meeting the requirements of Section 3.12 and occupied by a single family.

**Site Plan:** Includes the documents and drawings required by this ordinance to ensure that a proposed land use or activity is in compliance with local ordinances and county state and federal statutes. (MZEA)

**Street:** A public thoroughfare that affords a principal means of access to abutting property.

**Strip Mall:** A Group of stores attached or separate, all of which are accessed from a separate entrance.

**Structure:** A structure is any production or piece of work artificially built up or composed of parts joined together in some definite manner; any construction.

**Subject Property:** All property identified in the notice for and included in a public hearing. (AC3)

**Tent:** A portable shelter or dwelling of canvas, cloth, etc..

## Chapter 2 – Definitions

---

**Theater:** A building arranged for the presentation of motion pictures, plays or operas.

**Townhouse:** Three or more residences attached by a common wall, each residence with its own exterior entrance.

**Township Board:** Whenever in this ordinance the words, “Township Board” appear it shall mean the Tuscola Township Board of Trustees .

**Travel Trailer:** A unit that is towed by a vehicle that includes kitchen facilities and sleeping areas. (AC3)

**Variance:** An exception to the requirements of the zoning ordinance granted by the Zoning Board of Appeals to a specific parcel.

**Dimensional Variance:** Any variance other than a use variance.

**Use Variance:** A variance that permits a use not specifically permitted by this Ordinance for the district in which it is located. . Use variances are not permitted in Tuscola Township.

**Veterinary Facility:** A facility for the examination and treatment of animals, including temporary boarding facilities.

### **Wind Energy Definitions:**

**Anemometer:** A temporary wind speed indicator constructed for the purpose of analyzing the potential of using a wind 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:** A unit of measure used to express the magnitude of sound pressure and sound intensity. Decibels as used in this ordinance are to be measured on the dB(A) weighted scale as defined by the American National Standards Institute.

**Decommissioning:** The process of terminating operation and completely removing a WET(s) and all related buildings, structures, foundations, access roads and equipment from the site.

**Large Grid Wind Energy Turbine (LGWET):** A large tower-mounted wind energy system that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries, or other components used in the system. The maximum total height of a LGWET is 495 feet.

**LGWET:** See Large Grid Wind Energy Turbine.

## Chapter 2 – Definitions

---

### Wind Energy Definitions (continued):

**Net Metering:** A metering and billing agreement between utility companies and their customers, that facilitates the connection of renewable energy generating systems to the power grid.

**Occupied Building:** A residence, school, hospital, church, public library, business or other building used for public gatherings.

**Operator:** The entity responsible for the day-to-day operation and maintenance of a wind energy turbine.

**Owner:** The individual or entity, including their respective successors and assigns, that have an equity interest or own the wind energy turbine in accordance with this ordinance.

**Participating Landowner Agreement:** An agreement between the landowner and the owner/operator of the Electric Grid Class WET(s) to be installed on the landowner's property.

**Rotor Diameter:** The circle swept by the rotating blades of a wind energy turbine.

**SGWET:** See Small Grid Wind Energy Turbine.

**Shadow Flicker:** The moving shadow, created by the sun shining through the rotating blades of a wind energy turbine. 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 Grid Wind Energy Turbine (SGWET)** A tower-mounted wind energy system that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, vane, wire, inverter, batteries, or other components used in the system. The total height of a SGWET must not exceed 150 feet.

**Small Tower Mounted Wind Energy Turbine (STWET):** A type of wind energy turbine in the Personal Use Class that converts wind energy into electricity through the use of equipment that includes any base, blade, foundation, generator, nacelle, rotor, transformer, vane, wire, inverter, batteries, or other components used in the system. The total height does not exceed 100 feet.

**SMWET:** See Structure-Mounted Wind Energy Turbine.

**Structure:** Any building or other structure, such as a municipal water tower that is a minimum of 12 feet high at its highest point of roof and is secured to frost-footings on a concrete slab.

## Chapter 2 – Definitions

---

### Wind Energy Definitions (continued):

**Structure-Mounted Wind Energy Turbine (SMWET):** Equipment that converts wind energy into electricity that includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other components used in the system. A SMWET is attached to a structures roof, walls, or other elevated surface. The Total height of a SMWET must not exceed 25 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.

**STWET:** See Small Tower Mounted Wind Energy Turbine.

**Total Height:** The vertical distance measured from the ground 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:** See Wind Energy Turbine.

**Wind Energy Turbine (WET):** The device propelled by the wind that generates the electrical current.

### End of Wind Energy Definitions

**Wholesale and Warehouse Facilities:** A building or group of buildings and area of land used for the storage of products prior to shipment to retail establishments.

**Wireless Communications Equipment:** The set of equipment and network components used in the provision of wireless communications services, including, but not limited to, antennas, transmitters, receivers, base stations, equipment shelters, cabinets, emergency generators, power supply cables, and coaxial and fiber optic cables, but excluding wireless communications support structures.

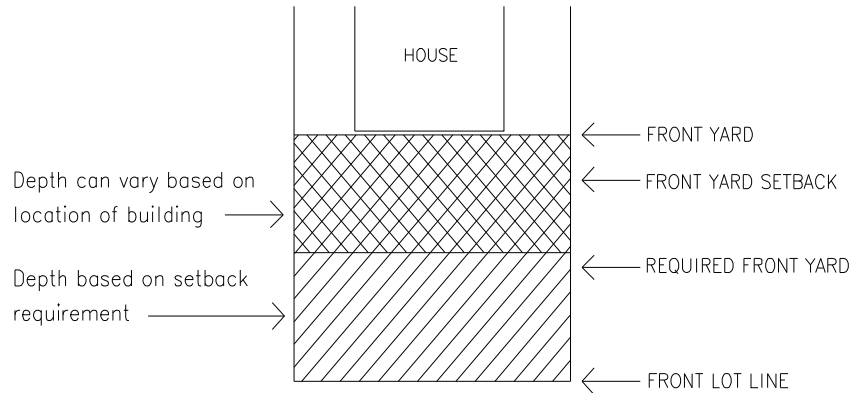
**Wireless Communications Support Structure:** A structure that is designed to support, or is capable of supporting, wireless communications equipment, including a monopole, self-supporting lattice tower, guyed tower, water tower, utility pole, or building.

**Yard:** Any open space located on the same lot with a building, unoccupied and except for accessory buildings. The minimum depth or width of a yard is measured as the horizontal distance from the lot line and the nearest point of the principal structure, not including any projections expressly excluded in this ordinance.

## Chapter 2 – Definitions

---

**Yard, Front:** A yard extending along the full width of a front lot line between side lot lines and from the front lot line to nearest point of the principal structure. On a corner lot or a through lot, both yards adjacent to a street are front yards.

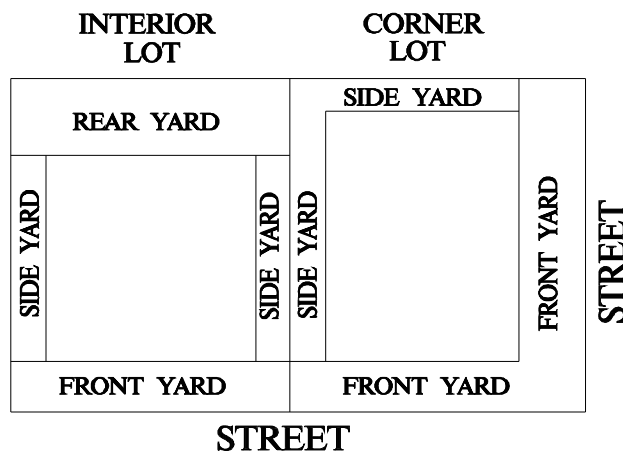


**Yard, Rear:** A yard extending along the full width of a rear lot line between side lot lines and from the rear lot line to nearest point of the principal structure. On a corner lot or a through lot, there is no rear lot line.

**Yard, Required:** An area on a lot between the lot lines and the required front, side and rear setback lines, in which the principle structure and in some cases accessory structures are prohibited.

**Yard, Side:** A yard extending from the side lot line to nearest point of the principal structure, and extending from the front yard to the rear yard. On a corner lot or a through lot, any yard that is not a front yard is a side yard.

### YARD DEFINITIONS



**Zoning Board of Appeals (ZBA):** The Tuscola Township Zoning Board of Appeals, as established by this ordinance, and as authorized under the authority of PA 110 of 2006, as amended.



## Chapter 2 – Definitions

---

**Zoning Ordinance:** This Tuscola Township Zoning Ordinance, adopted under the authority of PA 110 of 2006, as amended.

## Chapter 2 – Definitions

---

THIS PAGE INTENTIONALLY LEFT BLANK

## Chapter 3 – General Provisions

---

### SECTION 3.01 PUBLIC HEARING NOTICE REQUIREMENTS

Reference: MZEA125.3103

1. Notice of all public hearings required in this ordinance will be published in a newspaper of general circulation in Tuscola Township not less than 15 days before the hearing.
2. Written notice of the public hearing will be given to:
  - a. Owners of the subject property (D2-18) involved in the hearing request.
  - b. Owners of real property within 300 feet of the subject property.
  - c. Occupants of all structures (D2-18) within 300 feet of the subject property.
3. Properties outside of the boundaries of Tuscola Township and within three hundred feet of the subject property will be given written notice of the public hearing.
4. Notice need not be given to more than 1 occupant of a structure, unless the structure contains more than 1 dwelling (D2-7) or other space owned or leased by different persons (D2-13). One owner or occupant of each unit or other space shall be given notice. When 1 structure contains more than 4 dwelling units and distinct spatial units owned or leased by different persons, notice shall be given to the owner or manager of the structure who will be requested to post the notice at the primary entrance to the structure.
5. Written notice of a public hearing is considered given when personally delivered or when deposited within normal business hours for delivery with the United States Postal Service or other public or private delivery service not less than 15 days before the public hearing date. When the name of the occupant or lessee is not known, the term “occupant” may be used for the intended recipient of the notice.
6. A notice under this section shall do all of the following:
  - a. Describe the nature of the hearing request.
  - b. Indicate the property that is the subject of the hearing including all street (D2-18) addresses within the property. If there are no street (D2-18) addresses, other means of identification may be used.
  - c. State when and where the hearing will be held.
  - d. Indicate when and where written comments will be received concerning the hearing.

### SECTION 3.02 ESSENTIAL PUBLIC SERVICES

Reference: MZEA PA 110 of 2006 as amended

Essential Public Services (D2-7) defined in this ordinance shall be permitted as authorized and regulated by law and other ordinances are exempted from the application of this ordinance.

## Chapter 3 – General Provisions

---

### SECTION 3.03 VOTING PLACE

Any property used as a voting place authorized by a local or state governmental body is exempted from the provisions of this ordinance on election days.

### SECTION 3.04 HEIGHT LIMIT

- A. Except as described below, the height limitations of this ordinance shall not apply to farm buildings, chimneys, church spires, flagpoles, public monuments or wireless transmission towers.
- B. Height limits regulated by the Michigan Department of Transportation Aeronautics Division and the Federal Aviation Administration shall be observed for all structures in Tuscola Township that are affected by the Zehnder Field airport approach plan, which is located to the west in Frankenmuth Township.

### SECTION 3.05 YARDS ABUTTING ALLEY

Wherever a public alley (*D2-1*) abuts the rear (*D2-11*) or side (*D2-11*) of a lot (*D2-10*) for its full width or depth, the side (*D2-22*) and/or rear (*D2-22*) yard setbacks required under this ordinance may be measured to the centerline of such alley. This provision shall not permit the placement of a structure (*D2-18*) within an alley right-of-way (*D2-14*), nor shall such placement be allowed by issuance of a variance (*D2-19*).

### SECTION 3.06 UNLAWFUL BUILDINGS

A building (*D2-2*) or part thereof used, erected (*D2-7*), altered or occupied contrary to law or the provisions of this ordinance is an unlawful structure and a nuisance per se and the nonconformity will be required to be corrected by any legal means. Continued use of unlawful buildings is subject to the requirements detailed in Chapter 5 of this document.

### SECTION 3.07 UNLAWFUL USES OF LAND

Any use of land that is contrary to law or the provisions of this ordinance and is not a legal non-conforming use (*D2-13*) as defined in Chapter 5 of this ordinance is unlawful and a nuisance per se and the nonconformity shall be corrected as permitted by the Michigan Zoning Enabling Act, as amended.

## Chapter 3 – General Provisions

---

### SECTION 3.08 LOT SPLIT REVIEW

Prior to the recording of any division of land or the sale of a parcel (*D2-13*) divided off a larger parcel, the land division shall be reviewed by the zoning administrator to ensure that the parcel complies with the requirements of this ordinance for lot width (*D2-12*), lot area, and other dimensional requirements. The zoning administrator shall also ensure that any existing structures conform to required setbacks as a result of the new lot lines.

### SECTION 3.09 PROHIBITED DWELLINGS

The following structures (*D2-18*) are not permitted as permanent dwellings in the Township:

1. Motor Homes (*D2-13*)
2. Travel Trailers (*D2-19*)
3. Campers (*D2-4*)
4. Tents (*D2-18*)
5. Cabins (*D2-4*)
6. Garages
7. Basements

### SECTION 3.10 TEMPORARY DWELLINGS

- A. The zoning administrator may authorize the use of basements, garages, cabins, barns or mobile homes (*D2-12*) as a temporary dwelling (*D2-7*) during construction of a residence or during repair of a residence damaged or destroyed by fire, collapse, explosion, Acts of God or acts of a public enemy.
- B. To be eligible for a temporary dwelling permit, the applicant must:
  1. Obtain a building permit for the construction or repair work.
  2. Obtain approval from the Tuscola County Health Department for provision of adequate sewage disposal for the temporary dwelling.
  3. Locate the temporary structure within the setback requirements for a principal structure in its zoning district.
- C. Temporary dwelling permits shall be good for 1 year. A 6 month extension of these permits may be granted by the Zoning Administrator or the Planning Commission if the applicant has demonstrated:
  1. Good faith efforts to complete construction or repair.

## Chapter 3 – General Provisions

---

2. Completion of the construction or repair can reasonably be completed within the time extension.

### SECTION 3.11 MOTOR HOMES/TRAILER HOMES AS TEMPORARY RESIDENCES

The use of a motor home (D2-13) or trailer home as a temporary residence to a bona fide visitor of a resident of the township is permitted for a maximum of 90 days in any calendar year provided that:

- A. The motor home or trailer home shall not be parked on a public street (D2-18).
- B. There will be a clear space of 10 feet around the motor home or trailer home.
- C. The motor home or trailer home shall have a properly designed and approved self-contained waste disposal facility or shall have access to and unlimited use of the sanitary facilities of the dwelling (D2-7) located on the same zoning lot (D2-10).

### SECTION 3.12 SINGLE FAMILY DWELLING REGULATIONS

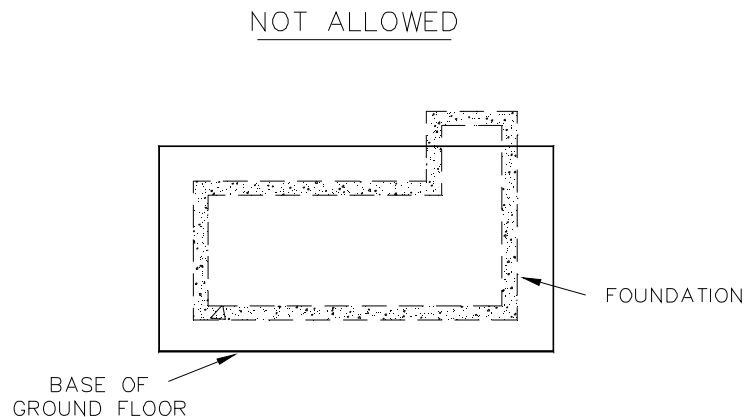
A single family dwelling and any additions or alterations thereto, erected (D2-7) or placed in the township, other than mobile homes (D2-12) located in a licensed mobile home park (D2-12), shall conform to the following regulations in addition to all other regulations of this ordinance:

- A. It shall comply with all requirements of this ordinance including, without limitation, the minimum lot area, minimum lot width (D2-12), minimum enclosed and heated square feet, setback requirements, required yards (D2-22), and maximum building height (D2-3) limitation of the zoning district in which it is located.
- B. It shall comply with all applicable building, electrical, plumbing, fire, mechanical, energy, and other similar codes which are or may be adopted by Tuscola County, The State of Michigan as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, and all federal government regulations.
- C. Where a dwelling is required by law to comply with any state standards or regulations for construction different than those imposed by Tuscola County the Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended, the State standard or regulation shall apply. When Federal requirements for construction differ from State of Michigan regulations the Federal standard or regulation will apply.

## Chapter 3 – General Provisions

---

- D. If the dwelling is a mobile home, the mobile home must be:
1. New and certified by the manufacturer and/or appropriate inspection agency as meeting the Mobile Home Construction and Safety Standards of the U.S. Department of Housing and Urban Development, as amended, or any similar successor or replacement standards which may be promulgated:
  2. Used and certified by the Tuscola County building official to be safe and fit for residential occupancy.
- E. It must 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 the base of the ground floor wall shall have the same perimeter dimensions as the dwelling (D2-7) and be constructed of materials required in the applicable building code for single family dwellings. In the event that the dwelling is a mobile home (D2-12), as defined herein, such dwellings shall be installed pursuant to the manufacturer's setup instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission, as adopted or amended, or any similar or successor agency having regulatory responsibility for mobile homes. The mobile home shall have a perimeter wall as required above



- F. In the event that a dwelling is a mobile home as defined herein, each mobile home shall be installed with the wheels removed. No mobile home shall have any exposed towing mechanism, undercarriage or chassis within 30 days of occupancy.
- G. The dwelling must be connected to a public sewer and water supply or to private facilities approved by the Tuscola County Health Department.
- H. The dwelling shall have an attached or unattached garage or a carport similar to the principal dwelling, or a separate storage structure (D2-18) of standard construction. The separate storage area shall be a minimum of 96 sq. ft. in area.

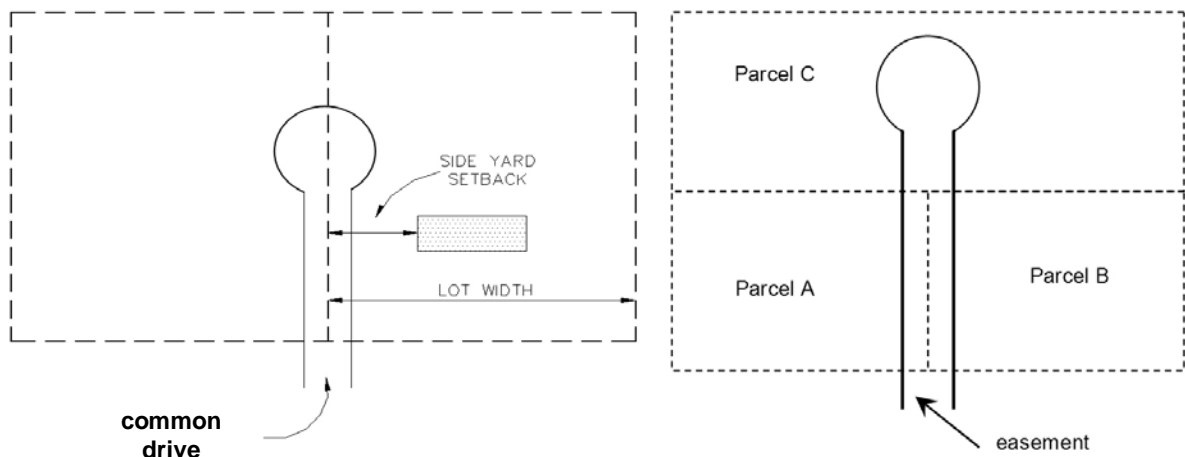
## Chapter 3 – General Provisions

- I. The dwelling (D2-7) contains no additions or rooms or other areas which are not constructed with similar quality workmanship or better than the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein.
- J. The dwelling (D2-7) complies with all appropriate building and fire codes. In the case of a mobile home (D2-12), all construction and all plumbing, electrical apparatus and insulation within and connected to said mobile home shall be of a type and quality conforming to the “Mobile Home Construction and Safety Standards” as promulgated by the United States Department of Housing and Urban Development, being 24 CFR 3280, and as from time to time such standards may be amended. Additionally, all dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- K. The foregoing standards shall not apply to a mobile home located in a licensed Mobile Home Park (D2-12) except to the extent required by state or federal law or otherwise specifically required in the ordinance of the Township pertaining to such parks.
- L. All construction required herein shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan State Construction Code as promulgated by the Michigan State Construction Code Commission under the provisions of 1972 PA 230, as amended.

### SECTION 3.13 COMMON DRIVEWAYS AND ACCESS EASEMENTS

- A. A single 30 foot easement (D2-7) may serve as ingress and egress for not more than two residences lacking sufficient frontage (D2-8) on a public road or for lots with no road frontage as required by this ordinance or by administrative action of the Zoning Administrator.

CALCULATING LOT WIDTH AND SIDE YARDS  
FOR LOTS ON COMMON DRIVEWAYS





## Chapter 3 – General Provisions

---

- B. The lot(s) (D2-10) accessed must meet the minimum lot width (D2-12) requirements for the zoning district it is located in at the front (D2-12) building line. The area of the easement (D2-7) may be included in calculating the lot width and side yard (D2-22) setbacks for lots containing the easement, however no structure (D2-18) may be located in the easement.
- C. Prior to issuing a zoning permit for construction of a structure whose source of access is off a common driveway, the applicant/owner shall submit the following to the Zoning Administrator:
1. The names of owner(s) of the land upon which the common driveway or easement is to be constructed, copies of records with the Tuscola County Register of Deeds an easement granting rights of ingress, egress, utilities access, drainage or other uses for the benefit of both residences served by the common drive.
  2. A copy of the written maintenance agreement signed by the owners of each lot or residence to be served by the common driveway or easement shall be recorded with Tuscola County Register of Deeds. Maintenance shall include, but is not limited to, plowing snow and removing ice in the winter so that firefighting and emergency vehicles can access buildings served by a common driveway or easement. The agreement shall allocate the responsibility to maintain the common driveway between or among the owners, and shall be binding upon the successive owners of the lots or residences. It shall be the responsibility of the owners to enforce the terms of the agreement.
  3. A site map showing the location of the common driveway or easement.

### SECTION 3.14 PRIVATE ROADS

- A. No private road (D2-14) shall be constructed within Tuscola Township except in accordance with this Zoning provision.
- B. Review, and approval of a proposed private road shall require a public hearing of the Tuscola Township Planning Commission, including the public notice of section 3.01 of this ordinance.
- C. Application for approval of a private road shall include a site plan (D2-18) sealed by a professional surveyor showing:
1. Existing and proposed lot lines.
  2. The location of existing and proposed structures.
  3. The width and location of the private road easement.
  4. A cross section of the proposed road, showing the types of material that will be used in the construction of the road base and surface.

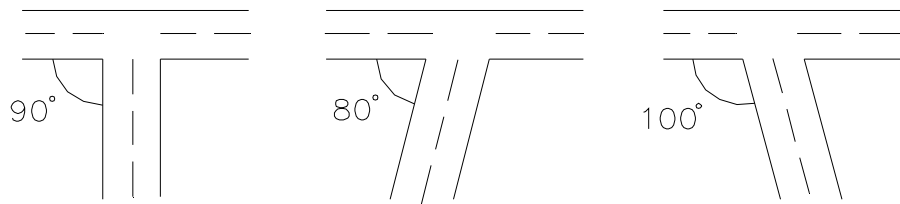
## Chapter 3 – General Provisions

---

5. Utility plans including the location and size/capacity of storm water drainage systems, sewer or septic systems, water lines or private wells, and private utilities such as telephone, electrical or cable service.
6. Proposed location of driveways off the private road (D2-14).
7. Any existing or proposed structures (D2-20), trees or other obstructions within the proposed right-of-way (D2-14).
8. All division of land shall be in compliance with the Subdivision Control Act as documented in the Land Division Act, Public Act 288 of 1967 as amended.
9. Other pertinent information as determined by the surveyor or requested by the Zoning Administrator or the planning commission.

D. The proposed private road shall meet the following standards:

1. The minimum right-of-way (D2-14) width shall be 66 feet, unless curb and gutter is provided, in which case the minimum right-of-way is 50 feet.
2. The minimum grade for roadways shall be 0.5%. The maximum longitudinal grade shall be 6%. The maximum grade within 100 feet of an intersection shall be 3%.
3. No fence, wall, sign, screen or any planting shall be erected (D2-8) or maintained in such a way as to obstruct vision as listed in section 3.22.
4. The maximum number of residences permitted on a cul-de-sac is 20, but in no instances may a cul-de-sac be over 1,000 feet in length.
5. Any driveways off a private road shall be at least 40 feet from the intersection of the private road right-of-way and a public road right-of-way.
6. Intersections of private roads with public roads shall be at an angle as close to 90° as possible, but in no case shall it be less than 80° or more than 100°.



ROAD INTERSECTION

## Chapter 3 – General Provisions

---

7. The width of the roadway shall be a minimum of 18 foot with 3 foot shoulders provided for bicycle and pedestrian traffic.
  8. The minimum radius for circular cul-de-sac roadways is 40 feet. An interior island is permitted in the center of the cul-de-sac, provided that the roadway within the cul-de-sac is no less than 25 feet wide.
  9. Private roads (*D2-14*) shall be paved with bituminous asphalt or concrete meeting Tuscola County Road Commission standards if any of the following occur:
    - a. The road serves more than 10 residential lots (*D2-10*) and dwelling units.
    - b. The road provides access to multiple family developments(s).
  10. Sight distances on horizontal and vertical curves shall be a minimum of 200 feet measured at a point 10 feet from the edge of the traveled road-way at a height of 42" to an object height of 42".
  11. Parcels fronting on private roads shall meet the required front yard (*D2-22*) setback and lot width (*D2-12*) for their district.
  12. The private road shall be constructed with a minimum 10" of 22–A aggregate.
- E. Any road that provides connection to 2 public roads or provides access to industrial or commercial property shall be constructed to Tuscola county road standards, and approved by the Tuscola County Road Commission.
- F. To ensure that the proposed private road meets construction requirements the Planning Commission may require a third party engineer to review the plans and provide an opinion. The applicant will pay the cost of the engineers review. The Planning Commission will provide the applicant with the engineers estimate before the review is scheduled. The review date will be determined after the applicant accepts the changes.
- G. Private Road Maintenance Agreement
1. The applicant and all owners of lots located on a private road shall be responsible for maintaining the private road (*D2-15*) at all times to the standards required by this zoning provision and all other applicable laws. Maintenance shall include, but not be limited to, plowing snow and removing ice in the winter to allow firefighting and emergency vehicles to access all portions of the private road at all times.
  2. The applicant shall provide the Township with a recordable agreement, satisfactory to the Township, covering the maintenance of the private road that provides for the following:
    - a. Makes all current and future owners of buildings and lots (*D2-10*) on the private road parties to the road maintenance agreement.

## Chapter 3 – General Provisions

---

- b. Provides for, but is not limited to regular maintenance, repair, snow and ice removal, right-of-way (*D2-14*) trimming of the private road to ensure the road is safe for travel at all times.
    - c. The agreement shall be recorded, run with the land, and bind all lots and properties benefited by the road responsible for the maintenance costs.
    - d. The agreement shall be enforceable by the Township at its option.
    - e. Provides that, if the road is not maintained to Township or county standards or the requirements of this zoning provision, all owners of lots or properties benefited by the private road shall be deemed to have consented to a special assessment district being created by the Township to maintain or upgrade the private road. Alternately, the Township Board (*D2-19*), at its option can improve and maintain the private road so that it meets the requirements of this zoning provision and charge the owners of all lots the reasonable costs thereof, and such costs shall be secured by placing a lien on the benefited lots and properties or by placing the costs thereof on the tax roll.
  3. The applicant for a private road approval, all owners of the private road and lots thereon, all those who use the private road, and all persons (*D2-13*) securing a permit to construct a building (*D2-2*) served by the private road all agree that by securing a permit for a building that utilizes the private road and by utilizing the private road, they shall indemnify and will save and hold the township (as well as its officers, agents, and employees) harmless for, from, and against any and all claims, causes of action, and damages for personal injury and/or property damage arising out of the use of the private road or the failure to properly construct, maintain, repair, and/or install the private road and any appurtenances thereto. The above language shall be included into the maintenance agreement.
  4. All Maintenance agreements for private roads shall be submitted to the Tuscola Township for review and approval prior to the maintenance agreement being recorded and prior to any construction on the private road. The maintenance agreement shall contain the following statement:

“The road is private and is not required to be maintained by the Tuscola County Road Commission or any governmental unit.”
- H. Existing Non-conforming Private Roads (*D2-14*): Tuscola Township recognizes that there may be existing private roads, which were lawful prior to the adoption of this zoning provision and do not conform to the standards herein. Such roads are declared by this zoning provision to be legal nonconforming roads. Tuscola Township also recognizes the importance of having these roads upgraded if and when one or more of the following occur:
1. One or more lots (*D2-10*) are added to an existing nonconforming private road.

## Chapter 3 – General Provisions

---

2. The division or splitting of a lot occurs on a nonconforming private road.
3. The addition of an extension, addition, or branch to or from an existing nonconforming private road.

When one or more of the above situations occur the owners of lots on the private road are required to upgrade the entire private road to conform to the standards and requirements of this ordinance for new private roads.

### SECTION 3.15 OBSCURING WALLS AND FENCES

- A. Obscuring walls and fences shall be provided at a height of not less than 5½ feet above the ground where commercial or industrial uses, including their required parking areas, are adjacent to side (*D2-22*) or rear (*D2-22*) yards of residential uses or districts, unless this ordinance requires a taller wall or fence.
- B. Walls or fences required by this section shall provide an obscuring visual barrier and shall be constructed of wood, stone or metal, and be of conventional design. The fence shall be maintained in good condition. In those instances where the fence shall have a finished and unfinished side, the finished side shall front the residential property.
- C. As part of site plan (*D2-18*) review, the Planning Commission may waive or modify this requirement where structures (*D2-20*), berms, greenbelts or existing vegetation serve the same purpose, or in those specific cases where it can be shown that no good purpose would be served by the screening requirement.

### SECTION 3.16 FRONTAGE

Every dwelling (*D2-7*) or principal building (*D2-2*) shall be located on a lot or parcel (*D2-13*) which borders upon a public road or an approved private road to a width equal to the minimum lot width (*D2-12*) requirements of their district. An exception to this requirement is permitted for residential or agricultural lots located at the end of private roads (*D2-14*) or drives, in which case the minimum frontage (*D2-8*) shall equal the required easement (*D2-7*) of the private road or drive, and to lots with access provided by common driveways or easement as outlined in Section 3.13.

### SECTION 3.17 ONE PRINCIPAL RESIDENCE

In the Agricultural, Residential/Agricultural, Low Density Residential, Medium Density Residential districts, only one single-family residence (*D2-18*) or duplex (*D2-7*) structure (*D2-18*) is permitted per lot (*D2-10*).

## Chapter 3 – General Provisions

---

### SECTION 3.18 BUILDING COMPLETION/PRIOR ZONING PERMITS

- A. Any building (*D2-2*) constructed pursuant to an approved zoning permit shall be completed within one year of issuance of the permit. The Zoning Administrator may extend the permit for 6 additional months if work is progressing in compliance with the permit. After eighteen months, the applicant must reapply for a zoning permit to complete the project.
- B. Any construction begun under a valid zoning permit issued prior to adoption of this ordinance may continue provided the work was begun within 120 days of the adoption of this ordinance and work is completed within fifteen months of the adoption this ordinance.

### SECTION 3.19 RECREATIONAL VEHICLE STORAGE

When recreational vehicles, owned by someone other than the resident or property owner, are parked on a residential lot (*D2-10*), the vehicles must be stored in an enclosed building. Recreational vehicles owned by resident family members must meet the setback requirements for accessory structures in the district where they are located.

### SECTION 3.20 EXCAVATIONS OR HOLES

Any excavations or other holes created as part of work authorized under a zoning permit shall be properly protected with barricades and signs designed to warn pedestrians and motorists of the existence of the hole or excavation.

### SECTION 3.21 SCREENING OF TRASH STORAGE AREAS

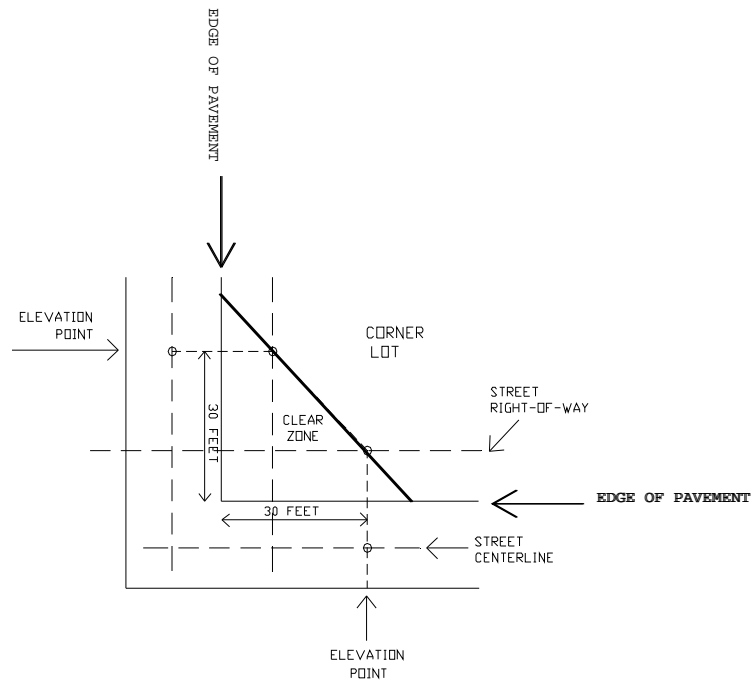
Any outdoor trash storage area such as dumpsters or trashcans must be screened on three sides by obscuring fencing at least six inches above the height of the container. The storage area shall not be located in the front yard (*D2-22*). The storage area shall be constructed and maintained to prevent the blowing of trash from the storage area.

### SECTION 3.22 CORNER CLEARANCE

No fence, wall, sign, screen or vegetation shall be erected (*D2-7*) or maintained in such a way as to obstruct vision between the height of 3 feet and 10 feet within the triangular clear vision area of two intersecting streets. The clear vision triangle is formed by the intersection of the edge of the road lines and two points which are located on the edge of those intersecting roads lines 30 feet from the point of

## Chapter 3 – General Provisions

intersection. The 3 to 10 height limitation shall be measured at the lowest centerline elevation of either street (D2-18) within the area of the clear vision triangle.



### FENCES, WALLS AND SCREENS

#### SECTION 3.23 ACCESSORY STRUCTURES

- A. Accessory structures in residential areas shall not have sidewalls greater than 14 feet in height.
- B. No accessory structure in residential areas may be located closer than 5 feet from the principal structure (D2-18) or in the front yard (D2-22). However, accessory structures may be located in side yards (D2-22) in front of the principal structures building front, but may not be located within the required front yard (D2-22).

#### SECTION 3.24 TERRACES

An open, unenclosed paved terrace or patio may project into a required front yard for a distance not exceeding 10 feet, but this shall not be interpreted to include or permit fixed canopies.

## Chapter 3 – General Provisions

---

### SECTION 3.25 CONSTRUCTION FACILITIES

Construction trailers and similar temporary structures such as those used as offices and/or for storage by contractors and other construction personnel are permitted. Use of said structures is restricted to construction activities related to the site or development on which they are located. These facilities shall not be used as a temporary dwelling (*D2-7*). Construction trailers and temporary construction storage buildings must be removed within 90 days following completion of the project.



## Chapter 4 – Administration

---

### SECTION 4.01 INTENT

The intent of this section is to outline the general roles and responsibilities of various Township officials and public bodies in administration of the Zoning ordinance (*D2-23*).

### SECTION 4.02 ROLES AND RESPONSIBILITIES

#### A. Zoning Administrator

The Zoning Administrator's responsibilities under this ordinance are:

1. Accepting applications for Zoning Permits, Conditional Use Permits, Zoning Amendment Requests, Variance Requests, Interpretation Requests, and Administrative Appeal Requests. Provide a checklist of required information with each application requested.
2. Approval of Zoning Permits and initiation of process to revoke zoning permits when the applicant has violated the terms of the permit.
3. Respond to written complaints regarding zoning violations by investigating the complaint. Maintain a file on each complaint. Identifying the results of the investigation and provide a written response to the complainant.
4. Prepare a quarterly report to the Planning Commission and Township Board (*D2-19*) on zoning activities including zoning permits issued or revoked, status of complaints, and status of any enforcement activities currently under way.
5. Provide other staff support required by the Planning Commission or Township Board related to administration of the zoning ordinance.

#### B. Planning Commission

The Planning Commission's responsibilities under this ordinance are:

1. Review and approval of Conditional Use Permits.
2. Review of all proposed zoning ordinance amendments, including the holding of a public hearing and preparation of a report to the Township Board.
3. Initiating amendments to the zoning ordinance when they determine it is appropriate.
4. Reviewing and approving site plans (*D2-18*).

## Chapter 4 – Administration

---

5. Conduct review of the Tuscola Township Master Plan at least every five years following the adoption of the Master Plan.
6. Prepare a report for the Township Board (*D2-19*) each year on the administration and enforcement of the zoning ordinance (*D2-23*) and recommendations for amendments or supplements to this ordinance.

### C. Township Board

The Township Board's responsibilities under the ordinance are:

1. Final approval of proposed amendments to the zoning ordinance.
2. Approving appointments to the Zoning Board of Appeals (*D2-22*) and the Planning Commission.
3. Hire Zoning Administrator and other staff or consultants.
4. Establish fees for permits and reviews and approve budgets for planning and zoning activities.

### D. Township Clerk

The Township Clerk's responsibility under the zoning ordinance (*D2-23*) is the mailing and posting of notices required under its provisions. The Planning Commission Chairperson or person (*D2-13*) making arrangements for the mailing will notify the Township Clerk of the timing of the public notices and provide copies of the notices, mailing list, and a copy of the newspaper advertisement showing the publication date. The Planning Commission Secretary will provide the Township Clerk with a copy of the public hearing minutes and regular meeting minutes where the proposed ordinance change was discussed and acted upon.

## SECTION 4.03 ADMINISTRATIVE PROCEDURES

### A. Zoning Permits

Zoning permits ensure compliance with the zoning ordinance.

1. A zoning permit is required in any of the following cases:
  - a. A new structure (*D2-18*) is erected (*D2-7*) or moved onto a lot (*D2-10*) in the township.
  - b. An existing structure is enlarged.
  - c. A structure that was damaged or destroyed is rebuilt.

## Chapter 4 – Administration

---

- d. The use of a structure (D2-18) or land changes (for example: a church is changed into a day care center, or a single family residence (D2-18) is changed into two apartments).
- e. Signs, not excluded under the provisions of Chapter 7, are erected (D2-7), moved, or structurally modified.
- f. The Zoning Administrator may issue a zoning permit for construction/remodeling work that does not meet the requirements above (for example: the installation of new wiring) if the zoning permit is required by the Tuscola County Building Inspector and the work does not involve a violation of this zoning ordinance (D2-23).

### 2. Zoning Permit Application

The Zoning Administrator shall provide a zoning permit application form to be filled out by an applicant. The applicant shall return the completed zoning permit application signed by the applicant and include a plot plan as indicated on the application form, and the current permit fee as determined by the Tuscola Township Board (D2-19) to the Zoning Administrator.

Before the application can be processed, all of the information and other requirements listed on the zoning Permit Application must be provided by the applicant.

### 3. Inspection During Construction

Any improvements (D2-9) for which a zoning permit is issued that require the construction of a foundation or the installation of pavement must be inspected after the initial excavations or site preparation work has been completed but before the foundation or pavement is installed. This is to ensure that the foundation or paving is located in accordance with the zoning permit. It is the applicant's responsibility to notify the zoning administrator when the project is ready for inspection. If the foundation or paving is in compliance, the Zoning Administrator shall issue a Certificate of Compliance so that the remaining construction can be completed

### 4. Stop Work Order/Revocation of Permit

If at any time the Zoning Administrator determines that the development or use of the site is in violation of the zoning permit he/she shall issue a stop work order and/or notice of violation to the applicant with a copy sent to the Tuscola County Building Inspector, and notify the Township Planning Commission. The Planning Commission shall hold a hearing to determine if the zoning permit should be revoked, notifying the applicant and Zoning Administrator of the hearing and requesting their attendance

## Chapter 4 – Administration

---

### SECTION 4.04 ENFORCEMENT

#### A. Enforcement

Enforcement of this ordinance is the responsibility of the Township Board of Trustees. The Zoning Administrator assists the Board at the direction of the Township Supervisor.

#### B. Penalty

Any person (*D2-13*), firm corporation or agent thereof, who violates, disobeys, omits, neglects or refuses to comply with, or who takes part in or assists in the violation of any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not to exceed Five Hundred (\$500) Dollars and costs of prosecution or in default thereof be imprisoned in the county jail for a period not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the court. Each day that a violation continues to exist shall constitute a separate offense. The implementation of any sentence shall not exempt the offender from compliance with the provisions of this ordinance.

#### C. Nuisances

1. Any use of any building (*D2-2*) or part thereof used, erected (*D2-7*), altered or occupied contrary to law or the provisions of this ordinance is unlawful and a nuisance per se.
2. Any use of any building that becomes unsafe or which becomes a menace to the health, or safety of the public is unlawful and a nuisance per se.
3. The Zoning Administrator shall upon investigation condemn any of the foregoing nuisances found to exist in the Township by giving notice to the owner of the land upon which the nuisance exists, specifying in what respect a nuisance exists and requiring the owner to alter, repair, tear down, remove or abate the same within thirty days after service of said notice. If at the expiration of the time limit in said notice the owner has not complied with the requirements listed in the notice, the Zoning Administrator shall report the same violation and shall carry out the requirements of said notice, and all costs incurred in such abatement shall be charged against the premises and the owner.
4. No land or building condemned as a nuisance shall be used or occupied until it conforms to the provisions of this ordinance.

## Chapter 4 – Administration

---

### D. Parties

The Tuscola Township Board (*D2-19*) as provided by statute is responsible for enforcement of this ordinance and may institute appropriate legal proceedings to abate, enjoin, or retain any violation.

### E. Remedies Cumulative

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

## SECTION 4.05 PARTY AGGRIEVED BY TOWNSHIP DECISION; CIRCUIT COURT REVIEW

Reference: MZEA 125.3607

Any party aggrieved by any order, determination, or decision of any officer, agency, board, commission, zoning board of appeals (*D2-22*), or the legislative body of Tuscola Township may obtain a review in the Tuscola County Circuit Court. This review shall be in accordance with the provisions of the Michigan Zoning enabling Act (PA 110 of 2006 as amended).

Any person (*D2-13*) requested to be given notice of the appeal of any order, determination, or decision of Tuscola Township shall be a party to any action for review under this section.

## Chapter 4 – Administration

---

THIS PAGE INTENTIONALLY LEFT BLANK

## Chapter 5 – Non-Conforming Uses

---

### SECTION 5.01 THREE CLASSES OF NON-CONFORMING USES

- A. Non-conforming uses (*D2-13*) are those uses of land or buildings that were legal at the time they were established, but as a result of the adoption of this ordinance or amendments to this ordinance, no longer conform to the uses permitted in the zoning district it is located in. There are hereby established 3 types of non-conforming uses: Class A, Class B, and Class C.
1. Class A non-conforming uses include existing residences located on land parcels formerly zoned residential property now zoned as commercial property that have never housed a commercial use.
  2. Class B non-conforming uses are those uses not included in Class A above which have been so designated by the Planning Commission, after application for such designation by the owner of the property. Where Class B non-conforming uses are identified, it is the intent of this ordinance to provide for their continuance so long as they fulfill the requirements in this section.
  3. Class C non-conforming uses are all non-conforming uses not designated as Class A or Class B. It is the intent of this ordinance not to encourage the survival of Class C non-conforming uses. Class C non-conforming uses may not be expanded upon, and structures housing non-conforming uses may not be enlarged.
- B. Procedures for Obtaining a Class A Designation

A class A designation for a non-conforming use under this section shall be subject to the following regulations:

1. Class A designation is hereby granted to all qualifying residences located on a Commercial Zone Parcel of land upon submitting a properly completed Class A non-conforming use application signed by the owner(s) to the Tuscola Township Clerk with payment of the applicable application fee.
2. This Ordinance shall not prohibit the repair, improvement or modernization of a structure (*D2-18*) housing a Class A non-conforming use provided the dimensions of the structure are not changed.
3. Any Class A non-conforming use damaged by fire, explosion, flood, Act of God or a public enemy or other means may be restored, rebuilt, or repaired provided the dimensions of the structure are not changed.
4. A Class B designation as described below shall be required when the dimensions of the structure are to be changed.

## Chapter 5 – Non-Conforming Uses

---

5. When a structure with a class A designation is converted to a commercial use the Class A designation is cancelled. The new use and all future uses must comply with the requirements of this ordinance for Commercial Zone properties.

### C. Procedures for Obtaining Class B Designation

Any application for a Class B designation of a non-conforming use (D2-13) under this section shall be submitted and processed under the following procedures:

1. A completed Class B non-conforming use designation application form shall be filed with the Planning Commission Chairperson by the property owner, identifying the property the Class B designation is being requested for and how the request conforms to the standards for approval of a Class B designation outlined in this chapter.
2. The Planning Commission may require additional information it considers necessary to reaching a decision.
3. The Planning Commission Chairperson will schedule a public hearing on a regular meeting date after allowing time for public notice requirements as specified in Section 3.01 of this ordinance.

### D. Standards for Approval of Class B Designation

Before approving an application for Class B designation of a non-conforming use, the Planning Commission shall review each application to ensure that the following standards are met:

1. The continuance of their use would not be contrary to the public health, safety or welfare, or the spirit of this Ordinance.
2. The use or structure does not, and is not likely to, significantly decrease the value of nearby properties.
3. The use was lawful at the time of its inception and that no useful purpose would be served by strict application of the provisions or requirements of this Ordinance with which the use or structure does not conform.

### E. Approval of Class B Designation

The Planning Commission shall approve Class B designation for non-conforming uses that comply with the standards and procedures of this section. The decision of the Planning Commission shall be in writing and shall set forth the findings and reasoning on which it is based. The Planning Commission shall attach conditions, where necessary, to assure that the use or structure (D2-18) does not become contrary to the public health, safety or welfare, or the



## Chapter 5 – Non-Conforming Uses

---

spirit and purpose of this Ordinance. In addition, no vested interest shall arise out of a Class B designation, which may be revoked based on requirements in paragraph E.

### F. Revocation of Class B Designation

A Class B designation may be revoked following the same procedure required for designation upon a finding that as a result of any violation of the conditions established by the Planning Commission, or due to changes in the use that cause it to no longer meet the requirements for approval of Class B designation.

### G. Regulations Pertaining to Class B Non-conforming Uses (D2-14)

1. This Ordinance shall not prohibit the repair, improvement or modernization of a structure housing a Class B non-conforming use.
2. Any Class B non-conforming use damaged by fire, explosion, flood, Act of God or a public enemy or other means may be restored, rebuilt, or repaired.
3. Any Class B non-conforming use may be re-established in its present location if the use is abandoned as defined in Section 5.02 of this chapter, provided the operator continues to comply with any conditions placed on the Class B designation.
4. Structural changes, including enlargement or extension of a Class B non-conforming use may be permitted by the Planning Commission, either as a condition of Class B designation, or by subsequent application to the Commission by the owner of the Class B non-conforming use. The Planning Commission must document that the enlargement or extension will not be incompatible with surrounding land uses or inconsistent with the public health, safety or welfare or the spirit of the ordinance, or violate the setback requirements of the district it is located in.
5. A Class B non-conforming use may be substituted for another non-conforming use when the Planning Commission determines that the change would not increase the nonconformity of the structure or use.

### H. Regulations Pertaining to Class C non-conforming Uses

1. This ordinance shall not prohibit the repair of a structure housing a Class C non-conforming use necessary to keep it structurally safe and sound. Any other improvements (D2-9) including remodeling or modernization shall not be approved when such improvement is greater than 25% of the value of the structure as determined by calculating twice the building's assessed value.
2. Any Class C non-conforming use (D2-13) damaged by fire, explosion, flood, Act of God or a public enemy or by other means must be rebuilt so as to comply with this

## Chapter 5 – Non-Conforming Uses

---

ordinance if the cost of repairs or reconstruction are greater than 50% of the value of the structure (D2-19) as determined by calculating twice the building's assessed value.

3. Any Class C non-conforming use abandoned as defined in Section 5.02 of this chapter, may not be reestablished.
4. Structural changes to a building (D2-2) housing a Class C non-conforming use shall not be permitted unless the Zoning Board of Appeals (D2-22) approves a variance (D2-19).
5. A Class C non-conforming use may be substituted for another non-conforming use when the Planning Commission determines that the change would not increase the structure or use nonconformity. If a non-conforming use is changed to a conforming use, the non-conforming use may not be reestablished.

### SECTION 5.02 ABANDONMENT OF NON-CONFORMING USES

Whenever a non-conforming use has been discontinued for 14 consecutive months, such discontinuance shall be considered conclusive evidence of an intention to abandonment and the use shall not be reestablished unless authorized as a Class B non-conforming use.

### SECTION 5.03 NON-CONFORMING LOTS OF RECORD

Legal non-conforming lots of record may be used to construct a single-family residence (D2-18) and related accessory structures as long as the setback requirements of this ordinance are met. The use of legal non-conforming lots for other purposes may only be approved through the granting of a dimensional variance by the Zoning Board of Appeals.

### SECTION 5.04 NON-CONFORMING STRUCTURES

Legal non-conforming structures housing conforming uses may be expanded or extended by right, as long as such expansion or extension does not increase the non-conformity of the structure. If destroyed or damaged more than 50% by fire, explosion, flood, Act of God or a public enemy or by other means, it must be rebuilt so as to comply with this ordinance.

## Chapter 6 – Parking

---

### SECTION 6.01 GENERAL OFF-STREET PARKING REQUIREMENTS

- A. All future development of land or expansion of existing uses shall meet these parking requirements
- B. Off-street parking spaces for non-residential uses in residential districts shall be located within a rear yard (*D2-22*) or within a side yard (*D2-22*) excluding the required setback areas.
- C. Off-street parking for other than residential use shall be either on the same lot (*D2-10*) or within three hundred (300) feet of the building (*D2-2*) it serves, measured from the nearest point of the building to the nearest point of the off-street parking lot. The site plan (*D2-18*) must show ownership of all lots or parcels (*D2-13*) intended for use as parking by the applicant. The Tuscola Township Planning Commission may approve a distance other than 300 feet.
- D. Two or more buildings or uses on adjacent zoning lots or multiple uses on the same lot may collectively provide the required off street parking. In such cases, the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- E. The storage, maintenance, or repair of merchandise, motor vehicles or other equipment on required off-street parking is prohibited.
- F. For those uses not specifically mentioned, the requirements for off street parking shall be in accord with a use that the Planning Commission considers similar in type.
- G. When units of measurement determining the number of required parking spaces result in the requirement of a fractional space, all fractions shall be rounded up.

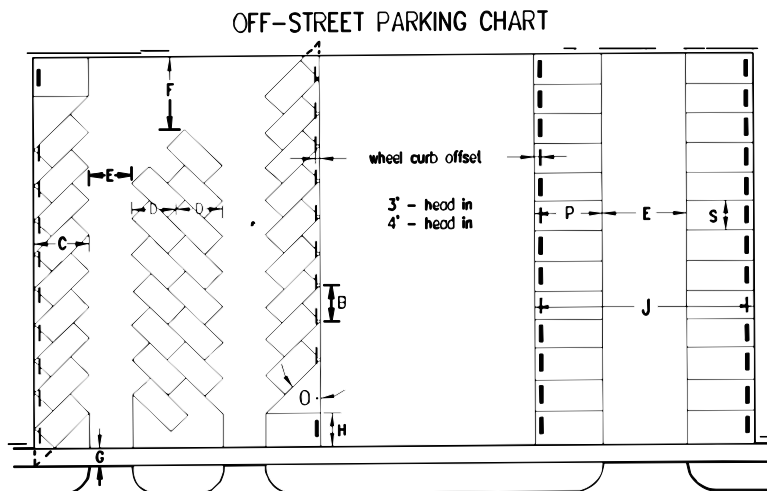
### SECTION 6.02 OFF-STREET PARKING SPACE LAYOUT, CONSTRUCTION, AND MAINTENANCE STANDARDS

Off-street parking areas, for uses other than single-family (*D2-18*) or duplex (*D2-7*) residences, shall be laid out, constructed and maintained in accordance with the following standards and regulations:

- A. No parking lot shall be constructed unless and until a site plan has been reviewed and approved. This requirement shall apply to construction of all parking lot facilities for established and proposed uses. This does not include normal maintenance and upkeep of existing parking lots.
- B. The number, layout, and design of accessible off-street parking shall comply with the requirements of the Michigan Building Code, PA 230 of 1972.

## Chapter 6 – Parking

- C. All parking spaces shall provide adequate access by means of maneuvering lanes. Backing directly onto a street (D2-18) is prohibited.
- D. Adequate ingress and egress to the parking facilities by means of clearly limited and defined driveways shall be provided for all vehicles. Adequate radii shall be provided to permit the turning of cars, emergency vehicles, and other vehicles necessary to service the site.
- E. Each entrance and exit to and from any off-street parking lot adjacent to property located in any single-family residential district shall be at least 25 feet from the lot (D2-10) line. Exceptions are permitted in cases of shared driveways.
- F. In Commercial, Industrial (D2-9), and Mobile Home Park (D2-12) zoning districts the entire parking area, including parking spaces, driveways, and maneuvering lanes, required by this ordinance shall be provided with asphalt or concrete surfacing.
- G. In Low Density Residential, Medium Density Residential, Mixed Development, and Residential Agricultural zoning districts the entire parking area, including parking spaces, driveways, and maneuvering lanes, required by this ordinance shall be provided with gravel, crushed limestone, asphalt or concrete surfacing.
- H. In Low Density Residential, Medium Density Residential, Mobile Home Park, Residential Agricultural zoning districts, and for residential uses in Mixed development districts parking is not permitted between the front, side, and rear set back lines (D2-14) and the property front, side, and rear property lines.
- I. All lighting used to illuminate any off-street parking areas shall be so installed as to be confined within and directed onto the parking areas only, and not produce glare or distraction for drivers on public thoroughfares or in the parking area.
- J. The minimum maneuvering lanes width must permit one-way traffic movement. For parking spaces aligned at 90 degrees to maneuvering lanes the minimum width must permit two-way movement. Minimum parking lot lane widths requirements are indicated below:



## Chapter 6 – Parking

<b>TABLE OF DIMENSIONS (IN FEET)</b>										
<b>O</b>	<b>S</b>	<b>P</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>J</b>
0°	10.0	19.0	20.0	10.0	10.0	12.0	-	0.0	0.0	32.0
30°	10.0	19.0	20.0	18.2	13.9	12.0	15.0	16.5	5.5	48.4
45°	10.0	19.0	14.1	20.4	16.9	9.0	17.0	7.0	8.0	49.8
60°	10.0	19.0	11.5	21.5	19.0	14.0	15.0	2.9	11.0	37.0
90°	10.0	19.0	10.0	19.9	19.0	23.0	20.0	0.0	0.0	61.0

**Table Codes:**

- O** = Parking Angle
- S** = Parking Space Width
- P** = Parking Space Length
- B** = Curb Length of Parking Space Width
- C** = Perpendicular Length of Stall (Against Wall)
- D** = Perpendicular Length of Stall (Overlap)
- E** = Aisle Width
- F** = Turn Around Isle Width
- G** = Overhang of Curb Length at Periphery
- H** = Setback
- J** = Wall-To-Wall Dimension

- K. Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles. All parking spaces shall be clearly marked with striping and the striping shall be maintained to be clearly visible.

### SECTION 6.03 OFF-STREET LOADING AND UNLOADING AREA REQUIREMENTS

- A. Every building (D2-2) or business that receives or ships vehicles, materials, or merchandise must provide adequate space for standing, loading and unloading that does not unduly interfere with public use of rights-of-way (D2-14).

Loading spaces shall be provided as set forth in the table below:

<b>USE</b>	<b>GROSS FLOOR AREA (Sq. Ft.)</b>	<b>LOADING &amp; UNLOADING SPACES 10' x 60'</b>
1. Office Uses	0 -10,000	0
	10,001 – 50,000	1
	Over 50,000	2
2. Commercial & Industrial Uses	0 – 5,000	0
	5,001 – 20,000	1
	20,001 – 50,000	2
	Over 50,000	3
	For each additional 50,000 SQ. Feet	1 additional loading & unloading space

## Chapter 6 – Parking

### SECTION 6.04 LOADING AND UNLOADING AREA DESIGN REQUIREMENTS

- A. Loading spaces shall be a minimum of 10 feet by 60 feet.
- B. Loading spaces and access thereto shall be surfaced as required for the zoning district.
- C. Loading spaces shall be located in side (D2-22) or rear (D2-22) yards and shall be screened from adjacent parcels zoned residential (R1 and R2) as specified in Section 15.02

### SECTION 6.05 TABLE OF PARKING REQUIREMENTS

The table that begins below specifies the minimum number of parking spaces required for each building (D2-2) use. When a building has multiple uses the required number of parking spaces must not be less than the sum of the requirements for all individual uses computed separately.

BUILDING USE	PARKING REQUIREMENT
<b>RESIDENTIAL:</b>	
One family & two family	2 for each single family dwelling (D2-7) unit.
Multiple Family	2 for each dwelling unit.
Manufactured/Mobile Home Parks (D2-12)	2 for each manufactured home unit.
Housing for elderly	1 for each 2 residential units and 1 for each employee on the largest shift. If Use reverts to conventional occupancy multiple family housing shall apply.
<b>INSTITUTIONAL:</b>	
Religious Institutions	1 per each 4 seats in the sanctuary in which one1 seat equals twenty-four 24 inches in width.
Medical Facilities	1 for each employee on largest shift plus1 for each 3 beds, plus 1 for each 50 square feet of out-patient examining room, dental chair, office (D2-13), or similar out-patient use area.
Homes for the aged, convalescent homes (D2-7) and foster care homes.	1 for each employee on the largest working shift, plus1 for each 4 beds of capacity.
Pre-school child care	1 for each employee and 1 for every 6 preschoolers.
Schools public and private: Elementary, Middle and Junior High	1 for each employee on the largest working shift, plus one for each 20 students.
Schools public and private: Senior High	1 for each employee plus 1 for each 3 students plus the requirements for other facilities listed in this chart where present.
Public cultural facilities such as libraries and museums	1 per each employee plus 1 per each 300 square feet of building area.

## Chapter 6 – Parking

BUILDING USE	PARKING REQUIREMENT
<b>INSTITUTIONAL: (Cont.)</b>	
Private clubs, lodge halls and community centers	1 for each 3 persons allowed within the maximum occupancy load as established by applicable fire, building (D2-2), and health codes, plus 1 per employee on the largest working shift, but not less than 1 per each 300 square feet of gross floor area
Theaters (D2-19) and auditoriums	1 for each 4 seats plus 1 for each employee on the maximum working shift.
Golf Courses (D2-9) open to the public, except miniature or “par 3” courses	6 for each golf hole and 1 for each employee, plus spaces as required for each accessory use, such as a restaurant (D2-14) or bar (D2-2).
Private golf clubs, swimming pool clubs, tennis clubs, or other similar uses	1 for each 2 member families or individuals and 1 space for each employee on the largest working shift plus spaces required for each accessory use, such as a restaurant or bar.
Stadium, sports arena, or similar place of outdoor assembly.	1 for each 3 seats or 6 feet of benches and 1 for each employee on a maximum work shift
Trade schools not involving industrial, motor vehicle or other heavy equipment	1 space for each teacher, employee and administrator on the largest working shift plus 1 space for each student at the peak hour of attendance.
<b>COMMERCIAL</b>	
Amusement establishments including indoor shooting ranges, pinball and electronic game arcades, pool halls and similar establishments	1 for each 3 persons allowed within the maximum occupancy load as established by applicable fire, building and health codes.
Automobile filling stations	2 for each lubrication stall, rack or pit: and 1 for each service bay and fueling pump. Plus spaces as required for each accessory use, such as a restaurant or bar.
Auto wash	1 space for each employee. In addition, stacking spaces equal in number to 5 times the maximum capacity of the auto wash. Maximum capacity of the auto wash shall mean the greatest number of automobiles possible undergoing some phase of washing at the same time, which shall be determined by dividing the length in feet of each wash line by 20.
Bars	1 per each 60 square feet of floor space or 1 per each 2 persons allowed within the maximum occupancy load as established by applicable fire, building and health codes, whichever is greater.
Banks, savings & loans, credit unions, and other financial institutions	1 per 125 square feet of gross floor area plus 8 stacking spaces per each drive-through window.
Beauty Parlor or Barber Shop	2 spaces for each of the first 2 beauty or barber chairs and 1 ½ spaces for each additional chair.

## Chapter 6 – Parking

BUILDING USE	PARKING REQUIREMENT
<b>COMMERCIAL: (Cont.)</b>	
Boarding and rooming houses/ Bed & Breakfast Establishments	2 spaces for the owner/operator plus 1 per rented room.
Bowling Alleys	3 for each 1 bowling lane. Plus 1 for each employee on a maximum shift (spaces required for each accessory uses.)
Business or professional offices	1 for each 200 square feet of floor area.
Drive-through facilities	8 stacking spaces for the first service window and 6 for each additional window
Food Stores and supermarkets	1 per each 125 square feet of gross floor space. Plus 1 for each employee on the maximum work shift
Furniture repair and refinishing	1 for each employee on the largest working shift, but not less than 1 per each 300 square feet of gross floor area.
Golf Driving Ranges (D2-9)	1 per each tee, plus 1 per each employee on the largest working shift, plus the requirement for other facilities listed in this chart where present.
Laundromats or coin operated dry cleaners	1 for each 2 washing and/or dry cleaning machines
Meeting Halls and Banquet Rooms	1 per each 3 persons allowed within the maximum occupancy load as established by applicable fire, building (D2-2) and health codes, plus 1 per each employee on the largest working shift but not less than 1 for each three 300 square feet of gross floor area.
Miniature or “par-3” golf courses (D2-9)	1 for each 1 hole plus 1 for each employee. Plus requirements for accessory uses.
Mortuary establishments	1 for each 50 square feet of parlor or chapel space, plus one for each employee on the maximum working shift.
Motel (D2-13), Hotel (D2-9) or other commercial lodging establishments	1 for each occupancy unit plus 1 for each employee on the maximum shift
Recreational vehicle sales, service and rental establishments	1 per each 300 square feet of gross floor area, plus 3 per each vehicle service bay.
Restaurants, drive-though only	1 per each employee on the largest shift plus 8 stacking spaces for drive through window
Restaurants, standard, serving	1 per each 3 seats of seating capacity plus 1 for each employee on the largest shift.
Retail stores	1 for each 300 square feet of gross floor area plus 1 for each employee on maximum working shift
<b>INDUSTRIAL</b>	
Research, warehouses and wholesale establishments including related office (D2-13) space	5 visitor spaces, plus 1 for each employee on the largest working shift.

b:\proj2008\115287\_08-tuscola\_zoning\drafts\new\_format\2014-10-17 final\tuscola\_twp\_06\_final.doc



## Chapter 7 – Signs

---

### SECTION 7.01 PURPOSE AND INTENT

It is the purpose and intent of the sign ordinance; to protect and further the health, safety and welfare of the residents of the Township, to promote traffic safety, to provide safer conditions for pedestrians, to provide an esthetically pleasing environment, to promote economic development by regulating the construction, alteration (*D2-1*), repair, size, location, and number of signs within the Township, and to allow businesses within the Township an adequate mode of advertising.

### SECTION 7.02 SIGNS PROHIBITED IN TUSCOLA TOWNSHIP

Any sign not expressly permitted by this ordinance is prohibited.

### SECTION 7.03 SIGNS PERMITTED IN TUSCOLA TOWNSHIP WITHOUT A PERMIT

The following signs shall be permitted in Tuscola Township without the necessity of obtaining a sign permit and subject to the requirements stated herein:

- A. House numbers legible from the street (*D2-18*), and nameplates (fraternal, social, apartment (*D2-2*), and professional) identifying the occupant of a parcel (*D2-13*) of land and not exceeding 2 square feet in display surface area.
- B. Memorial signs or tables, especially those containing the names of buildings and dates of construction, and not exceeding 2 square feet in display surface area.
- C. For sale signs attached to vehicles
- D. Flags bearing the official design of a nation, state, municipality, business, institution or organization.
- E. Traffic, or other municipal signs, also private traffic control signs which conform to the requirements of the Michigan Manual of Uniform Traffic Control Devices.
- F. Park (*D2-13*) and Playground signs
- G. Election Signs (*D2-15*) subject to the following:
  - 1. They shall be removed within 10 days following the election.
- H. One temporary, non-illuminated real estate sign (*D2-17*) per lot (*D2-10*), advertising the sale or lease of a property or building (*D2-2*), said sign not exceed a total of 40 square feet in surface

## Chapter 7 – Signs

---

display area (D2-17) (but no more than 20 square feet per side); such sign being placed no closer than 10 feet from the road right-of-way (D2-14). The bottom of such sign shall be no more than two 2 feet above the ground.

- I. Temporary construction signs subject to the following:
  - 1. The total surface display area (D2-17) shall not exceed a total of 32 square feet (no more than 16 square feet per side).
  - 2. Sign height shall not exceed 8 feet.
  - 3. Placement shall be at least 10 feet inside the property boundaries to which the sign pertains and not within the road right-of-way.
  - 4. In the judgment of the Zoning Administrator said sign must not pose a traffic hazard and the Zoning Administrator has the authority to have the sign moved to another location on the property.
  
- J. Trespassing, safety or caution signs not to exceed 2 square feet in area are permitted.
  
- K. A sign not greater than a total of 6 square feet per side not to exceed 2 sides (12 square feet total size) is permitted to advertise a home occupation (D2-9). The sign shall be no closer to the road than the road right-of-way. Illuminated or flashing signs are prohibited.
  
- L. Temporary garage sale or yard sale sign are allowed provided that the sign is not posted for longer than 7 days.
  
- M. Standard Centennial Farm signs.
  
- N. Temporary signs (D2-17) supporting local school (D2-14) athletic teams or academic activities are permitted as follows:
  - 1. One sign per residence or commercial location with a maximum size of 32 square feet.
  - 2. Signs must be removed within ten days following the particular activities season or final event date.
  - 3. These signs may not be placed within the road right-of-way.
  
- O. Temporary and Promotional Signage on Commercial Property:
  - 1. Additional signs including banners that promote brand names or special sales are permitted. These are smaller signs such as brand name oil signs at service

## Chapter 7 – Signs

---

stations and vehicle service areas, “S A L E” signs propped between an open vehicle hood and the grille of 4 vehicles, a sign indicating sale prices on merchandise, and banners promoting brand names or special promotions.

2. The total surface display area (*D2-17*) of all such signs shall not exceed 400 square feet. The maximum size of any 1 sign or banner is limited to 50 square feet per side.
  3. Temporary and promotional signs and banners may be self-supporting and must be easily removable. They may be supported by temporary stakes in the ground or tied to support posts below freestanding signs (*D2-15*). They must not be wall mounted and the maximum height of these signs is 8 feet above ground level.
  4. Such signs and banners must be placed 10 or more feet back of the road right-of-way (*D2-14*). They may also be placed against the building (*D2-2*).
  5. If in the judgment of the Zoning Administrator, the signs and banners pose a traffic hazard he/she has the authority to have the signs and/or banners moved to another location on the property. At the Zoning Administrator’s discretion the matter may be referred to the Tuscola Township Planning Commission.
- P. Window signs (*D2-18*):
1. May be used if mounted inside a window.
  2. Maximum size is limited to 25% of the window area.

### SECTION 7.04 SIGNS PERMITTED IN TUSCOLA TOWNSHIP WITH A PERMIT

The following signs shall be permitted in Tuscola Township upon obtaining a sign permit through the Tuscola Township Zoning Administrator in accordance with the terms of this ordinance and subject to the requirements stated herein. It is further noted that the Zoning Administrator, at his/her discretion, may refer any and all such matters to the Tuscola Township Planning Commission for determination. Any banner, flag, sign, poster, streamer, placard, or other device used to attract attention or display information; such as but not limited to logo, phone number, business name, welcome, open, and/or product or service sales is considered to be a sign. All signs must be at least 10 feet from the road right of way (*D2-14*).

- A. Bulletin Boards, such as, but not limited to, glass enclosed corkboards located on the exterior of the building shall not exceed a total of 8 square feet in surface display area (*D2-17*).

## Chapter 7 – Signs

---

- B. 1 sign not to exceed a total of 32 square feet, 16 square feet per side, identifying a subdivision or development may be placed at each entrance. This sign may be illuminated. The sign and structure (D2-18) must be harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
- C. 1 sign placed flat against the main building (D2-2) announcing the identification of an apartment (D2-2) development, not to exceed 12 square feet in surface display area (D2-17). Such sign may be illuminated provided that the source of light is not visible beyond the property lines of the parcel (D2-13) on which it is located.
- D. The following types of signs shall be permitted on the premises of offices, businesses, or other commercial enterprises within the Tuscola Township Commercial District and for commercial establishments in the Mixed Development District. These signs may be illuminated in accordance with the provisions of Section 7.04.

- 1. Freestanding Signs (D2-15):

- a. 1 on-premises (D2-15) advertising sign per business occupying 100% of a building (D2-2) or 1 freestanding sign per location housing multiple businesses (attached as in a strip mall (D2-18) or housed a single building) is permitted. Freestanding signs must not exceed 260 square feet in surface area, not to exceed 130 square feet per side.

Additional freestanding signs are permitted based on the amount of road frontage (D2-8) the business location occupies as follows:

- i. For each foot of road frontage over 100 feet the business location occupies 1 additional square foot of freestanding signage is permitted.
  - ii. A maximum of 3 additional freestanding signs is permitted.
  - iii. Each additional sign may not exceed the size specifications listed above.
- b. Freestanding signs must be in the front yard (D2-22) with the leading edge of the sign at least 10 feet behind the road right of way (D2-14).
  - c. The bottom of freestanding signs may be at ground level and shall be no higher than 31 feet above ground level. The sign may not create a traffic hazard for vehicles on the frontage road or nearby side intersecting streets.
  - d. 1 freestanding sign identifying an industrial complex, located at the main entrance to the complex, not exceeding 100 square feet in total surface area, 50 square feet per side, and no higher than 6 feet above ground level is permitted. The sign shall be at least ten 10 feet back

## Chapter 7 – Signs

---

of the road right of way and may be illuminated provided that the illumination does not create a nuisance or traffic hazard.

- e. 1 additional freestanding sign may be permitted for neighborhood or community shopping centers (D2-4) upon application for and granting of a Conditional Use Permit by the Tuscola Township Planning commission. Contact The Tuscola Township Zoning Administrator to request an additional sign.
- f. The mounting structures for freestanding signs (D2-15) shall not pose a visual traffic hazard. The Tuscola Township Zoning Administrator is empowered under this ordinance to make such a determination and at his/her discretion may refer the matter to the Tuscola Township Planning Commission.
- g. Corporate and or other freestanding signs offered by a company to all its locations and/or franchisees are permitted and included in the quantity of signs permitted by this ordinance provided they meet all the dimensional requirements of this ordinance.

### 2. Wall Signs (D2-18):

- a. 3 wall signs per business, 1 sign per building (D2-2) wall with a maximum of one sign on each of three walls. Each sign must not exceed 15% of the wall area on which it is attached. When calculating wall surface area use the height and length of the wall without deducting window and door areas.
- b. Wall signs shall be placed flat against the main building or parallel to the building on a canopy and may only face public streets or the parking area that is part of the development.
- c. Wall signs shall not extend above the roofline or cornice.
- d. Signage painted directly on an exterior wall is considered a wall sign.

### 3. Marquee Signs (D2-16):

- a. Marquee signs shall not exceed the surface display area (D2-17) permitted for wall signs
- b. No portion of a marquee sign shall be higher than the roofline of the building (D2-2).

## Chapter 7 – Signs

---

4. Projecting Signs (*D2-17*):
  - a. 1 per business, with a surface area not exceeding 1 ½ square feet in area for each lineal foot of the building frontage (*D2-8*) up to a maximum of 50 square feet (25 square feet per side).
  - b. Projecting signs shall be attached directly to a building by means of building mounts or hung from a mast arm. These support members may also include decorative appurtenances, but external bracing such as guy wires or metal frame work is prohibited.
  - c. Projecting signs must be at a 90 degree angle to the building surface to which it is attached.
  - d. Projecting signs shall not extend beyond the minimum required setback line or into or over the street (*D2-18*) right-of-way (*D2-14*).
  - e. The minimum clearance of a projecting sign over a sidewalk shall be 9 feet.
5. Service Station Signs:
  - a. Vehicle fuel service stations shall be permitted a 2 sided sign indicating the price and grade of fuel as shown on the pumps, not to exceed 80 square feet in surface area, 40 square feet per side. This sign may be permanently attached to the support pole for a freestanding sign. If the support pole is poorly located, said price sign may be attached to a light standard or support.
  - b. A service station price sign is not included in the total of three freestanding signs (*D2-15*) permitted at a commercial location.
6. Parking Lot Signs:
  - a. 1 directional sign at each point of ingress or egress is permitted and must include directions of movement. In addition, the sign may bear the sponsor's ad, name or trademark and/or the name of the enterprise it is intended to serve.
  - b. Surface area per sign shall not exceed 6 square feet per sign (3 square feet per side).

## Chapter 7 – Signs

---

7. Malls and Shopping Centers:
  - a. Freestanding signs (D2-15) identifying malls or shopping centers are permitted. The sign must conform to Section 7.04.D.1.
  - b. Each business within the mall shall be permitted 1 wall sign (D2-18) conforming to the requirements of Section 7.04.D.2. The size of the sign must not exceed 15 percent of the individual business's wall space.
  - c. Where the roof structure (D2-18) of a building (D2-2) containing more than 1 business is extended over a walkway along the outer edge of the building, 1 marquee sign (D2-16) or one under-hanging sign per business is permitted in lieu of the wall sign. The marquee or under-hanging may not exceed 6 square feet per side and bottom edge of such signs must have a minimum clearance of 9 feet above the sidewalk.
  
8. Neon Signs:
  - a. May be used if mounted inside a window or on a wall.
  - b. The maximum size is limited 25% of the window or wall area where it is mounted.
  - c. Cannot be flashing.
  - d. Neon signs are not counted as one of the 3 freestanding permitted.

### SECTION 7.05 SIGN ILLUMINATION

Signs for which illumination is permitted may be illuminated by a direct or indirect source of light provided the light source is shielded in such a manner so that no direct rays or glare emanating from the light source shines on the public right-of-way (D2-14) or any residential lot (D2-10).

### SECTION 7.06 MOVING OR REVOLVING SIGNS

Any sign that revolves or has any visible moving parts, visible revolving parts or visible mechanical movement of any type, or other apparent visible movement achieved by electrical, electronic or mechanical means, excepting those actions associated with time-temperature and programmable message signs, shall be prohibited in all districts. Programmable message signs are also called

## Chapter 7 – Signs

---

Electronic Message Centers (EMCs) and require a permit and shall be regulated as freestanding signs per Section 7.04(D)(1) above. An EMC may be a portion of a freestanding sign, or may comprise the entire sign area. All EMCs shall have automatic dimming controls in order to appropriately transition the EMC lighting levels from the daytime ambient light conditions to night time conditions. All EMCs shall comply with the sign illumination standards in Section 7.05. EMC display features such as scrolling, traveling, flashing, spinning, rotating, fade, dissolve, any other moving effects, and all dynamic frame effects or patterns of illusionary movement or simulated movement shall be minimized in order to not be distracting to drivers and automobile traffic.

### SECTION 7.07 SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD

No sign shall be erected (*D2-7*) at the intersection of any street (*D2-18*) in such a manner as to obstruct free and clear vision, or at any location that by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device, or which makes use of the words “stop”, “look”, “danger”, or any word phrase, symbol or character in such a manner as to interfere with, mislead, and/or confuse traffic or distract drivers.

### SECTION 7.08 OUTDOOR ADVERTISING STRUCTURES

Non-Premise signs shall only be located on property adjacent to M-15, in accordance with the State of Michigan Highway Advertising Act (PA 106 of 1972 as amended)

### SECTION 7.09 CONSTRUCTION REQUIREMENTS

Signs and sign structures shall be designed and constructed in accordance with the Uniform Building code. All signs of electrical construction and installation shall comply with the National Electrical Code, the State of Michigan and Tuscola County construction codes.

### SECTION 7.10 SIGN PERMITS

- A. Before any sign, other than those listed in Section 7.03 of this chapter, is erected in Tuscola Township, the property owner shall apply for a zoning permit from the Zoning Administrator. The Zoning Administrator shall present said application to the Tuscola Township Planning Commission and shall issue said permit only after the Planning Commission has determined the permissibility of such sign.
  1. Sign permit fees for either permanent or temporary signs (*D2-17*) are to be established by resolution of the Tuscola Township Board of Trustees.



## Chapter 7 – Signs

---

2. A set of drawings for any sign that is to be installed, changed, or replaced must accompany the application. Such drawings shall include; a plot plan of the site showing the location and dimensions of the sign in relation to property lines, right-of-way (D2-14) lines, parking spaces, and buildings, as well as any existing signs on the property including billboards. These drawings shall also include each business building (D2-2) frontage (D2-8) size (height and length of building frontage) and business wall square footage for any and all signs.
3. Lighting diagram shall be provided with the application.

### SECTION 7.11 SIGN RELATED ITEMS NOT PERMITTED IN TUSCOLA TOWNSHIP

The following items, that serve to attract driver's attention, pose a traffic hazard and are therefore not permitted in the commercial district of Tuscola Township.

- A. Search lights.
- B. Strobe lights.
- C. Lighter than air blimps, balloons, or other tethered structures.
- D. Blinking, flashing, or fluttering lights.
- E. Illuminating devices that change light intensity brightness or color.
- F. No sign shall utilize a moving pattern of light so as to convey a illusion of motion or animation.
- G. No motor vehicles, trucks, trailers, or like items can be painted, decorated, or otherwise used to display business related information and be parked so as to use the vehicle, truck, trailer, or like item as a sign.

### SECTION 7.12 EXPIRATION OF SIGN PERMIT

A zoning permit for a sign shall expire 1 year from the date it is issued, if the sign has not been completely constructed and installed prior to said time.

## Chapter 7 – Signs

---

THIS PAGE INTENTIONALLY LEFT BLANK

B:\proj2008\115287\_08-Tuscola\_Zoning\\_Drafts\\_New\_Format\2014-10-17 FINAL\tuscola\_twp\_07\_final.doc

# Chapter 8 – District Regulations

---

## SECTION 8.01 ZONING DISTRICTS ESTABLISHED

For the purposes of this ordinance, Tuscola Township is hereby divided into the following zoning districts and overlay districts:

<b>Zoning Districts</b>	<b>Zoning District Name</b>
A	Agricultural
RA	Residential Agricultural
R-1	Low Density Residential
R-2	Medium Density Residential
MH	Mobile Home Park
C	Commercial
I	Industrial
MD	Mixed Development

All businesses and home occupations (*D2-9*) operating in Tuscola Township must comply with all applicable County, State, and Federal laws and regulations.

## SECTION 8.02 ZONING DISTRICTS MAP

The boundaries of these districts are hereby defined and established as shown on the map entitled “Tuscola Township Zoning District Map, Tuscola County, Michigan,” which is hereby made part of this ordinance. Except where reference on the map is to a street (*D2-18*) line or other designated line by dimensions shown, the district boundary lines follow lot (*D2-10*) lines or the center lines of streets. In cases where interpretation of zoning district boundaries is uncertain the Zoning Board of Appeals (*D2-22*) shall be responsible for making an interpretation.

## SECTION 8.03 ZONING DISTRICTS

### A. Agricultural (A)

#### 1. Purpose:

The purpose of this district is to preserve land for agricultural uses including crop production (*D2-7*), to protect the area from competing non-agricultural uses that could consume prime agricultural land (*D2-1*) and to prevent the conflicts that arise between commercial agricultural operations and non-farm uses.

#### 2. Uses Permitted by Right

- a. Adult Foster Care Family Home (*D2-1*)
- b. Adult Foster Care Small Group Home (*D2-1*)

## Chapter 8 – District Regulations

---

- c. Bed and Breakfast (*D2-2*) Operation (In compliance with standards in Section 15.03.D)
- d. Boarding House (*D2-2*)
- e. Houses of Worship (*D2-9*)
- f. Crop Production (*D2-7*)
- g. Equestrian Sport Facility (*D2-7*)
- h. Family Day Care Home (*D2-8*) (must meet State of Michigan requirements)
- i. Commercial Freestanding Towers (*D2-4*) (when in compliance with section 15.03(G))
- j. Greenhouses (*D2-9*) and Nurseries (*D2-13*), Commercial
- k. Home Occupation (*D2-9*) (In compliance with standards in 15.03.B)
- l. Landing Field, Private (*D2-14*)
- m. Library (*D2-10*)
- n. Livestock and Horses
- o. Lodging House (*D2-10*)
- p. Museum (*D2-13*)
- q. School (*D2-14*)
- r. Single Family Residence (*D2-18*)

### 3. Uses Permitted by Conditional Use Permit

- a. Airport, Small (*D2-1*)
- b. Campground (*D2-4*)
- c. Cemeteries (*D2-4*)
- d. Convalescent Home (*D2-7*)
- e. Duplexes (*D2-7*) (Must meet double the lot (*D2-10*) requirements of a single family residence (*D2-18*))
- f. Elderly housing
- g. Feed Lot (*D2-8*)
- h. Golf Courses (*D2-9*)
- i. Group Day Care Home (*D2-9*) (Must meet State of Michigan requirements)
- j. Kennel, Commercial (*D2-9*) (In compliance with standards in Section 15.03C)
- k. Parks (*D2-13*) -- Non-Profit
- l. Temporary residences for farm labor or medical hardship (In compliance with standards in Section 15.03.E)
- m. Sand and gravel extraction (*D2-14*)
- n. Roadside Stand (*D2-14*)

## B. Residential Agricultural (RA)

### 1. Purpose

The purpose of this district is to permit the development of rural residential settings along with continued agricultural activities.

## Chapter 8 – District Regulations

---

2. Uses Permitted by Right
  - a. Adult Foster Care Family Home (D2-1)
  - b. Adult Foster Care Small Group Home (D2-1)
  - c. Bed and Breakfast (D2-2) Operation (In compliance with standards in Section 15.03.D)
  - d. Boarding House (D2-2)
  - e. House of Worship (D2-9)
  - f. Crop Production (D2-7)
  - g. Equestrian Sport Facility (D2-7)
  - h. Family Day Care Home (D2-8) (Must meet State of Michigan requirements)
  - i. Lodging Houses (D2-10)
  - j. Livestock and horses
  - k. Commercial Freestanding Towers (D2-4) (when in compliance with section 15.03(G))
  - l. Greenhouses (D2-9) and Nurseries Commercial (D2-13)
  - m. Home Occupations (D2-9) (In Compliance with standards in 15.03B)
  - n. Landing field, Private (D2-14)
  - o. Library (D2-10)
  - p. Museum (D2-13)
  - q. School (D2-14)
  - r. Single Family Residence (D2-18)
  
3. Uses Permitted by Conditional Use Permit
  - a. Campground (D2-4)
  - b. Cemeteries (D2-4)
  - c. Community Buildings (D2-4)
  - d. Convalescent Home (D2-7)
  - e. Country Club (D2-7)
  - f. Duplexes (D2-7) (Must meet double the Lot (D2-10) requirements of a single family residence (D2-18))
  - g. Elderly housing
  - h. Fraternal or Similar Social Club (D2-8)
  - i. Golf Courses (D2-9)
  - j. Group Day Care Home (D2-9)
  - k. Kennel, Commercial (D2-9) (In compliance with standards in 15.03.C.A)
  - l. Parks (D2-13) – Non-Profit
  - m. Planned Unit Development (D2-13) (In compliance with standards in 15.03.F)
  - n. Temporary residences for farm labor or medical hardship (In compliance with standards in 15.03.E)
  - o. Roadside Stand (D2-14)

## Chapter 8 – District Regulations

---

### C. Low Density Residential (R-1)

#### 1. Purpose

The purpose of this district is to promote the development of single-family residential (D2-18) uses, with other incompatible uses excluded or regulated.

#### 2. Uses Permitted by Right

- a. Adult Foster Care Family Home (D2-1)
- b. Adult Foster Care Small Group Home (D2-1)
- c. Bed and Breakfast (D2-2) Operations (In compliance with standards in 15.03.D)
- d. House of Worship (D2-9)
- e. Lodging House (D2-10)
- f. Crop Production (D2-7)
- g. Family Day Care Home (D2-8) (Must meet State of Michigan requirements)
- h. Home Occupation (D2-9) (In compliance with standards in 15.03.B)
- i. Library (D2-10)
- j. School (D2-14)
- k. Single Family Residence (D2-18)

#### 3. Uses Permitted by Conditional Use Permit

- a. Adult Foster Care Medium Group Home (D2-1)
- b. Community Buildings (D2-4)
- c. Convalescent Home (D2-7)
- d. Country Club (D2-7)
- e. Duplexes (D2-7) (Must meet double the lot (D2-10) requirements of a single family residence (D2-18))
- f. Elderly housing
- g. Fraternal or Similar Social Club (D2-8)
- h. Group Day Care Home (D2-9)
- i. Parks (D2-13) -- Non-Profit
- j. Planned Unit Development (D2-13) (In compliance with standards in 15.03.F)
- k. Landing Field, Private (D2-14)

## Chapter 8 – District Regulations

---

### D. Medium Density Residential (R-2)

#### 1. Purpose

The purpose of this district is to provide an area for higher density single-family residential development as well as multi-family residences in areas appropriate for such development.

#### 2. Uses Permitted by Right

- a. Adult Foster Care Family Home (D2-1)
- b. Adult Foster Care Small Group Home (D2-1)
- c. Bed and Breakfast (D2-2) Operation (In compliance with standards in 15.03.D)
- d. Duplexes (D2-7) (Must meet double the lot (D2-10) requirements of a single family residence (D2-18))
- e. Boarding house (D2-2)
- f. House of worship (D2-9)
- g. Crop Production (D2-7)
- h. Family Day Care Home (D2-8)
- i. Home Occupation (D2-9) (In compliance with standards in 15.03.B)
- j. Hospital (D2-9)
- k. Library (D2-10)
- l. Museum (D2-13)
- m. School (D2-14)
- n. Single Family Residence (D2-18)

#### 3. Uses Permitted by Conditional Use Permit

- a. Convalescent Home (D2-7)
- b. Community Buildings (D2-4)
- c. Country Club (D2-7)
- d. Fraternal or Similar Social Club (D2-8)
- e. Group Day Care Home (D2-9)
- f. Parks (D2-13) - Non-Profit
- g. Planned Unit Development (D2-13) (In compliance with standards in 15.03.F )
- h. Apartments (D2-2)
- i. Elderly housing
- j. Campground (D2-4)
- k. Townhouses (D2-19) (3 or more units)

## Chapter 8 – District Regulations

---

### E. Mobile Home Park (MH)

#### 1. Purpose

The purpose of this district is to provide appropriate locations for development of Mobile Home Parks (D2-12).

#### 2. Uses Permitted by Right

##### a. Mobile Home Park

#### 3. No Uses Permitted by Conditional Use Permit

### F. Mixed Development (MD)

#### 1. Purpose

The purpose of this district is to provide areas where a mixture of different land uses can be provided for, and to regulate future development in areas of existing mixed uses such as the Community of Tuscola.

#### 2. Uses Permitted by Right

- a. Adult Foster Care Family Home (D2-1)
- b. Adult Foster Care Small Group Home (D2-1)
- c. Bed and Breakfast (D2-2) Operation (In compliance with standards in 15.03.D)
- d. Boarding House (D2-2)
- e. House of worship (D2-9)
- f. Crop Production (D2-7)
- g. Duplexes (D2-7) (Must meet double the lot (D2-10) requirements of a single family residence (D2-18))
- h. Family Day Care Home (D2-8) (must meet State of Michigan requirements)
- i. Golf Courses (D2-9)
- j. Home Occupation (D2-9)
- k. Hospital (D2-9)
- l. Library (D2-10)
- m. Lodging House (D2-10)
- n. Museum (D2-13)
- o. Parks (D2-13) - Non-Profit
- p. School (D2-14)
- q. Single Family Residence (D2-18)
- r. Theater (D2-19)



## Chapter 8 – District Regulations

---

3. Uses Permitted by Conditional Use Permit
  - a. Adult Foster Care Medium Group Home (D2-1)
  - b. Amusement Facilities (D2-2)
  - c. Apartments (D2-2) (3 or more units)
  - d. Auto Body Repair Shop (D2-2) (Gasoline Service Station (D2-8))
  - e. Automobile Sales, New and Used (D2-13)
  - f. Bar (D2-2)
  - g. Building Material (D2-3), Farm Implement (D2-8), Garden (D2-8) and Auto Parts Supplies (D2-2)
  - h. Business Service Establishment (D2-3)
  - i. Car Wash (D2-4)
  - j. Cemeteries (D2-4)
  - k. Community Buildings (D2-4)
  - l. Convalescent Home (D2-7)
  - m. Country Club (D2-7)
  - n. Drive-Thru Establishments (D2-7)
  - o. Elderly Housing
  - p. Finishing or Assembly Facilities (D2-8)
  - q. Fraternal or Similar Social Club (D2-8)
  - r. Gasoline Service Station (D2-8)
  - s. General Building Contractor's Establishment (D2-8)
  - t. Group Day Care Home (D2-9)
  - u. Hotel (D2-9)
  - v. Jobbing and Machine Shop (D2-9)
  - w. Manufacturing Facilities (D2-12)
  - x. Monument and Art Stone Production (D2-12)
  - y. Mortuaries and Funeral Home
  - z. Motel (D2-13)
  - aa. Municipal Buildings (D2-13)
  - bb. Offices (D2-13)
  - cc. Offices, Including Professional and Medical Services and Dental Uses
  - dd. Personal Service Establishments (D2-13)
  - ee. Planned Unit Development (D2-13) (In compliance with standards in 15.03.F)
  - ff. Restaurants – Conventional (D2-14)
  - gg. Restaurants - Drive In (D2-14)
  - hh. Retail Sales Establishment (D2-14)
  - ii. Townhouses (D2-19) (3 or more units)
  - jj. Veterinary Facilities (D2-19)
  - kk. Wholesale and Warehouse Facilities (D2-21)

## Chapter 8 – District Regulations

---

### 4. Design Requirements

All uses permitted in the Mixed Development District must meet the landscaping and buffering requirements in Section 15.02.

### G. Commercial (C)

#### 1. Purpose

The purpose of this district is to provide appropriate locations for neighborhood commercial, general commercial and highway services commercial uses.

#### 2. Uses Permitted by Right

- a. Adult Foster Care Large Group Home (*D2-1*)
- b. Adult Foster Care Medium Group Home (*D2-1*)
- c. Auto Body Repair Shop (*D2-2*) (Gasoline Service Station (*D2-8*))
- d. Automobile Sales, New and Used (*D2-13*)
- e. Bar (*D2-2*)
- f. Billboard adjacent to M-15 (In compliance with state law)
- g. Building Material (*D2-3*), Farm Implement (*D2-8*), Garden (*D2-8*) and Auto Parts Supplies (*D2-2*)
- h. Business Service Establishment (*D2-3*)
- i. Car Wash (*D2-4*)
- j. Community Buildings (*D2-4*)
- k. Country Club (*D2-7*)
- l. Crop Production (*D2-7*)
- m. Drive-Thru Establishment (*D2-7*)
- n. Fraternal or Similar Social Club (*D2-8*)
- o. Commercial Freestanding Towers (*D2-4*) (when in compliance with section 15.03(G))
- p. Gasoline Service Stations (*D2-8*)
- q. General Building Contractor's Establishment (*D2-8*)
- r. Greenhouses (*D2-9*) and Nurseries (*D2-13*), Commercial
- s. Hospital (*D2-9*)
- t. Hotel (*D2-9*)
- u. Jobbing and Machine Shop (*D2-9*)
- v. Library (*D2-10*)
- w. Mini-Warehouse
- x. Monument and Art Stone Production (*D2-12*)
- y. Mortuaries and Funeral Home
- z. Motel (*D2-13*)
- aa. Municipal Buildings (*D2-13*)
- bb. Offices (*D2-13*)

## Chapter 8 – District Regulations

---

- cc. Offices, Including Professional and Medical Services and Dental Uses
- dd. Personal Service Establishment (D2-13)
- ee. Pet Cemeteries
- ff. Restaurants – Conventional (D2-14)
- gg. Restaurants – Drive In (D2-14)
- hh. Retail Sales Establishment (D2-14)
- ii. Theater (D2-19)
- jj. Veterinary Facilities (D2-19)

### 3. Uses Permitted by Conditional Use Permit

- a. Amusement Facilities (D2-2)
- b. Churches (2 acre minimum)
- c. Convalescent Home (D2-7)
- d. Crematories (D2-7)
- e. Elderly housing
- f. Finishing or Assembly Facilities (D2-8)
- g. Manufacturing Facilities (D2-12)
- h. Museum (D2-13)
- i. Pet Crematories (D2-13)
- j. Wholesale and Warehouse Facilities (D2-21)

## H. Industrial (I)

### 1. Purpose

The purpose of this district is to provide appropriate locales for industrial operations or industrial parks (D2-9).

### 2. Uses Permitted by Right

- a. Auto Body Repair Shop (D2-2) (Gasoline Service Station (D2-8))
- b. Butchering, Commercial (D2-3)
- c. Billboard adjacent to M-15
- d. Crematories (D2-7)
- e. Dry Bulk Blending Plant (D2-7)
- f. Fabrication, Forming, Molding of Metal or Plastic Products (D2-8)
- g. Fertilizer Blending Plant (D2-8)
- h. Finishing or Assembly Facilities (D2-8)
- i. Commercial Freestanding Towers (D2-4) (when in compliance with section 15.03(G))
- j. Gasoline Service Station (D2-8)
- k. Grain Elevator (D2-9)
- l. Greenhouses (D2-9) and Nurseries (D2-13), Commercial
- m. Industrial Park (D2-9)
- n. Jobbing and Machine Shop (D2-9)

## Chapter 8 – District Regulations

---

- o. Library (*D2-10*)
  - p. Manufacturing Facilities (*D2-12*)
  - q. Manufacturing of Electrical and Electronic Equipment (*D2-12*)
  - r. Mini-Warehouse
  - s. Monument and Art Stone Production (*D2-12*)
  - t. Processing of Agricultural Products (*D2-14*)
  - u. Wholesale and Warehouse Operations (*D2-21*)
3. Uses Permitted by Conditional Use Permit
- a. Pet Cemeteries & Crematories (*D2-13*)
  - b. Convalescent Home (*D2-7*)
  - c. Crop production (*D2-7*)
  - d. Roadside stand (*D2-14*)
  - e. Chemical Manufacturing (*D2-4*)
  - f. Drop forge, Hammering, and other similar processing activities
  - g. Elderly housing
  - h. Fuel storage Facilities (*D2-8*)
  - i. Petroleum refining (*D2-13*)
  - j. Salvage Yard (*D2-14*)
  - k. Sawmill (*D2-14*)

## Chapter 8 – District Regulations

### SECTION 8.04 SCHEDULE OF REGULATIONS

Zoning District	Minimum Lot Size (sq. ft. or acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)	Maximum Building Height* (feet)	Maximum Building Height (stories)	Minimum Front Yard Setback (feet) Measured from ROW	Minimum Side Yard Setback (feet) (a)	Minimum Rear Yard Setback (feet)	Minimum Livable Floor Area per unit	Maximum Dwelling Unit Density
"A" Agricultural Non-Cluster	49,500 sq. ft.	200	247.5	35	2.5	40	8	20	1200 for 1 story 1400 for 2 story (with 1000 on 1st floor)	(e) 1 per 20 acres (See Section 9.07)
"RA" Residential / Agricultural Non-Cluster	30,000	200	150	35	2.5	40	8	20	"	N/A
"R-1" Low Density Residential	18,000	120	150	35	2.5	40	8	20	"	N/A
"R-2" Medium Density Residential	18,000	120	150	35	2.5	40	8	20	(b)	4 units per acre for multiple family units
"MH" Mobile Homes	Mobile Homes in Mobile Home Parks must meet the requirements of the Mobile Home Commission Act									N/A
"C" Commercial	18,000	120	150	35	2.5	(c)	5	20	N/A	N/A
"I" Industrial	40,000	200	200	35	2.5	(c)	30	50	N/A	N/A
"MD" Mixed Development	7,200	60	120	35	2.5	20	(d)	(d)	N/A	N/A

**Footnotes**

- \* See Section 3.04 for height limitations related to the Zehnder Field airport located in adjacent Frankenmuth Township.
- (a) On corner lots (D2-10) both yards fronting on a street are front yards and all other yards are side yards.
- (b) The minimum floor area, per unit, for multiple family dwellings shall be as follows:
  - 600 square feet for efficiency unit.
  - 720 square feet for one bedroom unit.
  - 840 square feet for two bedroom unit.
  - 960 square feet for three bedroom unit.
  - 120 square feet for each additional bedroom over three.
- (c) Setback shall vary based on the type of road that the parcel fronts upon as follows:
  - 50 foot setback from centerline of road along State Highway.
  - 30 foot setback along county roads.
- (d) Side yard setbacks will be based on the type of adjacent uses and the type of buffering provided as specified in Section 15.02 Buffer Yards.
- (e) Density regulations apply to single family residences (D2-18) built or moved on to a parcel after the effective date of this ordinance. Density is based on the size of parcels of record as of the effective date of this ordinance. Fractional units of 50% or more are rounded up, less than 50% are rounded down.

## Chapter 8 – District Regulations

---

### SECTION 8.05 SCHEDULE OF USES

In the table below the codes in the district columns are as follows:

“R” is a Use Permitted by Right

“C” is a Use Permitted by Conditional Use Permit

<b>AGRICULTURAL USES</b>	<b>A</b>	<b>RA</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>C</b>	<b>I</b>	<b>MD</b>
Crop Production	R	R	R	R		R	C	R
Equestrian Sport Facilities	R	R						
Feed Lots	C							
Grain Elevators							R	
Raising of Livestock and Horses	R	R						
Roadside Stand	C	C					C	

<b>COMMERCIAL USES</b>	<b>A</b>	<b>RA</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>C</b>	<b>I</b>	<b>MD</b>
Amusement Facilities						C		C
Auto Body Repair Shop (Gasoline Service Station)						R	R	C
Automobile Sales, New and Used						R		C
Bars						R		C
Building Material, Farm Implement, Garden and Auto Parts Supplies						R		C
Business Service Establishments						R		C
Butchering, Commercial							R	
Car Wash						R		C
Crematories						C	R	
Drive-Thru Establishment						R		C
Finishing or Assembly Facilities						C	R	C
Commercial Freestanding Towers	R	R				R	R	
Gasoline Service Stations						R	R	C
Golf Driving Range								
Greenhouses and Nurseries, Commercial	R	R				R	R	
Hotels						R		C
Kennels, Commercial	C	C						
Landing Fields, Private	R	R	C					
Manufacturing Facilities						C	R	C
Mini-Warehouse						R	R	
Mortuaries and Funeral Homes						R		C
Motels						R		C
Offices						R		C
Offices, Including Professional and Medical Services and Dental Uses						R		C
Personal Service Establishment						R		C

## Chapter 8 – District Regulations

<b>COMMERCIAL USES (continued)</b>	<b>A</b>	<b>RA</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>C</b>	<b>I</b>	<b>MD</b>
Restaurants – Conventional						R		C
Restaurants – Drive In						R		C
Retail Sales Establishments						R		C
Theaters						R		R
Veterinary Facilities						R		C

<b>INDUSTRIAL USES</b>	<b>A</b>	<b>RA</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>C</b>	<b>I</b>	<b>MD</b>
Airports, Small Aircraft	C							
Chemical Manufacturing							C	
Drop Forge, Hammering, and Other Similar Processing Activities							C	
Dry Bulk Blending Plant							R	
Fabrication, Forming, Molding of Metal or Plastic Products							R	
Fertilizer Blending Plant							R	
Fuel Storage Facility							C	
General Building Contractor's Establishment						R		C
Industrial Parks							R	
Jobbing and Machine Shops (Eliminate "per job basis" from definition)						R	R	C
Manufacturing of Electrical and Electronic Equipment							R	
Monument and Art Stone Production						R	R	C
Petroleum Refining							C	
Processing of Agricultural Products							R	
Sand and Gravel Extraction (w/50 front yard & 100 side yard setback of mining area)	C							
Sawmills							C	
Wholesale and Warehouse Facilities						C	R	C

<b>MISCELLANEOUS</b>	<b>A</b>	<b>RA</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>C</b>	<b>I</b>	<b>MD</b>
Billboards – Adjacent to M-15 in accordance with State regulations						R	R	

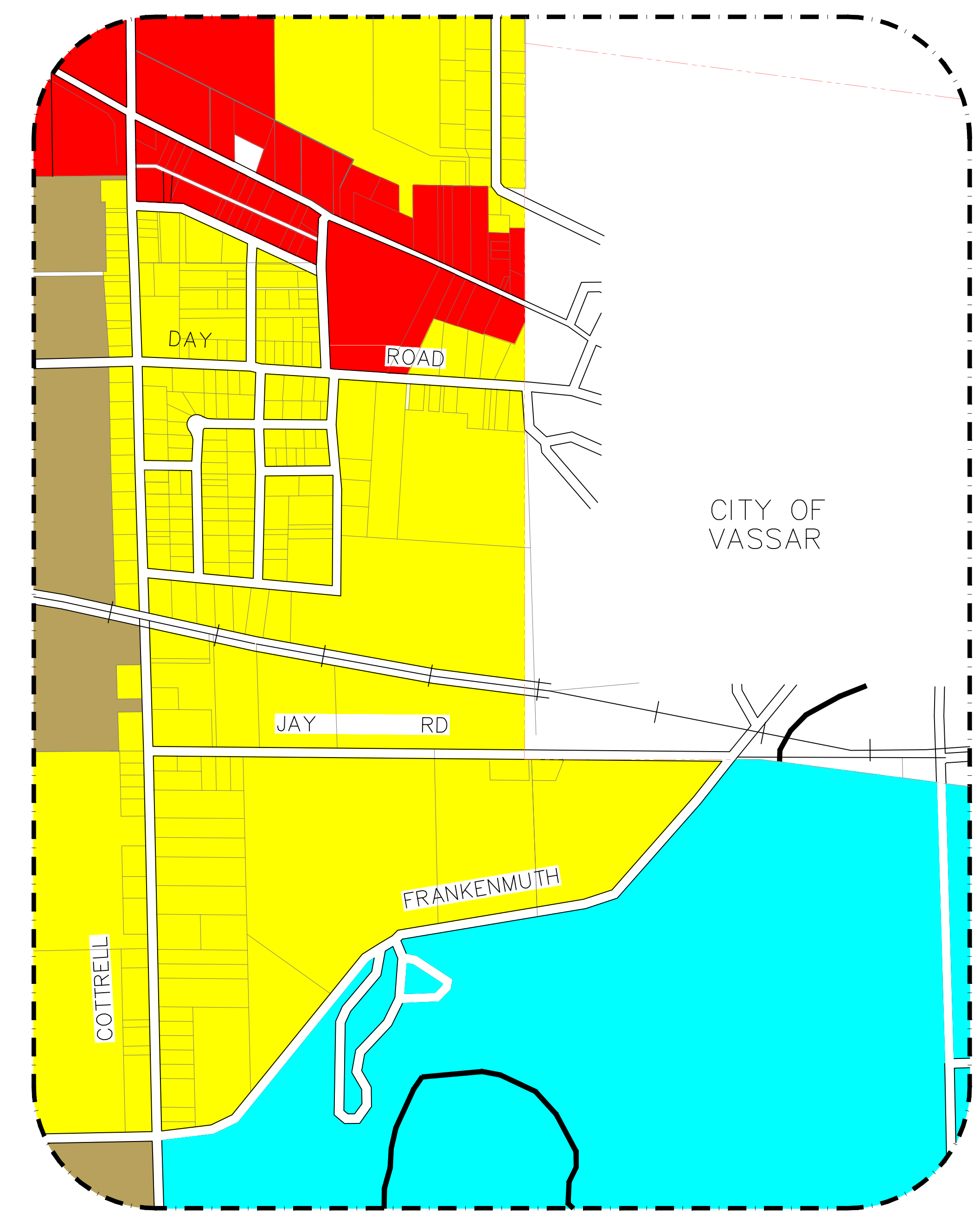
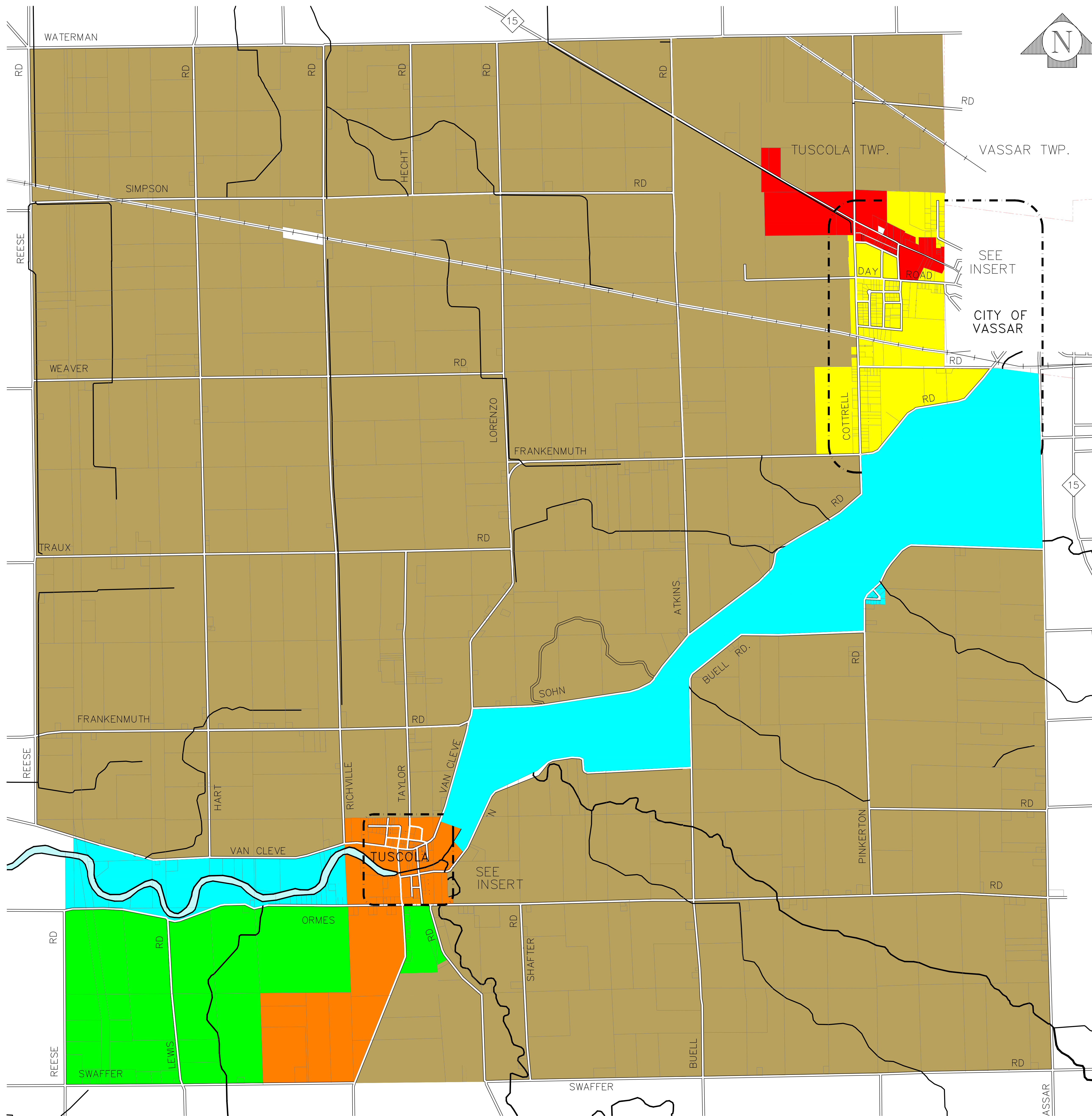
<b>PUBLIC/QUASI-PUBLIC USES</b>	<b>A</b>	<b>RA</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>C</b>	<b>I</b>	<b>MD</b>
Campgrounds	C	C		C				
Cemeteries	C	C						C
Houses of Worship (2 acre minimum)	R	R	R	R		C		R
Community Building		C	C	C		R		C
Convalescent Home	C	C	C	C	C	C	C	C
Correctional Facilities								
Country Club		C	C	C		R		C

## Chapter 8 – District Regulations

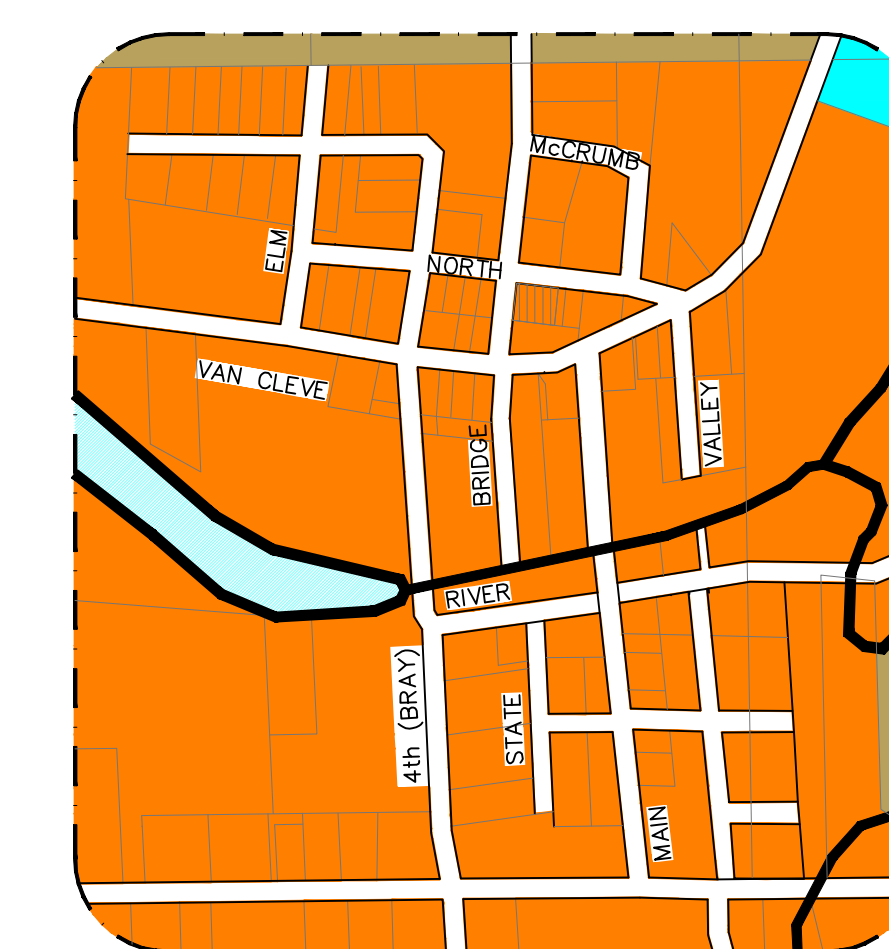
<b>PUBLIC/QUASI-PUBLIC USES (continued)</b>	<b>A</b>	<b>RA</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>C</b>	<b>I</b>	<b>MD</b>
Elderly Housing	C	C	C	C	C	C	C	C
Fraternal or Similar Social Clubs		C	C	C		R		C
Golf Courses	C	C						R
Hospitals				R		R		R
Libraries	R	R	R	R	R	R	R	R
Municipal Buildings						R		C
Museums	R	R		R		C		R
Parks – Non-Profit	C	C	C	C				R
Pet Cemeteries and Pet Crematories						R	C	
Schools	R	R	R	R				R

<b>RESIDENTIAL USES</b>	<b>A</b>	<b>RA</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>C</b>	<b>I</b>	<b>MD</b>
Adult Foster Care Family Home	R	R	R	R				R
Adult Foster Care Large Group Home						R		
Adult Foster Care Medium Group Home			C	C		R		C
Adult Foster Care Small Group Home	R	R	R	R				R
Apartments (3 or more units)				C				C
Bed and Breakfast Operations	R	R	R	R				R
Boarding Houses	R	R		R				R
Duplexes (Must meet double the lot requirements of a single family residence)	C	C	C	R				R
Family Day Care Home	R	R	R	R				R
Group Day Care Home	C	C	C	C				C
Home Occupations	R	R	R	R				R
Lodging Houses (Limitations based on number of rooms)	R	R	R					R
Mobile Home Park					R			
Planned Unit Development		C	C	C				C
Single Family Residence	R	R	R	R				R
Townhouses (3 or more units)				C				C
Temporary residence for farm labor or medical hardship	C	C						





VASSAR



TUSCOLA

**Zoning Districts**

- AGRICULTURAL
- RESIDENTIAL AGRICULTURAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- COMMERCIAL
- MIXED DEVELOPMENT
- INDUSTRIAL
- MOBILE HOME PARK



# Tuscola Township Zoning Map

June 18, 2013



ROGER P. MAHONEY  
 230 S. WASHINGTON AVENUE  
 PROFESSIONAL SURVEYOR NO. 41105  
 SAGINAW, MICHIGAN 48607-1286  
 TEL. A/C 989-754-4717

## Chapter 9 – Wind Energy

---

### SECTION 9.01 PURPOSE AND INTENT

This ordinance balances the need for clean renewable energy resources with the necessity to protect the public health, safety, and welfare of the community. Tuscola Township establishes these regulations to ensure that wind energy turbines (WETs) (D2-21) are properly designed, safely sited, installed and decommissioned at the end of their useful life.

### SECTION 9.02 CLASSES OF WIND ENERGY TURBINES PERMITTED

Two classes of wind energy turbines each with 2 sub-classes are permitted in Tuscola Township as follows:

- A. The Personal Use Class (PUC) is primarily intended to serve the needs of the resident consumer for personal use. The 2 types of wind energy turbines in this class are:
  - 1. Structure-Mounted Wind Energy Turbines (SMWETs) (D2-20) up to a total height (D2-21) of 25 feet above roof peak.
  - 2. Small Tower Mounted Wind Energy Turbines (STWETs) (D2-21) up to a total height of 100 feet.

Both Personal Use Class types may also be connected to the electric grid for distribution of excess power.

- B. The Electric Grid Class (EGC) is primarily intended to supply power to the electric utility power grid. The 2 types of wind energy turbines in this class are:
  - 1. Small Grid Wind Energy Turbines (SGWETs) (D2-20) up to a total height of 150 feet.
  - 2. Large Grid Wind Energy Turbines (LGWETs) (D2-19) up to a total height of 495 feet.

Both Electric Grid Class types may also provide power for the personal use of resident consumers.

## Chapter 9 – Wind Energy

---

### SECTION 9.03 TEMPORARY ANEMOMETER USE

Temporary use of an anemometer (*D2-19*) for measuring wind velocity to determine the feasibility of WET (*D2-21*) usage on a particular parcel (*D2-13*) of land is permitted in all zoning districts that are in compliance with this ordinance and applicable WET regulations as follows:

- A. The construction, installation, or modification of an anemometer tower shall conform to all applicable Township, County, State, and Federal safety, construction, environmental, electrical, communications, and FAA requirements.
- B. An anemometer must meet the minimum requirements for height, setback, separation, location, safety, and decommissioning (*D2-19*) requirements of this chapter that apply to the specific type of WET proposed for construction on the site as follows:
  - 1. Sections 9.04 and 9.06 through 9.08 for Personal Use Class WETs.
  - 2. Sections 9.04 and 9.09 through 9.15 for Electric Grid Class WETs.
- C. Anemometer usage is permitted for not more than 12 months for a SMWET (*D2-20*), no more than 2 years for a STWET (*D2-21*), and no more than 5 years for a SGWET (*D2-20*) or LGWET (*D2-19*).

### SECTION 9.04 REQUIREMENTS APPLICABLE TO ALL WIND ENERGY TURBINES

The following requirements apply to all WETs installed in Tuscola Township:

- A. Signal Interference - All WETs must not interfere with communication systems such as, but not limited to, radio, telephone, television, satellite or emergency communication systems.
- B. WET Siting and Design Requirements:
  - 1. Visual Appearance:
    - a. A WET, including accessory buildings (*D2-1*), towers, and related structures must be a non-reflective, non-obtrusive color (e.g. white, grey or black). The appearance of the turbine, and any ancillary facility must be maintained through the life of the WET.
    - b. Except as required by the FAA, artificial lighting of the WET is not permitted.
    - c. Use of the WET for display advertising (including flags, streamers, and decorative items) is not permitted, except for the identification of the manufacturer.

## Chapter 9 – Wind Energy

---

2. Vibrations produced by a WET must not be humanly perceptible beyond the parcel (D2-13) of property on which the WET) is located.
  3. The sound pressure level may not exceed 60 dBA measured at the closest property line. The sound level may be exceeded during short-term events such as utility outages and/or severe windstorms.
  4. When guy wires are used to support Wind Energy Towers (D2-21) the base of the tower and all guy wires must be enclosed by an 8-foot high fence.
- C. Safety Requirements:
1. All WET (D2-21) installations must comply with applicable FAA regulations, including necessary approvals for installations near airports.
  2. If the WET(s) is connected to a public utility system for net metering (D2-20) purposes, it must 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.
  3. All outdoor electrical controls, control wiring, grounding wires, power lines, and system components must 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 between the base of the tower and the wind generator are exempt from this requirement.
  4. The WET(s) must be equipped with an automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the mounting structure, tower structure, rotor blades and other wind energy components.
  5. The structure (D2-20) and integrity of the WET(s) must 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.
  6. All WET(s) must conform to all applicable electrical codes.

## Chapter 9 – Wind Energy

---

- D. Decommissioning (D2-19) - All WETs must be decommissioned at the end of their useful life as follows:
1. WET (D2-21) Owner(s) (D2-20) or Operator(s) (D2-20) must complete decommissioning within 12 months after the end of the useful life. Upon request of the Owner(s) or assigns of the WETs, and for good cause, the Township Board (D2-19) may grant a reasonable extension of time. Any WET will presume to be at the end of its useful life if no electricity is generated for a continuous period of 12 months. All decommissioning expenses are the responsibility of the owners or operators.

### SECTION 9.05 PUBLIC NOISE LEVEL INQUIRIES AND COMPLAINTS

When an aggrieved property owner believes that a WET (D2-21) is not in compliance with noise requirements of this ordinance, the following procedure must be followed:

- A. Notify Tuscola Township Zoning Administrator in writing regarding concerns about the noise level.
- B. If the complaint is deemed sufficient to warrant an investigation by Tuscola Township, the Township will notify the aggrieved property owner to 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 stated in section 9.04.B3.
- C. If the test indicates that the noise level is within ordinance noise requirements, Tuscola Township will use the deposit to pay for the test.
- D. If the WET owner(s) is in violation of the ordinance noise requirements, the owner(s) must reimburse Tuscola Township for the noise level test and take immediate action to bring the WET into compliance that may include ceasing operation of the WET until ordinance violations are corrected. Tuscola Township will refund the deposit to the aggrieved property owner.

### SECTION 9.06 ADDITIONAL PERSONAL USE CLASS REQUIREMENTS

In addition to the requirements listed in section 9.04 Personal Use Class WETs must meet the following requirements:

- A. For all Personal use class WETs, the lowest extension of any moving part of a Personal Use WET must be at least 20 feet above the ground and above any outdoor surfaces intended

## Chapter 9 – Wind Energy

---

for human use, such as balconies, roof gardens, driveways, and/or sidewalks located directly below a WET.

- B. Personal Use Class systems must have a clearly visible warning sign regarding voltage placed at the base of the WET.
- C. No Personal Use Class WET may be connected to the electric grid before the energy company has granted approval for connection to their system.
- D. In addition to the requirements in “A” and “B” above, Structure-Mounted WETs (*D2-21*) are subject to the following:
  - 1. The total height (*D2-21*) of a SMWET (*D2-20*) must not exceed 25 feet as measured from the highest point of the roof, excluding chimneys, antennae, and other similar protuberances.
  - 2. The location of the SMWET must be no closer to the property line setback (*D2-14*), public right-of-way (*D2-14*), public easement (*D2-7*), or overhead utility lines than its total height from the ground.
  - 3. The SMWET must not be affixed to the wall or side of a structure (*D2-20*).
  - 4. No more than 1 SMWET per building (*D2-2*) may be installed on residences and accessory buildings on the parcel (*D2-13*) of land. An attached garage is an accessory building for mounting 1 SMWET.
- E. In addition to the requirements in “A” and “B” above in this Section and in Section 9.04, Small Tower Mounted WETs are subject to the following:
  - 1. The total height of the STWET (*D2-21*), measured from the ground to the tip of a blade at its highest point, must not exceed 100 feet.
  - 2. The location of the STWET must be no closer to the property line setback, public right-of-way (*D2-14*), public easement (*D2-7*), or overhead utility lines than its total height from the ground.
  - 3. Only 1 STWET is permitted on any property parcel.
  - 4. When a Small Tower Mounted WET (STWET) is decommissioned the following requirements must be met:
    - a. Decommissioning (*D2-19*) must include the removal of each STWET, tower, buildings, electrical components, and any associated facilities. Any foundation must be removed to a minimum depth of 60 inches

## Chapter 9 – Wind Energy

---

below grade, or to the level of bedrock if less than 60 inches below grade.

- b. The site and any disturbed earth shall be stabilized, graded, and cleared of any debris by the owner(s) or operator(s) of the facility or its assigns. If the land is not to be used for agricultural practices following the removal, the site must be seeded to prevent soil erosion.

### SECTION 9.07 FAILURE TO DECOMMISSION PERSONAL USE CLASS WETS

If the Personal Use Class WET (D2-21) Owner(s) (D2-20) or Operator(s) (D2-20) fails to complete decommissioning (D2-19) within the period described 9.04.D.1, the Township Board (D2-19) 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 WET(s) is not owned by the property owner(s), a bond must be provided to Township Board for the cost of decommissioning each WET.

### SECTION 9.08 PERSONAL USE CLASS PERMIT APPLICATION REQUIREMENTS

Personal Use Class WETs are permitted by right in all zoning districts when the proposed WET meets the requirements of this ordinance. However, a zoning permit is required before Tuscola County will issue a building permit.

A Personal Use Wind Energy Turbine Zoning Permit application for Personal Use Class WETs must be submitted to the Zoning Administrator. The permit application requires the following:

- A. Name of property owners, their marital status, address, and parcel (D2-13) number.
- B. The signature of the applicant(s) and the property owner(s) if other than the applicant.
- C. Applications for SMWETs (D2-20) must include the number and location(s) of the SMWETs.
- D. A site plan (D2-18) including a detailed drawing showing the proposed location of all components and ancillary equipment of the SMWET(s) or STWET (D2-21), property lines, physical dimensions of the property, existing building(s) (D2-2), setback lines (D2-14), right-of-way (D2-14) lines, public easements (D2-7), overhead utility lines, any sidewalks, roads, and contours. The site plan must also depict adjoining properties.
- E. Other relevant information as may be reasonably requested.
- F. Notarized signature(s) of the property owners(s).

## Chapter 9 – Wind Energy

---

### SECTION 9.09 ELECTRIC GRID CLASS WET REQUIREMENTS

Electric Grid Class Wind Energy Turbines are conditional uses as follows:

- A. Small Grid Wind Energy Turbines (SGWETs) (D2-20) and Large Electric Grid Wind Energy Turbines (LGWETs) (D2-19) are permitted as conditional uses in the agricultural, commercial, and industrial zoning districts where the property parcel (D2-13) dimensions meet the requirements of this ordinance. A SGWET is also permitted as a conditional use in Condominium Developments (D2-5), and in Industrial zoned districts for WETs (D2-21) approved after the effective date of this ordinance.

### SECTION 9.10 ELECTRIC GRID WET SITING AND DESIGN REQUIREMENTS

In addition to the Requirements in Section 9.04 the following requirements apply to Electric Grid Class WETs:

- A. The design of Electric Grid Class WETs must conform to all applicable industry standards.
- B. The Electric Grid Class WET owner(s) (D2-20) or operator(s) (D2-20) must conduct an analysis on potential shadow flicker (D2-20) at any occupied building (D2-20) with direct line-of-site to the SGWET or LGWET. The analysis must identify the locations of shadow flicker that may be caused by the project and the expected durations of the flicker at these locations from sun-rise to sun-set over the course of a year. The analysis must identify situations where shadow flicker may affect the occupants of the buildings more than 30 hours per year, and describe measures that will be taken to eliminate or mitigate the problem. shadow flicker must not exceed 30 hours per year.
- C. Electrical systems must conform to the requirements of Section 9.04.C of this chapter.
- D. In addition to the requirements listed in “A”, “B”, and “C” above, a SGWET is also subject to the following:
  - 1. A SGWET located on property zoned agricultural, commercial, or industrial that has an occupied building must be located in the rear yard (D2-22). In a Condominium Development a SGWET must be located in the General Common element (D2-6).
  - 2. The Total Height (D2-21) of a SGWET must not exceed 150 feet.
  - 3. The lowest extension of any blade or other exposed moving component of a SGWET must be at least 20 feet above the ground (at the highest point of the grade level within 50 feet of the base of the tower), and, in addition at least 20



## Chapter 9 – Wind Energy

---

feet above any outdoor surfaces intended for human occupation, such as balconies or roof gardens, located directly below the SGWET.

4. No more than 1 SGWET (*D2-20*) is permitted for every 2 ½ acres of land included in the parcel (*D2-13*).
  5. SGWET setback and separation requirements:
    - a. The setback from occupied buildings (*D2-20*), public road right-of-ways (*D2-14*), drain rights of way, and zoning property setback lines (*D2-14*) must be equal to the total height (*D2-21*) of the SGWET measured from the base.
    - b. Each SGWET must be setback from the nearest above-ground public telephone or electric power line a distance equal to the total height of the SGWET measured from the base of the WET (*D2-21*) to the utility line.
    - c. SGWET Tower separation must be based on industry standard and manufacturer recommendations.
- E. In addition to the requirements listed in 9.04 and in “A”, “B”, and “C” above in this Section, a LGWET (*D2-19*) is also subject to the following:
1. The lowest extension of any blade or other exposed moving component of a LGWET must be at least 50 feet above the ground (at the highest point of the grade level within 150 feet of the base of the tower).
  2. The number of LGWETs permitted on a parcel of land is to be determined by the setback and separation requirements.
  3. Setback and separation requirements:
    - a. Each LGWET must be setback from the nearest occupied building on the same parcel as the LGWET a minimum of 2 times its total height, or 1,000 feet as measured from the base of the tower, whichever is greater.
    - b. The setback from public road right-of-ways (*D2-14*), drain rights-of-way, communication lines, electric power lines, and zoning property setback lines must be equal to 1.5 times the total height of the LGWET, or 400 feet, whichever is greater, measured from the base of the tower.
    - c. LGWETS located on parcels that border Township boundary lines must be setback at distance of 2 times the total height of tower.
    - d. LGWET Tower separation must be based on industry standard and manufacturer recommendations.

## Chapter 9 – Wind Energy

---

4. Construction of a private driveway to permit Township and emergency vehicles access to the tower base is required. Private driveways must meet the requirements specified in Section 3.13 of this ordinance.

### SECTION 9.11 ELECTRIC GRID CLASS WET SAFETY REQUIREMENTS

In addition to the Safety Requirements listed in Section 9.04.C of this chapter, Electric Grid Class WETs must comply with the following:

- A. Security measures must be in place to prevent unauthorized trespass access. Each Electric Grid WET must not be climbable up to 15 feet above ground surfaces. All access doors to Electric Grid WETs and electrical equipment must be locked and/or fenced as appropriate, to prevent entry by unauthorized person(s).
- B. Each Electric Grid WET must have 1 sign, not to exceed 2 square feet in area, posted at the base of the tower and on the security fence if applicable. The sign must contain the following:
  1. Warning High Voltage
  2. Manufacturer's name and owner/operators (D2-20) name.
  3. Emergency contact numbers (more than 1 number must be listed).
- C. The signal interference requirements listed in Section 9.04.A of this chapter apply to all WETs.

### SECTION 9.12 DECOMMISSIONING OF ELECTRIC GRID WETs

In addition to the requirements of Section 9.04.d the following regulation apply to Electric Grid WETs:

- A. All access driveways to decommissioned Electric Grid WETs shall be removed, cleared, and graded by the WET (D2-21) owner(s) unless the property owner(s) request, in writing, a desire to maintain the access driveway. The Township will not be assumed to take ownership of any access driveway unless through official action of the Township Board (D2-19).
- B. Following removal, the location of any remaining WET foundation must be identified on a map as such and recorded with the deed at the Tuscola County register of deeds office.
- C. If the Electric Grid Class WET Owner(s) (D2-20) or Operator(s) (D2-20) fails to complete decommissioning (D2-19) within the period described in Section 9.04.D of this chapter, the Township Board may designate a contractor to complete decommissioning with the expense

## Chapter 9 – Wind Energy

---

thereof to be charged to the violator and or to become a lien against the premises. If the WET(s) is not owned by the property owner(s), a bond must be provided to Township Board for the cost of decommissioning each WET.

- D. An independent and certified professional engineer will be retained by the owner(s) or operator(s) 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 will be submitted to the Tuscola Township Supervisor after the first year of operation and every fifth year thereafter.
- E. The Electric Grid Class WET Owner(s) or Operator(s) must post and maintain Decommissioning Funds in a amount equal to Net Decommissioning Costs; provided, that at no point shall the Decommissioning Funds be less than 100% of Decommissioning Costs. The Decommissioning Funds will 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 land owner(s) posting the financial security. Providing, the bonding or lending institution is authorized to conduct such business and is approved by Tuscola Township.
- F. Decommissioning Funds must be in the form of a performance bond payable to Tuscola Township.
- G. A condition of the bond must be notification by the bond company to the Tuscola Township Supervisor when the bond is about to expire or be terminated.
- H. Failure to keep the bond in effect while an Electric Grid Class WET is in place will be a violation of the conditional land use permit. If a lapse in the bond occurs, Tuscola Township may take action up to and including requiring ceasing operation of the WET until the bond is reposted.
- I. The escrow agent shall release the Decommissioning Funds when the owner(s) or operator(s) have demonstrated and the township concurs that decommissioning has been satisfactorily completed, or upon written approval of Tuscola Township in order to implement the decommissioning plan.
- J. If neither the owner(s) or operator(s), nor the landowner(s) complete decommissioning (*D2-19*) within the periods specified in Section 9.04.D.1 of this chapter, then the township may take such measures as necessary to complete decommissioning. The entry into and submission of evidence of a Participating Landowner agreement (*D2-20*) to the township shall constitute agreement and consent of the parties to the agreement, their respective heirs, successors and assigns that Tuscola Township may take such action as necessary to implement the decommissioning plan.

## Chapter 9 – Wind Energy

---

### SECTION 9.13 ELECTRIC GRID CLASS WET SITE PLAN REQUIREMENTS

Site plan (D2-18) review by the Planning Commission in compliance with chapter 10 and a public hearing in compliance with Section MCL125.3103 being the Michigan Zoning Enabling Act, PA 110 of 2006 as amended is required for Electric Grid WETs (D2-21). The site plan review will comply with the Conditional Use Permit Review Process detailed in Chapter 11 of this Ordinance. At Tuscola Township's discretion, a qualified wind energy expert may be retained to assist with site plan evaluation. The cost of this assistance will be the responsibility of the owners or operators. To prepare for the public hearing, the Planning Commission must be provided with the following at least 1 month before the site plan review:

- A. All applications for a Electric Grid Class WET conditional use permit must be accompanied by a detailed site plan map that is drawn to scale and dimensioned, displaying the following information:
  1. Existing property features including property lines, physical dimensions of the property, land use, zoning district, contours, setback lines (D2-14), right-of-ways (D2-14), public and utility easements (D2-7), public roads, access roads (including width) sidewalks, non-motorized pathways, large trees, and all buildings (D2-2). The site plan must also include the adjoining properties as well as the location and use of all structures within 300 feet of the property.
  2. Location and height of all proposed Electric Grid WETs, 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 WET.
  3. Additional details and information as required by the conditional use requirements of this Zoning ordinance (D2-23) as required by Section 10.03.
- B. The following site plan (D2-18) documentation must be included with the site plan:
  1. The contact information for the owner(s) (D2-20) and operator(s) (D2-20) of the Electric Grid WET(s) (D2-21) as well as the contact information for all property owners on which the Electric Grid WET(s) is located.
  2. A copy of the lease, or recorded document, with the landowner(s) if the applicant does not own the land for the proposed Electric Grid WET(s). A Statement from the landowner(s) of the leased site that he/she will abide by all applicable terms and conditions of the conditional use permit, if approved.
  3. Identification and location, including parcel numbers, of the properties on which the proposed Electric Grid Class WET(s) will be located.

## Chapter 9 – Wind Energy

---

4. In the case of a Condominium Development (*D2-5*), a copy of the Condominium Development's Master Deed (*D2-6*) and/or Bylaws addressing the legal arrangements for the Electric Grid Class WET(s).
5. The proposed number, representative types and total height (*D2-21*) of each Electric Grid Class WET to be constructed; including their manufacturer and model, product specifications including maximum noise output (measured in decibels (*D2-19*)), total rated capacity, rotor diameter (*D2-20*), and a description of ancillary facilities.
6. Documents must be submitted by the developer/manufacturer confirming specifications for the Electric Grid WET(s) tower separation.
7. Documented compliance with the noise and shadow flicker (*D2-20*) requirements of this ordinance.
8. Engineering data concerning construction of the Electric Grid WET(s) and its base foundation, which may include, but not be limited to, soil boring data.
9. A certified registered engineer must certify that the Electric Grid WET(s) meets or exceeds the manufacturer's construction and installation standards.
10. Anticipated construction schedule.
11. A copy of the maintenance and operation plan, including anticipated regular and unscheduled maintenance. Additionally, a description of the procedures that will be used for lowering or removing the Electric Grid Class WET(s) to conduct maintenance, if applicable.
12. Documented compliance with Township, County, State, and Federal regulations including, but not limited to, all applicable safety, construction, environmental, electrical, and communications. The Electric Grid class WET(s) must comply with the Federal Aviation Administration (FAA) requirements, Michigan Airport Zoning Act, Michigan Tall Structures Act, and any applicable airport (*D2-1*) overlay zoning regulations.
13. Proof of liability insurance covering the WET(s) (*D2-21*).
14. 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 are exempt from this requirement.

## Chapter 9 – Wind Energy

---

15. Other relevant information as may be requested by Tuscola Township to ensure compliance with the requirements of this ordinance.
16. Following the completion of construction, the applicant must certify that all construction is completed pursuant to the conditional use permit and approved site plan (*D2-18*).
17. A written description of the anticipated life of each Electric Grid class WET; the estimated cost of decommissioning (*D2-19*); the method of ensuring that funds will be available for decommissioning and site restoration; and removal and restoration procedures and schedules will be employed if the Electric Grid Class WET(s) become inoperable or non-functional.
18. The applicant will submit a decommissioning plan that will be carried out at the end of the Electric Grid Class WET(s) useful life, and any agreement with the landowner(s) that regarding equipment removal upon termination of the lease.
19. Tuscola Township reserves the right to review all maintenance plans and bonds under this ordinance to ensure that all conditions of the conditional use permit are being followed.
20. A completed application for an Electric Class WET(s) zoning permit.
21. In addition to the Site Plan Requirements of Section 10.03 of this ordinance, the LGWET(s) (*D2-19*) will be subject to the following:
  - a. A site grading, erosion control, and storm water drainage plan will be submitted along with the site plan to the Planning Commission prior to issuing a Conditional use permit for a LGWET. At the township's discretion the township's engineering firm may review these plans. The cost of this review will be the responsibility of the applicant.
  - b. A description of the routes to be used by construction and delivery vehicles and any road improvements (*D2-9*) that will be necessary to accommodate construction vehicles, equipment or other deliveries, and an agreement or bond that guarantees the repair of damage to public roads and other areas caused by construction of the LGWET(s) (*D2-19*).
  - c. A statement indicating what hazardous materials will be used and stored on the site, including all Material Safety Data Sheets (MSDS).
  - d. A study assessing any potential impacts on the natural environment (including, but not limited to, assessing the potential impact on endangered species, eagles, birds, and/or other wildlife, wetlands, and fragile ecosystems. The study must conform to County, State, and federal wildlife agency recommendations based on local conditions.

## Chapter 9 – Wind Energy

---

### SECTION 9.14 CERTIFICATION AND COMPLIANCE

- A. Tuscola Township must be notified of a change in ownership of a Electric Grid Class WET or change in the ownership of the property on which the WET (D2-21) is located.
- B. The township reserves the right to inspect any and all Electric Grid Class WETs, in order to ensure compliance with this ordinance. Any cost associated with the inspections will be paid by the owner/operator (D2-20) of the WET. In addition to the above Certification and Compliance requirements, Electric Grid Class WETs will be subject to the following:
  - 1. A sound pressure level analysis shall be conducted from a reasonable number of sampled locations at the perimeter and interior of the property containing any Electric Grid Class WETs to demonstrate compliance with the requirements of this ordinance. Proof of compliance with the noise standards is required within 90 days of the date the Electric Grid Class WET becomes operational. Sound shall be measured by a third-party, qualified professional.
  - 2. The Electric Grid Class WET owner(s) and operator(s) must provide the Township Clerk with a copy of the yearly maintenance inspection.

### SECTION 9.15 ELECTRIC GRID CLASS WET INQUIRIES AND COMPLAINTS

- A. Aggrieved property owners that allege that a Electric Grid WET is not in compliance with the noise requirements must follow the procedure listed in Section 9.05 of this chapter.
- B. Aggrieved property owners that allege a Electric Grid Class WET is not in compliance with the shadow flicker (D2-20) requirements of this ordinance should:
  - 1. Notify Tuscola Township in writing regarding concerns about the amount of shadow flicker.
  - 2. If the complaint is deemed sufficient by the township to warrant an investigation, the township will request the owner(s) (D2-20) to provide an independent engineer's shadow flicker analysis of the WET as constructed to determine compliance with the requirements of this ordinance.
  - 3. If the Electric Grid Class WET owner(s) is in violation of ordinance shadow flicker requirements, the owner(s) must take immediate action to bring the WET into compliance that may include ceasing operation until the ordinance violation is corrected.

b:\proj2008\115287\_08-tuscola\_zoning\drafts\\_new\_format\2014-10-17 final\tuscola\_twp\_09\_final.doc

## Chapter 10 – Site Plan Review

---

### SECTION 10.01 INTENT

Reference: MZEA 125.3501

The Site Plan Review procedures are instituted to enable the Township Planning Commission to determine that the site plan (*D2-18*) complies with the provisions of this ordinance. The Planning Commission will review the proposed use of a site in relation to drainage, pedestrian and vehicle circulation, off street parking, structural relationships, public utilities, landscaping, accessibility and other site design elements that may have an adverse effect upon the public health, safety, and general welfare as well as to provide for the best interest of the property owner.

### SECTION 10.02 WHEN SITE PLANS ARE REQUIRED

Site plans are required to be submitted under any of the following circumstances:

- A. As part of an application for a planned unit development (PUD) (*D2-13*) or conditional use permit.
- B. Prior to construction of any principal structure (*D2-18*) other than a single family (*D2-18*) or duplex (*D2-7*) residence.
- C. Prior to construction of an addition to any principal structure other than a single family or duplex residence.
- D. Prior to construction of any accessory structure other than accessory structures related to a single family or duplex residence.
- E. As part of an application to change a non-conforming use (*D2-13*) to a conforming use.
- F. Any remodeling, or change of use, including type of business, of an existing commercial structure.
- G. Whenever a single family or duplex residence requires construction of 10 or more parking spaces.
- H. As part of an application for approval of a condominium development (*D2-5*).

### SECTION 10.03 APPLICATION AND REQUIRED INFORMATION

Before any Zoning permit shall be issued, 6 copies of a site plan to a scale of 1" = 50' (1 inch equals 50 feet) on a sheet or sheets 24" x 36" (24 inches x 36 inches), a completed application for site plan approval and payment of the site plan review application fee approved by the Township Board (*D2-19*)



## Chapter 10 – Site Plan Review

---

shall be submitted to the Tuscola Township Zoning Administrator or the Chairperson of the Tuscola Township Planning Commission.

The site plan (*D2-18*) shall contain the following information:

- A. Statistical data including: Number of dwelling (*D2-7*) units, size of dwelling units (e.g., 1-bedroom, 2 bedroom, 3 bedroom), if any, and the total gross acreage involved. In the case of mobile home parks (*D2-12*), the size and location of each mobile home (*D2-12*) site shall be shown. In the case of commercial and industrial development, the location, classification, horsepower, fuel, dimensions, and other data of all machinery to be used on the proposed site (to determine compliance with minimum lot (*D2-10*) size, maximum lot coverage, density requirements, parking requirements, and compliance with noise standards).
- B. The site plan shall include a location map that indicates the relationship of the site to surrounding land use and includes the tax parcel boundary lines and tax ID number(s) of all tax parcels involved in the proposed site. If necessary, to show the site on a single page, this map may be at a different scale.
- C. The site plan shall include the applicant's name, address, and phone number and the name address and phone number of the firm(s) responsible for preparation of the site plan.
- D. The location of existing and proposed principal and accessory buildings (*D2-1*) on the lot, the relationship of each structure (*D2-18*) to another, and the setback distances (to determine compliance with setback requirements).
- E. Vehicular traffic and pedestrian circulation features within and without the site including driveways or streets within one hundred fifty feet (150') of the site (to determine compliance with traffic access standards including adequacy of access, conflicts between vehicles and pedestrians, turning movements between the site and other nearby driveways).
- F. The location and dimensions of all off-street parking areas including maneuvering lanes, service lanes, off-street loading/unloading spaces, and other service areas within the development (to determine compliance with parking requirements).
- G. The location, dimensions, and proposed use of all recreation areas, if any, (to determine compliance with standards related with compatibility with adjacent areas).
- H. The location of all proposed landscaping, fences, walls, and berms (to determine compliance with screening and landscaping requirements).
- I. The height and dimensions of all structures (to determine compliance with maximum height and lot coverage requirements as well as minimum building (*D2-2*) size requirements where applicable).
- J. Front, rear, and side elevation(s) of all structure(s) proposed for development.

## Chapter 10 – Site Plan Review

---

- K. The location and capacity of private or public water, sanitary services and solid waste disposal facilities servicing the site (to ensure compliance with the standard requiring adequate water and sewer service).
- L. The location, dimensions, type, and lighting of all signs (to ensure compliance with all sign requirements).
- M. The location, intensity, and orientation of all lights (to determine compliance with requirements regarding lighting being directed off adjacent premises and roads).
- N. Outdoor storage or activity areas (to comply with standards relating to outdoor storage of material or outdoor activities).
- O. Existing and proposed grades at two foot (2') intervals (to determine any minimum or maximum grade, clear vision, and height requirements).
- P. Cross section showing construction of drives and parking area (to comply with requirements regarding pavement surfaces and adequacy of base material).
- Q. Floor plan showing existing and proposed uses (to verify gross vs. usable floor area and principal vs. accessory uses).
- R. Location of trash receptacles (to determine compliance with ordinance requirements regarding location & screening).
- S. Designation of fire lanes (to determine compliance with fire code requirements).
- T. Listing of types, quantity, storage location, and secondary containment provisions for any hazardous material stores or used on the site as well as copies of any Tier I or Tier II documentation required under Title III of the Resource Conservation and Recovery Act (RCRA).

The Tuscola Township Planning Commission may waive any of the requirements above either on an individual basis or by establishment of an administrative rule when the information is not needed to determine compliance with the requirements of this ordinance.

## Chapter 10 – Site Plan Review

---

### SECTION 10.04 WHO REVIEWS SITE PLANS

The Tuscola Township Planning Commission is authorized to review and approve all site plans (D2-18) required under this ordinance.

### SECTION 10.05 SITE PLAN REVIEW PROCESS

The site plan review process is intended to allow the township and other governmental entities the opportunity to review a proposed development prior to its construction to determine compliance with the requirements of this ordinance. The Township's intention is to handle each application as expeditiously as possible while conducting an appropriately thorough review.

- A. Completed and signed applications for site plan review, 6 copies of the site plan, and proof of payment of applicable fees shall be presented for site plan review at any regular meeting of the Planning Commission.
- B. Following the review of the site plan the Planning Commission liaison Officer shall forward 1 copy to each of the following:
  - 1. Tuscola County Sheriff's Department
  - 2. Tuscola County Road Commission
  - 3. Tuscola County Drain Commission
  - 4. Tuscola County Planning Commission
  - 5. The applicable local Fire Department

The entities listed above will review the site plan and contact the applicant within 30 days if the site plan does not meet Tuscola County requirements. A building permit may be withheld if county requirements are not met.

- C. Preliminary Review (Optional)

The option of preliminary site plan review is provided in order to allow an applicant for site plan review an opportunity to investigate with the Tuscola Township Planning Commission the viability of a proposed development prior to preparing a complete site plan. An applicant for site plan review may request a preliminary review of a site plan to obtain information on potential site development issues including setbacks, drainage, access, signage and potential buffering requirements. At a minimum, this preliminary site plan should show:

- 1. Lot (D2-10) dimensions.

## Chapter 10 – Site Plan Review

---

2. Building (*D2-2*) dimensions and setbacks.
  3. Proposed parking areas.
  4. Proposed driveways.
  5. Proposed drainage patterns and water and sewer connections.
- D. Following their review of the final site plan (*D2-18*), the Planning Commission shall do one of the following:
1. Approve the site plan).
  2. Approve the site plan with conditions.
  3. Table the site plan pending required additional information.
  4. Disapprove the site plan.
- E. The Planning Commission shall render a final decision on a site plan at the meeting when it is reviewed or at the first meeting when all required additional information is available to the Planning Commission.
- F. Emergency Site Plan Review
- In cases of reconstruction, repair, or construction that is the result of damage caused by a natural disaster, fire, acts of a public enemy, or other disaster, the Planning Commission may temporarily delay normal informational requirements to expedite the review process. The Planning Commission shall impose conditions on any site plan approved under these provisions to ensure that required information is eventually provided and that site plan approval standards are met.
- G. Consultant Review
- In those instances where the Planning Commission determines it is necessary, the Township may submit a site plan for review by a professional consultant. The cost of this consultant review shall be paid by the applicant, provided an estimate of the review cost is obtained from the consultant and provided to the applicant in advance. Upon receiving the estimate of the consultant review cost, the applicant may withdraw the application if he/she wishes.

## Chapter 10 – Site Plan Review

---

### H. Record of Review

Following a determination of approval or denial of a site plan (*D2-18*), the Chairperson shall indicate the decision in writing on two copies of the site plan. Any conditions attached to the approval or the reasons for denial shall be listed on the two site plans. One copy shall be given to the applicant and the other copy shall be filed with the Township Clerk, including:

1. A copy of the site plan, dated and signed by two members of the Planning Commission.
2. A copy of any meeting minutes related to the site plan.
3. A copy of any other relevant records related to the site plan.

### I. Appeal of Site Plan Decision

Any person (*D2-13*) aggrieved by the decision of the Planning Commission in granting or denying a site plan may appeal the decision to the Zoning Board of Appeals (*D2-22*). The appeal must be filed within 21 days of the decision and state the basis for the appeal.

## SECTION 10.06 CONSIDERATIONS FOR SITE PLAN APPROVAL

Reference: MZEA 125.3604

All approved site plans shall comply with the appropriate district regulations, parking requirements, general provisions, and other requirements of this ordinance as they apply to the proposed site plan. In addition, the Planning Commission shall consider the plan's compliance with the following:

- A. Sidewalks and other walkways, driveways, parking areas, loading/unloading areas, and maneuvering lanes will be designed to promote traffic safety, minimize turning movement conflicts, eliminate congestion of vehicles within the public right-of-way (*D2-14*), minimize vehicle/pedestrian conflicts, provide adequate access for fire, police, ambulance and other emergency services personnel, minimize the number of driveways with access onto major roads, promote adequate spacing between driveways, ensure adequate geometric design of streets and promote shared access.
- B. Adequate transition areas or buffers will be provided between land uses to minimize off-site conflicts due to noise, light, smoke, odor, or other nuisances and to maintain physical attractiveness.
- C. Utility service is adequate to serve the needs of the development. Proposed sanitary sewer or septic systems are adequate to handle the projected land use. Storm water facilities are adequate to handle any increased water run-off, which will be minimized through the use of storm water retention and detention facilities when appropriate. The site shall be designed to

## Chapter 10 – Site Plan Review

---

ensure that there is no increase in runoff onto adjacent sites or that existing drainage patterns are not harmed.

- D. Physical improvements (*D2-9*) including sidewalks, drives, and parking areas shall be built to minimize premature deterioration
- E. Sites at which hazardous substances are stored, used, or generated shall be designed to prevent spill or discharges to the air, surface of the ground, groundwater, streams, drains, or wetlands. Secondary containment for above ground storage of hazardous material shall be provided.

### SECTION 10.07 CONDITIONS

- A. The Planning Commission may condition approval of a site plan (*D2-18*) on conformance with the standards of another local, county, or state agency, such as but not limited to the County Drain Commission, County Health Department, and the Michigan Department of Environmental Quality. They may do so when conditions:
  - 1. Would insure 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,
  - 2. Would protect the natural environment and conserve natural resources and energy,
  - 3. Would insure compatibility with adjacent uses of land, and
  - 4. Would promote the use of land in a socially and economically desirable manner.
- B. The Planning Commission may conditionally approve a site plan on conformance with fencing, screening, buffering, or landscaping requirements of Section 15.01 of this ordinance and may collect a performance guarantee consistent with the requirements of Section 10.08 to insure conformance. When doing so, the following finding shall be made and documented as part of the review process:
  - 1. That such fencing, screening, buffering, or landscaping would mitigate negative effects of noise, dust, lighting, vehicular or pedestrian traffic, loading or unloading, parking or other similar impact on adjoining parcels (*D2-13*);
  - 2. That without the above requirements, the development would adversely affect the reasonable use, enjoyment, and value of adjoining lands in light of similar benefits enjoyed by other properties in the area.

## Chapter 10 – Site Plan Review

---

### C. Statement of Findings

Following a determination of approval or denial of a Conditional Use Permit application, the Planning Commission Chairperson shall indicate the decision in writing on two copies of the site plan (D2-18). This statement of findings and conclusions shall specify the basis for the conclusion and identify any conditions attached to approval, reasons for denial shall be listed on the two site plans. Both copies of the site plan with the Planning Commission decision documented will be signed by 2 members of the Planning Commission. The applicant, or the applicant's representative if the applicant is not present, will also sign both copies of the site plan with the statement of findings to indicate that he/she has received a copy of the Planning Commission's decision. One copy of the signed and dated site plan will be given to the applicant as the official notice of the Planning Commission's decision.

A record of the decision shall be filed with the township clerk, including:

1. A copy of the submitted application.
2. The second copy of the site plan indicating the Planning Commission's determination.
3. A copy of any meeting minutes related to the application.
4. A copy of any other relevant records related to the application.

The Planning Commission shall approve or disapprove a Conditional Use Permit within 70 days following the date of the public hearing.

### SECTION 10.08 PERFORMANCE GUARANTEES

Reference: MZEA 125.3505

In the interest of insuring compliance with the Zoning ordinance (D2-23) provisions, protecting the natural resources, and the health, safety, and welfare of the residents of Tuscola Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Planning Commission may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to ensure completion of improvements (D2-9) connected with the proposed use as required by this ordinance, including but not limited to roadways, lighting, utilities, sidewalks, drainage, fences, screens, walls, landscaping, and widening strips.

- A. Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvement to be made as determined by the applicant and verified by the Zoning Administrator.

## Chapter 10 – Site Plan Review

---

Reference: MZEA 125.3505 and  
1967 PA 288, MLC 560.101 to 560.293

- B. If the applicant has been required to post a performance guarantee or bond with any governmental agency other than Tuscola Township to insure completion of an improvement associated with the proposed use prior to the Township’s conditional approval, the applicant shall not be required to deposit a performance guarantee with Tuscola Township for improvements already guaranteed.

Reference: MZEA 125.3505

- D. Where the Planning Commission requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the issuance of a zoning permit.
- E. An approved site plan shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the issuance of the building permit.
- F. In the event the performance guarantee is a cash deposit or certified check, Tuscola Township shall rebate to the applicant 50 percent of the deposited funds when 60 percent of the required improvements are completed as confirmed by the Zoning Administrator, and the remaining 50 percent of the deposit funds when 100 percent of the required improvements are completed as confirmed by the Zoning Administrator
- G. Upon satisfactory completion of the improvements for which the performance guarantee was required, as determined by the Zoning Administrator, the Township Treasurer shall return to the applicant the remaining balance of the performance guarantee deposited and interest if any earned thereon.
- H. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the township, the township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property (D2-18) to make the improvements. If the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay the township the amount by which the cost of completing the improvements exceeds the amount of the performance guarantee. Should the township use the performance guarantee or a portion thereof, to complete the required improvements (D2-9), any amount remaining after said completion shall be applied first to the township’s administrative cost of completing the improvements with any balance remaining being refunded to the applicant. At the time the performance guarantee is deposited with the township and prior to the issuance of a building permit, the applicant shall enter into an agreement with Tuscola Township incorporating the provisions of this section (10.08).



## Chapter 10 – Site Plan Review

---

### SECTION 10.09 CHANGES TO APPROVED SITE PLANS

Reference: MZEA 125.3604

- A. All work conducted related to a project with an approved site plan (D2-18) shall be in conformance to that site plan. For minor changes to the site plan, the Planning Commission may waive the application requirements at the applicants request, as long as the change does not result in:
1. A significant change in use, intensity or character of the development.
  2. A significant increase in lot (D2-10) coverage.
  3. A reduction in required open space, off-street parking, loading areas, and/or drainage retention or detention capacity.
  4. A reduction in pavement widths or utility pipe size.
- B. Any other changes to a site plan require review and approval as required if the plan were new, as required in Section 10.03 of this ordinance.

### SECTION 10.10 EXPIRATION OF SITE PLAN APPROVAL

Approval of a proposed plan shall expire within one year of approval if a building permit has not been applied for and construction has not begun based on the site plan.

## Chapter 11 – Conditional Use

---

### SECTION 11.01 INTENT

The Conditional Use Permit review procedures are instituted to provide an opportunity for the Township Planning Commission to review a proposed use that due to its characteristics may, or may not be appropriate for a given site within a zoning district. The procedure is intended to analyze the proposed uses potential impact on surrounding land uses, traffic patterns, environmental features and other community characteristics to determine its suitability for the site and any necessary conditions required to mitigate the impacts.

### SECTION 11.02 WHEN A CONDITIONAL USE PERMIT IS REQUIRED

The establishment of use listed under the district regulations, as requiring a conditional use permit, or any expansion of such a use requires review and approval as outlined in this chapter.

### SECTION 11.03 REQUIRED INFORMATION

An application for a Conditional Use Permit shall contain the following:

- A. A completed Tuscola Township Conditional Use Permit application form, signed by the applicant.
- B. Six copies of a complete site plan (D2-18) meeting the requirements of Chapter 10 Section 10.03.
- C. All necessary fees, as established by the Township Board (D2-19).

### SECTION 11.04 WHO APPROVES CONDITIONAL USE PERMITS

Conditional Use Permit applications are reviewed and approved by the Township Planning Commission.

### SECTION 11.05 CONDITIONAL USE PERMIT REVIEW PROCESS

#### A. Planning Commission Conditional Use Permit

The applicant shall submit the Conditional Use Permit Application to the Zoning Administrator, Planning Commission chairperson, or in person at a regular meeting of the Planning Commission. Prior to the Planning Commission making a determination on an application, the liaison officer shall within 5 working days of receiving the conditional use permit application at a

## Chapter 11 – Conditional Use

---

Planning Commission meeting submit copies to the County Sheriff's department, fire department, County Road Commission, County Planning Commission and County Drain Commission who shall review and submit their comments to the Planning Commission within 10 working days.

### B. Public Hearing

Upon receipt of an application for a Conditional Use Permit, 6 copies of the site plan (D2-18) and payment of applicable fees, the Planning Commission or Planning Commission Chairperson will schedule a public hearing for a Planning Commission meeting at which the Conditional Use Permit Application will be reviewed. Public notice of the hearing will be given as required by Section 3.01 of this ordinance.

### C. Consultant Review

In those instances where the Planning Commission determines it necessary, the township may submit a site plan for review by a professional consultant. The cost of this consultant review shall be paid by the applicant, provided an estimate of the review cost is obtained from the consultant and provided to the applicant in advance. Upon receiving estimate of the consultant review cost, the applicant may withdraw the application if he/she wishes.

### D. Planning Commission Decision

Following a public hearing, the Planning Commission shall do one of the following:

1. Approve the Conditional Use Permit.
2. Approve the Conditional Use Permit with conditions.
3. Table the Conditional Use Permit pending required additional information.
4. Disapprove the Conditional Use Permit.

### E. Statement of Findings

Following a determination of approval or denial of a Conditional Use Permit application, the Planning Commission Chairperson shall indicate the decision in writing on two copies of the site plan. This statement of findings and conclusions shall specify the basis for the conclusion and identify any conditions attached to approval, reasons for denial shall be listed on the two site plans. Both copies of the site plan with the Planning Commission decision documented will be signed by 2 members of the Planning Commission. The applicant, or the applicant's representative if the applicant is not present, will also sign both copies of the site plan with the statement of findings to indicate that he/she has received a copy of the Planning Commission's

## Chapter 11 – Conditional Use

---

decision. One copy of the signed and dated site plan will be given to the applicant as the official notice of the Planning Commission's decision.

A record of the decision shall be filed with the township clerk, including:

1. A copy of the submitted application.
2. The second copy of the site plan (D2-18) indicating the Planning Commission's determination.
3. A copy of any meeting minutes related to the application.
4. A copy of any other relevant records related to the application.

The Planning Commission shall approve or disapprove a Conditional Use Permit within 70 days following the date of the public hearing.

### F. Appeal of Site Plan Decision

Any person (D2-13) aggrieved by the decision of the Planning Commission in granting or denying a Conditional Use Permit may appeal the decision to the Zoning Board of Appeals (D2-22). The appeal must be filed within twenty-one days of the decision and state the basis for the appeal.

## SECTION 11.06 CONDITIONS

Conditions may be placed on the conditional use permit necessary to ensure the proposed use's compatibility with surrounding land uses. These conditions must be directly related to the impacts expected from the proposed use and reasonably proportional to those impacts.

## SECTION 11.07 CHANGES TO APPROVED SITE PLANS

All work conducted in relation to a project with an approved Conditional Use Permit and related site plan shall be in conformance to that permit and site plan. All changes to an approved conditional use permit must be reviewed and approved following the same procedures, as its original approval.

## SECTION 11.08 EXPIRATION OF SITE PLAN APPROVAL

Approval of a Conditional Use Permit shall expire within one year of approval if a building permit has not been applied for and construction begun based on the permit.

## Chapter 11 – Conditional Use

---

### SECTION 11.09 BASIS OF DETERMINATION

Prior to approval of a conditional use application and required site plan (*D2-18*), the Planning Commission shall insure that the standards specified in this sub-section, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion and operation of the conditional use under consideration.

#### A. General Standards

The Planning Commission shall review the particular circumstances of the conditional use request under consideration in terms of the following standards, and shall approve a conditional use request only upon a finding of compliance with each of the standards, as well as applicable standards established elsewhere in this ordinance:

1. The proposed conditional use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and/or vicinity and applicable regulations of the zoning district in which it is to be located.
2. The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
3. The proposed use shall be designed as to the location, size intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating there from which might be noxious to the occupants of any other nearby permitted uses, whether by reason of dust, noise, fumes, vibration, smoke or lights.
4. The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
5. The conditional use shall not place demands on public services and facilities in excess of current capacity.
6. The proposed use shall be so designed, located, planned and operated that the public health, safety and welfare will be protected.

## Chapter 11 – Conditional Use

---

7. The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or permitted land uses in the zoning district.

## Chapter 11 – Conditional Use

---

THIS PAGE INTENTIONALLY LEFT BLANK

## Chapter 12 – Amendments

---

### SECTION 12.01 INTENT

New styles of residential living, agricultural methods, commercial opportunities and industries will develop as our Country, State, County, and Township experiences what the future brings. The intent of this chapter is to enable Tuscola Township to benefit from future developments by amending this ordinance.

### SECTION 12.02 CONFORM TO ORDINANCE

Land uses, construction methods, building (*D2-2*) sizes, signs, parking requirements, and any other related zoning requirements that are not specifically permitted by this ordinance are prohibited.

### SECTION 12.03 ORDINANCE AND AMENDMENT ADOPTION

Reference: MZEA 125.3202.1

The same requirements apply to the initial adoption of this ordinance and all subsequent amendments or supplements to this ordinance.

### SECTION 12.04 INITIATION OF ZONING ORDINANCE AMENDMENT

Reference: MZEA 125.3402

Tuscola Township realizes that its citizens may have valid ideas for zoning ordinance (*D2-23*) changes that might otherwise be prohibited by Section 12.02 above. Item “A” below provides a friendly means for communicating those ideas to the Planning Commission for consideration.

- A. Citizens that wish to recommend an amendment to the zoning ordinance text or map may appear at a regularly scheduled Planning Commission meeting to propose a change. The Planning Commission will discuss the request and do one of the following:
1. Request further information from the citizen(s).
  2. Agree to begin the process of developing an amendment as described in Section 12.05 below.
  3. Provide reasons for rejecting the proposal.
  4. Table the matter for future consideration.

Item B below provides another option for citizens to request ordinance changes when they want to further pursue their request following the results of this Section.



## Chapter 12 – Amendments

---

- B. Any proposal for an amendment to the zoning ordinance map may be initiated by any owner of an interest in the land parcel as to the zoning of such land parcel upon the filing with the Township Clerk an application form provided by the Township proposing the zone change, accompanied by a map at an appropriate scale showing the subject parcel (D2-13) in relation to adjoining parcels of land, and payment of the necessary fees for such zoning change. In the case of a lot (D2-10) with multiple owners, at least 51% of the owners of the lot must sign off on the application.
- C. Any proposal for an amendment to the zoning ordinance (D2-23) text or map may be initiated by the Township Board (D2-19) or the Township Planning Commission, upon filing with the Township Clerk a resolution, duly adopted and proposing an amendment.
- D. An amendment to conform a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the legislative body and notice of the adopted amendment published without referring the amendment to any other board, agency, or procedure provided for under the Michigan Zoning Enabling Act.

Reference: MZEA 125.3202.5

### SECTION 12.05 ZONING AMENDMENT REVIEW PROCEDURES

- A. The Planning Commission chairperson shall schedule a public hearing on the proposed amendment at the next regular meeting of the Planning Commission after the timing requirements for notice of the public hearing have been met.

Reference: MZEA 125.3306 (1)
- B. Public notice of the public hearing shall be provided in accordance with Section 3.01(1) for the initial adoption of a zoning ordinance or Section 3.01 (1–3) for adoption of an amendment to this ordinance.

Reference: MZEA 125.3202 (2)

  - 1. For any group of 11 or more adjacent properties proposed for rezoning, the requirements of Section 3.01(2) and the requirement of Section 3.01(4) that street addresses be listed do not apply to that group of adjacent properties.
  - 2. Notices under this Section shall include times and places at which the proposed text and any maps of the zoning ordinance (D2-23) may be examined.

Reference: MZEA 125.3306 (2)

## Chapter 12 – Amendments

---

- C. The Planning Commission shall give similar notice 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 (*D2-1*), that registers its name and mailing address with the Township Clerk, for the purpose of receiving such notice:
1. Such notice shall be given by first class mail as detailed in Section 3.01 of this ordinance hearing. The Township Clerk shall maintain an affidavit of such mailing.
- D. At the meeting where an application for an amendment to the zoning ordinance is considered, the Township Planning Commission shall consider the request in accordance with the following standards:
1. The use requested shall be consistent with and promote the intent and purpose of this ordinance.
  2. The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capacities of public services and facilities affected by the proposed land use.
  3. The land use sought is consistent with the public health, safety, and welfare of the township.
  4. The proposed use is consistent with the Township Land Use Plan or a determination is made that the plan is not applicable due to a mistake in the plan, changes in relevant conditions or changes in relevant plan policies.
- E. Public Hearing
1. The Township Planning Commission shall hold a public hearing on the proposed amendment and after the public hearing shall submit the proposed amendment and any zoning maps to the County Planning Commission for review and recommendation.
  2. The County will have waived its right for review and recommendation of an Ordinance if the recommendation of the County Planning Commission has not been received within 30 days from the date the proposed ordinance is received by the County.
- Reference: MZEA 125.3308
- F. Board Action
1. Following the public hearing for a zoning amendment the Planning Commission shall transmit a summary of the comments received at the hearing, its proposed zoning

## Chapter 12 – Amendments

---

ordinance or amendment including any zoning maps and its recommendations to the Township Board (D2-19).

2. Following the enactment of the zoning ordinance (D2-23), the Planning Commission shall at least once a year prepare for the Township Board a report on the administration and enforcement of the zoning ordinance and recommendations for amendments for or supplements to the Ordinance.

G. Upon receipt of the recommendations of the Township Planning Commission and following receipt of the County Planning Commission's comments or thirty (30) days after the County's receipt of the proposed amendment the Township Board shall take action approving or disapproving the proposed amendment.

1. The Township Board may hold additional public hearings on the proposed amendment, in which case they shall publish notice of that meeting in accordance with Section 3.01 of this ordinance.
2. If the Township Board considers changes to the amendment are needed as reviewed by the Township Planning Commission, it shall send the amendment with changes back to the Planning Commission for their review and recommendation, specifying the time they have to respond.
3. The Township Board shall grant a hearing on a proposed amendment to a property owner who by certified mail addressed to the Township Clerk requests a hearing. The Township Board shall request that the Planning Commission attend that hearing.
4. All amendments must be approved by a majority vote of the membership of the Township Board.

H. Following adoption of this ordinance and any amendments by the Tuscola Township Board of Trustees the following shall occur:

1. Notice of the adoption of the ordinance or amendment(s) will be published in a newspaper of general circulation in Tuscola Township within 15 days after adoption.
2. The zoning ordinance or amendment shall take effect upon the expiration of 7 days after publication of the notice of adoption required in item 1 above.

### SECTION 12.06 NOTICE OF INTENT TO FILE PETITION

Reference: MZEA 125.3402

A. Within 7 days after publication of the notice of adoption in Section 12.05 (H), a registered elector residing in Tuscola Township may file a notice of intent to file a petition with the Township Clerk.

## Chapter 12 – Amendments

---

- B. If a notice of intent under subsection A in this Section is filed, the petitioner shall have 30 days following the publication of the zoning ordinance (*D2-23*) to file a petition, signed by a number of registered electors residing in Tuscola Township not less than 15% of the total vote cast within Tuscola Township 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 the zoning ordinance or part of the zoning ordinance to the electors residing in Tuscola Township for their approval.
- C. Upon filing of a notice of intent under subsection (B), the zoning ordinance or part of the zoning ordinance adopted by the Township Board (*D2-19*) shall not take effect until one of the following occurs:
1. The expiration of 30 days after publication of the ordinance adoption notice, if a petition has not been filed within that time.
  2. If a petition is filed within 30 days after publication of the ordinance adoption notice that the Township Clerk determines to be inadequate.
  3. If a petition is filed within 30 days after publication of the ordinance adoption notice is published that the Township Clerk determines is adequate and the ordinance is approved by a majority of the electors residing in Tuscola Township voting on the petition at the next regular election or at a 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.
- D. A petition and election under this Section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

## Chapter 12 – Amendments

---

THIS PAGE INTENTIONALLY LEFT BLANK

b:\proj2008\115287\_08-tuscola\_zoning\\_drafts\\_new\_format\2014-10-17 final\tuscola\_twp\_12\_final.doc

## Chapter 13 – Zoning Board of Appeals

---

### SECTION 13.01 COMPOSITION

Reference: MZEA 125.3601

The Tuscola Township Zoning Board of Appeals (ZBA) (D2-22) is hereby established as follows:

- A. The ZBA shall be composed of five (5) members. One (1) of these members shall be a member of the Tuscola Township Planning Commission and one (1) shall be a member of the Township Board (D2-19). The remaining members shall be electors residing in Tuscola Township. A member of the Tuscola Township Board may not serve as chairperson of the ZBA. An employee or contractor of the Tuscola Township may not serve as a member of the ZBA.
- B. The Tuscola Township Board may appoint not more than two (2) alternate members to the ZBA that are electors residing in Tuscola Township. An alternate member may be called to serve as a member of the ZBA in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings. An alternate member may also be called to serve as a member for the purpose of reaching a decision on a case in which a regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the ZBA.
- C. Members and alternate members of the ZBA, other than the Township Board member and the Planning Commission member, shall be representative of population (D2-14) distribution and the various interests present in Tuscola Township.
- D. The terms of office for regular and alternate members of the ZBA shall be for three (3) years, except for those members serving on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of these bodies. 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, or a vacancy has otherwise occurred. Vacancies for unexpired terms shall be filled for the remainder of the term.
- E. A member of the ZBA may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance upon written charges and after public hearing. A ZBA regular member or alternate member shall disqualify himself/herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself/herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.
- F. A member of the ZBA may be paid a reasonable per diem and reimbursed for expenses actually incurred in the discharge of his/her duties as determined by the Township Board in the annual budget.

## Chapter 13 – Zoning Board of Appeals

---

- G. A member of the Zoning Board of Appeals (*D2-22*) who is also a member of the planning commission or the Township Board shall not participate in a public hearing or vote on the same matter that the member voted on as a member of the planning commission or Township Board. However, the member may consider and vote on other unrelated matters involving the same property.

### SECTION 13.02 MEETINGS

Reference: MZEA 125.3601, 3602 & 3604.

- A. The ZBA (*D2-22*) shall not conduct business unless a majority of the regular members of the ZBA are present.
- B. Regular meetings of the ZBA shall be held in March and September of each year. When an applicant following the receipt of a written request for a zoning variance (*D2-19*), the ZBA chairman will schedule the request for the next regular ZBA meeting or if the applicant chooses to pay the current ZBA special meeting fee, as authorized by the Tuscola Township Board (*D2-19*), the ZBA Chairperson will schedule a separate meeting to hear the applicant's petition within a reasonable time and give notice as provided in Chapter 3, Section 3.01.
- C. Meetings of the ZBA shall be held at the call of the chairperson and at other times that the ZBA may specify in its rules of procedure. The chairperson, or in his/her absence, the acting chairperson may administer oaths and compel the attendance of witnesses.
- D. The ZBA shall maintain a record of its proceedings which shall be filed with the office of the Township Clerk with a completed Tuscola Township ZBA decision form.

### SECTION 13.03 POWERS; CONCURRING VOTE

Reference: MZEA 125.3603

- A. The Zoning Board of Appeals shall hear and decide questions that arise from the Administration of the zoning ordinance (*D2-23*) including:
1. Conducting hearings and making decisions on nonuse variance requests.
  2. Conducting hearings and making decisions on appeals of decisions of administrative officials or bodies including site plans (*D2-18*), zoning permits, and conditional use permits.
  3. Interpretation of the text and map of the zoning ordinance.

## Chapter 13 – Zoning Board of Appeals

---

4. The Zoning Board of Appeals shall have the power to review and consider appeals pertaining to decisions on conditional uses, including Planned Unit Developments (*D2-13*), made by the Planning Commission.
- B. The concurring vote of a majority of the members of the ZBA is necessary to reverse the order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter which the zoning board of appeals is required to pass under the zoning ordinance (*D2-23*), or to grant a variance in the zoning ordinance.

### SECTION 13.04 EXCLUDED APPEALS

Reference: MZEA 125.3603 & 125.3604

- A. Use variances (*D2-19*) are prohibited in Tuscola Township. Any other variance shall be a nonuse (dimensional) variance.

### SECTION 13.05 PROCEDURES

Reference: MZEA 125.3604

- A. An appeal to the ZBA (*D2-22*) may be taken by a person (*D2-13*) aggrieved or by an officer, department, board, or bureau of the state or township government.
- B. An appeal must be taken within thirty (30) days of the date of receipt of notice of the decision. A notice of appeal, specifying the grounds for the appeal must be filed with the officer or body from whom the appeal is taken and the ZBA. The body or officer from whom the appeal is taken shall immediately transmit to the ZBA all of the papers constituting the record from which the action appealed was taken.
- C. The filing of an appeal stops all proceedings unless the person or entity who made the decisions certifies to the ZBA that stopping of the proceedings would cause imminent peril to life or property in which case, all actions may be stopped by a restraining order issued by the ZBA or an order of the Tuscola County Circuit Court.
- D. At the hearing, a party may appear in person or be represented by an agent or attorney. The ZBA 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.



## Chapter 13 – Zoning Board of Appeals

---

### SECTION 13.06 NONUSE (DIMENSIONAL) VARIANCES

Reference: MZEA 125.3604 (Items 7 & 8)

- A. The Tuscola Township ZBA (D2-22) has the authority to grant nonuse variances (D2-19) relating to the construction, structural changes, or alteration (D2-1) of buildings or structures (D2-20) related to dimensional requirements of the zoning ordinance (D2-23) or any other nonuse-related standard in this ordinance.
- B. Nonuse variances shall be approved only upon a ZBA finding that strict application of the regulations would result in practical difficulties to the owner of such property. Under no circumstances shall a nonuse variance be granted unless not granting the variance would deny reasonable access, endanger public health, welfare or safety, or cause an unnecessary hardship on the applicant. No variance shall be granted where such hardship is self-created. Consideration of granting a nonuse variance shall be made only when all of the following criteria are met:
1. Exceptional characteristics of the property for which the variance is sought make compliance with dimensional requirements unnecessarily burdensome or would unreasonably prevent the owner from using the property.
  2. The characteristics that make compliance with dimensional requirements difficult must be related to unique characteristics of the property.
  3. The characteristics that make compliance with dimensional requirements difficult must not have been created by the current or a previous owner.
  4. The proposed variance would do substantial justice to the applicant as well as other property owners in the district and will be the minimum necessary, and no variance shall be granted where a different solution not requiring a variance would be possible.
- C. The ZBA must insure in issuing a variance that the spirit of the ordinance is observed, public safety secured, and substantial justice done.
- D. Any variance that authorizes construction contrary to the requirements of this Ordinance shall be void unless the construction so authorized is commenced within twelve (12) months of the granting of the variance and completed within eighteen (18) months of its start, unless an extension is authorized by the ZBA.

## Chapter 13 – Zoning Board of Appeals

---

### SECTION 13.07 INTERPRETATION OF ZONING ORDINANCE AND MAP

- A. The ZBA (*D2-22*) shall have the authority to interpret the provisions of this ordinance when a requirement, standard, or other text is unclear. When determining if a particular use is included in the definition of a type or group of uses permitted in a district, it shall not interpret a use specifically listed in one district as being inferred as permitted in another district.
- B. In interpreting the boundaries of zoning districts, the ZBA shall assume, unless there is information indicating otherwise, that zoning district boundaries follow lot (*D2-10*) lines, the centerline of creeks, streets (*D2-18*) or alleys, railroad right-of-ways (*D2-14*), section lines, one-quarter or one-eighth section lines, or corporate boundary lines as they existed when the zoning boundary line was established.

### SECTION 13.08 ZBA DECISION AS FINAL

Reference: MZEA 125.3605

The decision of the Tuscola Township Zoning Board of Appeals (*D2-22*) shall be final. A party aggrieved by the decision may appeal to the Tuscola County Circuit Court.

### SECTION 13.09 CIRCUIT COURT REVIEW

Reference: MZEA 125.3606

- A. When an aggrieved party appeals to the circuit court, 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 record.
  - 4. Represents the reasonable exercise of discretion granted by law to the ZBA.
- B. If the court finds the record to be 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 ZBA 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.

## Chapter 13 – Zoning Board of Appeals

---

- C. An appeal from a decision of the Zoning Board of Appeals shall be filed within 30 days after the ZBA (D2-22) issues its decision in writing signed by the chairperson. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of the circuit court to the court of appeals.

## Chapter 14 – Condominiums

---

### SECTION 14.01 INTENT

The intent of this Chapter is to regulate the division and development of land under the Condominium Act (PA 59 of 1978) so that the development is comparable in quality of design to property divided and developed by other methods.

### SECTION 14.02 REVIEW REQUIREMENTS

In order to ensure compliance with this ordinance, all condominium developments (*D2-5*) shall go through the site plan review process, including developments consisting solely of single family (*D2-18*) or duplex (*D2-7*) residences that may otherwise not be required to prepare a site plan (*D2-18*). In addition to the information required in Chapter 10, all site plans for condominiums shall contain the information required for the condominium subdivision plan (*D2-6*) as outlined in Section 66 of the Condominium Act (PA 59, 1978 as amended). If private roads (*D2-14*) are proposed, they must meet the requirements for private roads found in Chapter 3, Section 3.14. Site plan approval shall be obtained before the developer records the Condominium Master Deed (*D2-6*).

### SECTION 14.03 ZONING ORDINANCE STANDARDS

#### A. Lot (*D2-10*) Size

In conventional condominium development (*D2-5*) the entire site must meet the minimum lot size requirements for the zoning district the parcel (*D2-13*) is located in. For site condominium developments (*D2-5*), each condominium unit and its associated limited common area (*D2-6*) are considered equivalent to a lot and must meet the minimum lot size requirements for the zoning district the parcel is located in.

#### B. Setbacks

In conventional condominium development the buildings must be setback from the sites boundaries as required in the zoning district the parcel is located in while the setback from other buildings must meet the building setback requirements of the Multiple Family district. For site condominium developments the setbacks shall be from the outer edge of the lot consisting of condominium units and their associated limited common area, and shall be consistent with the setbacks for principal structures (*D2-20*) in the zoning district in which it is located in.

## Chapter 14 – Condominiums

---

### SECTION 14.04 CONDOMINIUM DESIGN REQUIREMENTS

Conventional and site condominium developments as described in section 14.03 above shall comply with the site plan review design requirements in Chapter 10. In addition, any private roads shall comply with the requirements found in Chapter 3, Section 3.14.

### SECTION 14.05 SURVEY REQUIREMENTS

Conventional condominiums (*D2-5*) shall comply with the monumenting requirements contained in the Condominium Act, PA 59 of 1978. Site Condominium (*D2-5*) shall comply with the following requirements:

- A. Monuments shall be located in the ground and made according to the following requirements, but it is not intended or required that monuments be placed within their traveled portion of a street (*D2-18*) to mark angles in the boundary of the subdivision if the angles points can be readily reestablished by reference to monuments along the sidelines of the streets.
- B. All monuments used shall be made of solid iron or steel at least 2 inches in diameter and 36 inches long and completely encased in concrete at least 4 inches in diameter.
- C. Monuments shall be located in the ground at all angles in the boundaries of the site condominium; at the intersection lines of streets and at the intersection of the lines of streets with the boundaries of the site condominium and at the intersection of alleys with the boundaries of the site condominium; at the points of curvature, points of reverse curvature and angle points in the side lines of streets and alleys; and at all angles of an intermediate traverse line.
- D. If the required location of a monument is in an inaccessible place, or where the locating of a monument would be clearly impractical, it is sufficient to place a reference monument nearby and the precise location thereof be clearly indicated on the plat and referenced to the true point.
- E. If a point required to be monumented is on a bedrock outcropping, a steel rod, at least 2 inches in diameter shall be drilled and grouted into solid rock to a depth of at least 8 inches.
- F. All required monuments shall be placed flush with the ground where practicable.
- G. The corner of each area consisting of a unit and the associated limited common area (*D2-6*) reserved for that unit, and treated as a lot (*D2-10*) under this ordinance shall be monumented in the field by iron or steel bars or iron pipes at least 18 inches long and 2 inches in diameter, or other approved markers.

## Chapter 14 – Condominiums

---

- H. The Township Board (*D2-19*) may waive the placing of any of the required monuments and markers for a reasonable time, not to exceed one year, on condition that the proprietor deposits with the township cash or a certified check, or irrevocable bank letter of credit running to the township, whichever the proprietor selects, in an amount not less than \$100.00 per monument and not less than \$400.00 in total, except that lot corner (*D2-10*) markers shall be at the rate of not less than \$25.00 per markers. 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. If the proprietor defaults the township shall promptly require a surveyor to locate the monuments and markers in the grounds as certified on the plat, at a cost not to exceed the amount of the security deposited and shall pay the surveyor.

## Chapter 14 – Condominiums

---

THIS PAGE INTENTIONALLY LEFT BLANK

b:\proj2008\115287\_08-tuscola\_zoning\\_drafts\\_new\_format\2014-10-17 final\tuscola\_twp\_14\_final.doc

# Chapter 15 – Design Standards

---

## SECTION 15.01 LANDSCAPE STANDARDS

- A. Intent: It is the intent of this Section to promote the public health safety and welfare by establishing minimum standards for the design, installation and maintenance of greenbelt landscaping as buffer zones between uses. The standards of this Article shall apply to all projects subject to site plan review. When land covered by this chapter is owned by the state of Michigan, state law shall apply.

Location of greenbelt and proposed planting design demonstrating suitable materials listed with the spacing as required shall be provided on proposed building site plans (D2-18).

- B. Required Green Belts: A green belt shall be a minimum of ten (10) feet in depth and shall extend the full length of the nonresidential property where such property is adjacent to a residential district or as a condition of site plan approval. Green belt plantings shall be installed within side (D2-22) and rear (D2-22) yard setbacks from the edge of adjacent property to the required width. The green belt shall meet the following standards:

1. The green belt shall include only living materials and planting beds except for approved signs and essential services.
2. Green belt trees should be arranged to simulate a natural setting such as massing or staggered rows, except where a more formal arrangement is determined to be more consistent with the existing character of the Township.
3. Landscaping materials arrangement shall insure adequate site visibility for motorists, adequate clearance for pedestrians and vehicles and accessibility to fire hydrants. Plant materials within the 25-foot site distance triangle shall not be more than 30 inches in height.

- C. Plant Material Spacing

1. Plant materials shall not be placed closer than 4 feet from the fence line or property line.
2. Where plant materials are placed in two or more rows, plantings shall be staggered in rows.
3. Evergreen trees shall be planted not more than 15 feet on centers.
4. Narrow evergreens shall be planted not more than 6 feet on centers.
5. Deciduous canopy trees shall be planted not more than 25 feet on centers.
6. Ornamental trees shall be planted not more than 10 feet on centers.



## Chapter 15 – Design Standards

---

7. Large deciduous shrubs shall be planted not more than six 6 feet on centers.

### D. Minimum Standards for Installation and Maintenance

1. Installation: Landscaping shall be installed in a sound workman like manner.
2. Maintenance: Greenbelt areas and plant materials shall be kept free from refuse and debris. Plant materials shall be maintained in a healthy growing condition, neat and orderly in appearance. If any plant materials die or become diseased, they shall be replaced within 30 days of written notice from the Township or within an extended time period as specified in said notice.

## SECTION 15.02 BUFFER YARDS

### A. Buffer Yard Criteria

1. Purpose - The purpose of these regulations are to provide a flexible method of protecting the various uses permitted in the Mixed Development zoning district from adverse impacts associated with adjacent uses. Under the "performance oriented" system, the buffer yard will provide both distance and plantings in order to minimize negative impacts.
2. Land Use Classifications - The buffering requirements of this ordinance are based upon the type of use being developed and the type of uses adjacent to it. Uses are divided into three classes:
  - a. Class I - Single family (*D2-18*) and duplex (*D2-7*) residential uses.
  - b. Class II - All other uses permitted by right in the Mixed Development zoning district.
  - c. Class III - All uses permitted by Special Use Permit in the Mixed Development zoning district.

### 3. Buffer yards:

The buffer yard is a designated unit of yard (*D2-22*) or open area together with any plant materials, barriers or fences required thereon. Both the amount of land and the type and amount of landscaping specified are designed to minimize potential nuisances such as noise, glare, activity, dirt, unsightly parking areas and so forth, will be minimized.

## Chapter 15 – Design Standards

---

It is a further intent of the following provisions to provide flexibility to the developer or property owner through the manipulation of four basic elements – distance, plant material type, plant material density and structural or land forms.

- a. Location of Buffer yards - Buffer yards shall be located on the side (*D2-11*) and rear (*D2-11*) lot lines of a parcel (*D2-13*) extending to the lot (*D2-10*) or parcel boundary line. Buffer yards shall not extend into or be located within any portion of an existing street (*D2-18*) right-of-way (*D2-14*) (front lot line (*D2-11*)).
- b. Determination of Buffer yard Requirements - To determine the type of buffer yard required between two adjacent parcels, the following procedure shall be followed:
  - i. Identify the Land Use Class of the proposed and each adjoining use by referring to Section 15.02(A)(2).
  - ii. Determine the buffer yard requirements for those side and rear lot lines or portion thereof, on the subject parcel, by referring to the table on the following page. Existing plant material or fences may be counted as contributing to the total buffer yard requirement. The buffer yards specified are to be provided on each lot or parcel independent of adjoining uses or adjoining buffer yards.
  - iii. When a development use is proposed adjacent to vacant land within the Mixed Development zoning district, the vacant land shall be treated as a Class II use, unless a building permit or site plan (*D2-18*) approval has been issued for another class of use. If the development is proposed adjacent to vacant land in another zoning district, then the vacant land shall be treated as if it were developed using the least intensive use permitted in that district.
  - iv. Should a developed use increase in intensity from a given land use class to a higher one (e.g., Class II to Class III), the Planning Commission shall, during the site plan review process, determine if an additional buffer yard is needed and if so to what extent and type.

## Chapter 15 – Design Standards

LAND USE CLASS	ADJACENT	EXISTING	LAND USE
	<b>I</b>	<b>II</b>	<b>III</b>
I	*	*	*
II	A	*	A
III	B	A	*

\*No buffer yard required.

1. Buffer yard type A, B

The following table indicates the specifications of each buffer yard. Buffer yard requirements are stated in terms of the minimum width of the buffer yard and the number of plant units required per 100 linear feet of buffer yard. The requirements may be satisfied by any of the options indicated (Buffer Yard Type A-B). In all adjoining land use situations when a six foot high vision blocking fence is selected the minimum required buffer width is 5 feet.

Buffer Yard Type	Width of Buffer Yard	Plants per 100' Length
A – With 6 Ft. Fence	5 Feet	Optional
A – With No Fence	10 Feet	As specified in Section 15.01
B – With 6 Ft. Fence	5 Feet	Optional
B – With No Fence	10 Feet	2-T 2-S
	20 Feet	3-E 6-NE 8-S
	30 Feet	2-T 2-E 6-S

- T = Deciduous Tree
- E = Evergreen
- S = Deciduous Shrub
- NE = Narrow evergreen

- a. Plant Materials - All plant materials required within a specified buffer yard shall be planted to completion within 6 months from date of approval of the site plan (D2-18) and thereafter be properly maintained.
- b. All plant materials required within a specific buffer yard shall comply with the requirements listed in Section 15.01.04 through 15.01.07.

## Chapter 15 – Design Standards

---

### SECTION 15.03 SPECIFIC DESIGN STANDARDS FOR USES

#### A. Farm Animals and Horses

On parcels (D2-13) in the Agricultural and Residential Agricultural districts, the breeding, rearing or housing of farm animals including horses, shall meet the following requirements.

1. Animals shall be confined in a suitably fenced area or paddock that preclude their approaching nearer than 75 feet to any dwelling (D2-7) on adjacent premises.
2. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.
3. For private use by the owner or lessee of the land and dwelling, the following number of animals are allowed by right at a rate of 1 animal unit for the first 2 acres of land and 1 additional animal unit for every 1 additional acre. One animal unit is equivalent to:
  - a. 1 horse, donkey, mule, cow or similar animal.
  - b. 2 pigs, or similar animal
4. For private use by the owner or lessee of the land and dwelling, the following number of animals are allowed by right at a rate of 1 animal unit for the first acre of land and 1 additional animal unit for every 1 additional acre. One animal unit is equivalent to:
  - a. 3 sheep, 3 goats, 3 deer or similar animal.
  - b. 20 fowl, rabbits or similar animal.
5. The total number of animals that will be permitted by right on a parcel in the Agricultural Residential Agricultural Districts are calculated by adding the requirements of number 3 and 4 above (ie: on a 5 acre parcel a person (D2-13) could have 3 horses, 1 for the first 2 acres and 2 for 2 more acres) as well as 6 goats (3 per the remaining 2 acres).

#### B. Home Occupation

Any legal activity carried out for gain by a full-time resident of the residence is permitted subject to the following requirements:

1. No Noise, odor, vibration, smoke, dust, electromagnetic interference or light generated by the home occupation (D2-9) shall be detectable off the lot (D2-10) on which it is operated.

## Chapter 15 – Design Standards

---

2. The home occupation may utilize no more than 25% of the first floor area of the home.
3. The home occupation may be conducted in an accessory building (D2-1) as follows:
  - a. A maximum of 2,400 square feet may be utilized for the home occupation in an accessory building on parcels zoned agricultural or residential agricultural.
  - b. A maximum of 800 square feet in an accessory building may be utilized on land parcels in land parcels zoned residential, commercial, industrial, or mixed development.
4. In addition to employees that reside in the home occupation residence, the home occupation may employ:
  - a. No more than 4 non-residents in the Agricultural and Residential/Agricultural zoned districts.
  - b. No more than 1 non-resident in land parcels zoned residential, commercial, industrial and mixed development.
5. Off-street parking that meets the paving requirement of the zone in which the home occupation is located must be provided for all employees and customers.
6. A conditional use permit is required before additional non-resident employee(s) can be employed or additional accessory building space can be utilized.

### C. Commercial Kennel Regulations

Commercial kennels (D2-9) are permitted by Conditional Use Permit in the A and RA districts, subject to the following requirements and other conditions determined necessary by the Township Planning Commission:

1. All pens and runs shall not be located any closer than 150 feet from a property line to help prevent noise nuisances.
2. All dog runs shall have concrete surfaces including an approved system for runoff and waste collection and disposal.
3. All commercial kennels shall comply with applicable state and county regulations.
4. Animals will not be allowed access to exterior runs between 7:00 PM and 8:00 AM.

## Chapter 15 – Design Standards

---

### D. Bed and Breakfast

Bed and Breakfast (*D2-2*) operations are permitted by right in the A, RA, R-1, R-2 and MD districts subject to the following requirements.

1. The bed and breakfast operation must be reviewed and approved through site plan review.
2. 1 parking space per bedroom plus 2 spaces for the owner/operator. No customer parking shall be located in the front yard (*D2-22*).
3. Customers are limited to a maximum continuous stay of 14 days.
4. The bed and breakfast operation is restricted to the dwelling (*D2-7*) and conversion of garages or other accessory structures into bedrooms to be used as part of the bed and breakfast is prohibited.
5. No alteration (*D2-1*) may be made to the dwelling that changes its appearance from that of a single-family residence (*D2-18*).
6. A sign not greater than 6 square feet may be displayed to advertise the bed and breakfast. The sign shall be no closer than the front yard setback for the district it is located in. Neon or internally illuminated signs (*D2-15*) are not permitted.
7. The owner/operator of the bed and breakfast shall reside in the dwelling where the bed and breakfast is conducted.

### E. Planned Unit Development

The purpose of this section is to authorize the establishment of Planned Unit Developments (PUD) (*D2-13*), provide a process for submission and review of a PUD and establish standards for their approval. PUD's are intended to provide flexibility in the regulation of land development in order to encourage innovation in land use and variety in design, layout, and type of structures (*D2-20*) constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities; encourage useful open space and provide better housing, employment, shopping, and recreational opportunities:

1. Eligibility Requirements for PUD's – PUD's may be located in the RA, R-1, R-2, and MD districts upon approval of a Conditional Use Permit application. Property proposed for a PUD must be under common ownership.
2. Uses Permitted in PUD's - The uses allowed in a PUD will include those uses permitted by right or Conditional Use Permit in the zoning district the PUD is located

## Chapter 15 – Design Standards

---

in. In addition, the Planning Commission may permit other uses accessory to the principle use of the property, such as a restaurant or pro-shop as an accessory use to a golf course (D2-9) or country club (D2-7) if they determine that the use as proposed is appropriate for the site and is compatible with surrounding uses.

3. Review Procedures- Initial review of a PUD shall be based upon a preliminary plan drawn to illustrate the location and density of land uses, traffic circulation and ingress/egress, parking and natural features. This concept will be reviewed following the procedures outlined for all conditional uses. Once the concept is approved, the applicant shall have approval for two years for the development. Site plans (D2-18) must then be submitted for development of any portion of the site that comply with the preliminary plan, as well as, the criteria established for site plan approval. The conceptual drawing may be amended following the same process as initial approval.
4. Clustering - To encourage the development of land in an environmentally sensitive manner, the township will allow clustering of uses on to a portion of the total site. Total number of units shall be based on total acreage divided by the minimum lot (D2-10) size permitted in the district. The actual minimum lot size for each clustered lot shall be approved by the Planning Commission on a case-by-case basis, and shall be dependent on the arrangements made for sewage disposal and topographic and other site characteristics.
5. Design Standard - In addition to the criteria established under Chapter 10, the following design standards shall apply to PUD's (D2-13):
  - a. Open Space - The minimum amount of open space required to be provided in return for clustering shall be that amount necessary to form a usable site for recreation, agriculture, or wildlife habitat, as determined by the Planning Commission.
  - b. Private Streets - Private streets shall meet Tuscola County's standards, and provisions shall be established to ensure adequate maintenance of the street in compliance with Section 3.14.
  - c. Setbacks - Residential dwellings shall be set back from the edge of the PUD boundary in compliance with the setback requirements of the district it is located in. Non-residential uses in a PUD adjacent to residentially or agriculturally zoned property shall meet the following setbacks:
    - i. setback from side yard (D2-22) 30 feet
    - ii. setback from rear yard (D2-22) 50 feet

## Chapter 15 – Design Standards

---

### F. Development Requirements for Sand and Gravel Extraction Activities

The regulations set forth in this section are designed to provide for the regulation of sand and gravel extraction (*D2-14*) activities and to specify the conditions and circumstances under which a use may be developed in order 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 impact upon the safety, health, and welfare of Tuscola Township.

#### 1. General Provisions.

- a. Sand, soil, and gravel extraction may be permitted as a Conditional Use within the Agricultural zoning district subject to the approval of the Planning Commission upon a finding that the proposed use meets the requirements of this Section and federal and state regulations.
- b. The purpose of these requirements is to provide for the use of lands which have significant gravel and/or sand deposits and which, if extracted for the deposits or filled, would not constitute a hazard to the public health, safety, and welfare.
- c. The regulations are intended to result in: excavation and soil removal operations that will not be detrimental to the public health, safety, and welfare; and operations which will be conducive to and result in the reclamation of the land so that it will be suitable for other purposes. These requirements shall not apply to:
  - i. The excavation and earth fill for on-site building construction purposes pursuant to a duly issued building permit; or
  - ii. Where the moving, grading or leveling of materials is carried on by the landowner for the immediate use or development of the same or adjacent parcel (*D2-13*) of land.

#### 2. Permit procedures. An application for the approval of a sand, soil, or gravel removal or extractive Conditional Use Permit shall be made by an owner of an interest in the land on which the use is to be located, to the Zoning Administrator accompanied by the necessary fees, financial guarantees, and documents. The application shall be accompanied by a site plan (*D2-18*) as required by Section 11.03 as well as the following information:

- a. Name of the owner, or owners, of land from which removal is to be made;
- b. Name and address of the applicant(s) making a request for the permit;



## Chapter 15 – Design Standards

---

- c. Name and address of the person, firm, or corporation who or which will be conducting the actual removal operation;
- d. Location, size, and legal description of the total land area proposed for the use;
- e. Location of the processing plant (if any);
- f. Type of materials or resources to be removed or to be brought to the site;
- g. Proposed method of removal or filling, general haul route, and whether blasting or other use of explosives will be required;
- h. General description of equipment to be used;
- i. Any buildings, structures (*D2-20*), sheds or trailers which are to be constructed or brought onto the site;
- j. The estimated time to complete total operations;
- k. The total area (in acres) proposed to be excavated or removed in the first year of operation, and in subsequent years.
- l. A reuse plan, drawn to a scale of 1 inch equals 50 feet placed on a standard sheet and containing the following information:
  - i. A description of the land use activities proposed to be located on the site upon completion of extraction operations;
  - ii. A description of the zoning district classification required for use of the site for the uses intended;
  - iii. A description and location of the street (*D2-18*), drainage on-site and downstream, water and sanitary sewer facilities required to serve the uses intended; and
  - iv. A soil removal permit fee may be required.
  - v. The Township Planning Commission may submit the engineering, designs, and site plans (*D2-18*) to the Michigan Department of Natural Resources, County Drain, Health or Road Commissions, or other state or federal agencies to determine that the designs meet all applicable requirements.
  - vi. If county, state, or federal permits are necessary, the approvals must be submitted to the Township by the applicant prior to the approval of a building permit.
  - vii. Six copies of a site plan containing all of the information required in Section 11.03.
  - viii. A completed application on an appropriate form.

## Chapter 15 – Design Standards

---

- ix. Payment of an application fee, which shall be non-refundable, and be established by resolution of the Township Board (*D2-19*).
  - x. Payment of a review fee established by the Township Board to cover the cost of a review by a professional engineer, architect, or planner of submitted plans. Any portion of the fee not expended shall be returned to the developer.
  - xi. The developer will be required to pay 100% of all review costs and will be provided copies of bills upon request.
3. Site Development Regulations and Standards
- a. No extraction, stockpiling of material, or processing shall take place closer than 100 feet to any property line.
  - b. If the circumstances of the site indicate that the 100-foot setback requirement would not be adequate to protect abutting property, the Township Planning Commission shall require the greater distance to adjacent property.
  - c. If deemed necessary to protect adjacent property, the Township Planning Commission may require a fence along the property.
  - d. No extraction shall be carried on closer than 100 feet from the right-of-way (*D2-14*) of a dedicated street (*D2-18*), road, or highway, or the edge of the traveled portion of an existing and non-dedicated street, road, or highway, except that extraction or soil additions may be conducted within the setback area in order to reduce or raise the final elevation thereof to be in substantial conformity to the existing elevation of the street, road, or highway.
  - e. Any area raised or lowered along a street, road, or highway within the 100-foot setback area to result in an elevation in substantial conformity to the adjoining street, road, or highway. Shall be completed, including any landscaping, seed planting, and gravel areas required, shall be completed within 3 months following the completion of the extraction or soil addition.
  - f. Site barriers or fences shall be provided along all boundaries of the site that lack natural screening conditions through existing contours, tree, or shrub growth or distance from the roads. Barriers shall consist of 1 of the following:
    - i. Earth berms constructed to a height of 6 feet above the mean elevation of the centerline of the adjacent public highway or 6 feet above the general level of terrain along interior property lines, as the case may be. The berms shall have slopes that

## Chapter 15 – Design Standards

---

- are not in excess of 1 foot vertical to 4 feet horizontal, and shall be planted with grass, trees, or shrubs; or
- ii. Planting of evergreen trees or shrubs in rows parallel to the boundaries of the property, not less than 4 feet in height at the time of planting and which grow to not less than 6 feet in height at maturity and sufficiently spaced to provide effective site barriers when 6 feet in height.
- g. Both permanent and/or temporary processing plants and their accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower elevation than the surrounding terrain to lessen visual and noise impact. The foregoing shall not apply to the digging or excavating apparatus nor to the stockpiling or loading and transportation equipment.
  - h. All equipment and facilities used in the land filling, processing, or transporting of sand, gravel, or stone shall be constructed, maintained, and operated in a manner so as to eliminate, insofar as practicable, noises, vibrations, or dust which are injurious or unduly annoying. Dust and noise emitted from any operations shall be controlled according to the performance standards in this chapter.
  - i. The Township Planning Commission shall require other performance standards where because of unique conditions they deem it necessary for the protection of health, safety, and well being of the citizens of the township.
  - j. Temporary stockpiling of topsoil or overburden near road intersections and similar operational problems shall be subject to approval of the Township Planning Commission.
  - k. If pumping or draining of water from a quarry operation is anticipated, the applicant shall provide adequate data and research to indicate:
    - i. That water wells and the water supply of surrounding properties are not adversely affected;
    - ii. That drainage of water will not adversely affect nor create damage to adjacent or downstream properties; and
    - iii. That the drainage ways are adequate in design and construction to handle the excess water from this operation without damage to any other properties.

## Chapter 15 – Design Standards

---

- I. Reclamation and rehabilitation.
  - i. Reclamation and rehabilitation of excavated areas in accordance with the Reuse Plan shall be accomplished as soon as practicable following the excavation of an area.
  - ii. Where possible, the rehabilitation and reclamation shall be accomplished concurrently with the excavation operations.
  - iii. The Planning Commission may require a performance bond to assure that the Reuse Plan is implemented.
  - iv. Substantial completion of reclamation or rehabilitation shall be effected within 2 years after termination of excavation activity.
  - v. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of extraction activity.
    - Finished slopes of the excavation shall not exceed a ratio of 4 feet horizontal to 1 foot vertical.
    - Finished slopes for any pond or water body left at an excavation site shall not exceed a ratio of 4 feet horizontal to 1 foot vertical.
- n. No internal roadway shall be closer than 100 feet from any residential property line.
- o. All excavation sites shall not be open or operated between the hours of 6:00 p.m. and 6:00 a.m.
- p. Further, the excavation sites and sanitary landfills shall not be open or operated during any hours on Sundays or holidays being New Years Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas.

G. Commercial Freestanding Towers, Communication Towers, and related wireless communications equipment (D2-21)

Reference: MZEA 125.3514

1. Permitting

- a. A commercial freestanding tower, communication tower, and related wireless communications equipment is a permitted use of property and is not subject to conditional use permit approval if all of the following requirements are met:
  - i. The communication tower will be co-located (D2-4) on an existing wireless communications support structure (D2-21) or in an existing equipment compound (D2-7).

## Chapter 15 – Design Standards

---

- ii. The existing wireless communications support structure or existing equipment compound is in compliance with the zoning ordinance or received prior approval by Tuscola Township.
  - iii. The proposed co-location will not do any of the following:
    - Increase the overall height of the wireless communications support structure by more than 20 feet or 10% of its original height, whichever is greater.
    - Increase the width of the wireless communications support structure by more than the minimum necessary to permit co-location.
    - Increase the area of the existing equipment compound (*D2-7*) to greater than 2,500 square feet.
  - iv. The proposed co-location complies with the terms and conditions of any previous final approval of the wireless communications support structure (*D2-21*) or equipment compound by Tuscola Township.
- b. A commercial freestanding tower, communication tower, and related wireless communications equipment (*D2-21*) that meets the requirements of subsection (a)(i) and (a)(ii) but does not meet the requirements of subsection (a)(iii) or (a)(iv) is a permitted use of property if it receives conditional use approval under subsections (c) to (f).
- c. An application for conditional use approval of a communication tower described in subsection (b) shall include all of the following:
- i. A site plan (*D2-18*) as required in Chapter 10, including a map of the property and existing and proposed buildings and other facilities.
  - ii. Any additional relevant information that is required by this zoning ordinance.
- d. After an application for a conditional use is filed with the Planning Commission, or other responsible official as described in Chapter 4, the Planning Commission or official shall determine whether the application is administratively complete. Unless the Planning Commission or official proceeds as provided under subsection (e), the application shall be considered to be administratively complete when the Planning Commission makes that determination or 14 business days after the Planning Commission receives the application, whichever is first.
- e. If, before the expiration of the 14-day period under subsection (d), the Planning Commission or official notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant

## Chapter 15 – Design Standards

---

that a fee required to accompany the application has not been paid, specifying the amount due, the running of the 14-day period under subsection (d) is tolled until the applicant submits to the Planning Commission the specified information or fee amount due. The notice shall be given in writing or by electronic notification. A fee required to accompany any application shall not exceed Tuscola Township's actual, reasonable costs to review and process the application or \$1,000.00, whichever is less.

- f. The Planning Commission shall approve or deny the application not more than 60 days after the application is considered to be administratively complete. If the Planning Commission fails to timely approve or deny the application, the application shall be considered approved and the Planning Commission shall be considered to have made any determination required for approval.
- g. Conditional Use Permit approval of a communication tower described in subsection (b) may be made expressly conditional only on the communication tower's meeting the requirements of other Tuscola Township ordinances and of federal and state laws before the communication tower and related wireless communications equipment (D2-21) begins operation.

### 2. Qualifying Conditions:

- a. The following site and development requirements shall apply:
  - i. The tower must be set back from all property lines a distance equal to its height, unless engineering plans and specifications have been verified by the Township Engineer that the structural integrity of the tower will withstand high winds and impacts, and the likelihood of a tower failure is minimal. The applicant shall incur all costs associated with the Township engineering review.
  - ii. The base of the tower and wire cable supports shall be fenced with a minimum eight (8) foot high fence.

### 3. Special Performance Standards:

- a. Accessory structures are limited to uses associated with the operation of the tower and may not be located any closer to any property line than the allowed setbacks for the district in which the structure is being built. Refer to district setbacks.

## Chapter 15 – Design Standards

---

- b. Accessory structures shall not exceed six hundred (600) square feet or gross building area.
- c. All bufferyard requirements within the zoning ordinance shall be met. For the purpose of this ordinance a commercial communication property adjacent to a residential district will be treated the same as any other commercial property with respect to bufferyard or berm areas.
- d. All tower properties shall be equipped with a gate to prevent unauthorized access.
- e. The plans of the tower construction shall be certified by a registered structural engineer. 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. All towers must meet the standards of the Federal Aviation Administration and the Federal Communications Commission.
- f. No part of any tower or antenna shall be constructed, located, or maintained at any time, permanently or temporarily, on or upon any required setback area for the district in which the antenna or tower is located.
- g. Towers with antennae shall be designed to withstand a uniform wind loading as prescribed in the building code.
- h. All signals 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 ground at all points, unless buried underground.
- i. Towers shall be located and operated so that they do not interfere with reception in nearby residential areas.
- j. Towers shall be located so there is room for vehicles doing maintenance to maneuver on the property owned and or leased and/or leased by the applicant.
- k. The base of the tower shall occupy no more than five hundred (500) square feet.
- l. Minimum spacing between tower locations shall be 1 mile in order to prevent a concentration of towers in one area.

## Chapter 15 – Design Standards

---

- m. Towers shall not be artificially lighted unless required by code.
- n. There shall not be displayed advertising or identification of any kind intended to be visible from the ground or other structures (D2-20), except as required for emergency purposes.
- o. 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 to the extent required by such standard or approval will be subject to revocation by the Township Board (D2-19). Cost for testing and verification of compliance shall be borne by the operator of the antenna.
- p. 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.
- q. The tower shall be removed by the property owner or lessee within 6 months of being abandoned.

### H. Swimming Pools

- 1. Swimming pools shall be in compliance of the requirements of the Tuscola County building codes.

### I. Fences, Walls, Screens

- 1. No fence, wall, or structural screen, other than plant materials, shall exceed 6 feet in height in any residential zoning district.
- 2. If fencing is located less than 2 feet from a lot line, it shall be installed with the finished (“good”) side facing toward adjacent properties.
- 3. A fence, wall, or structural screen exceeding 6 feet in height requires site plan review and approval by the Planning Commission.

### J. Regulations for General Solar Energy Systems

- 1. Intent and Purpose. General solar energy systems come in a variety of sizes and designs. General solar energy systems are typically designed as a single solar panel, or a set of solar panels, which can be either freestanding structures (D2-20) or structurally attached panels. Such panels contain an interconnected assembly of



## Chapter 15 – Design Standards

---

photovoltaic cells, including associated inverters, batteries, and interconnection wiring. This technology harnesses sunlight and converts it into energy which can be used directly on-site. Because of the variety of available solar energy system designs, the purpose of this section is to establish minimum siting requirements for general solar energy systems in the Township. These requirements balance the development of a clean renewable energy resource while minimizing potential adverse impacts between land uses. The overall intent of this section is to ensure that general solar energy systems are compatible for private use in agricultural, residential, and business settings.

2. **Accessory Structures.** A general solar energy system shall be considered an accessory structure in all zoning districts and shall not be erected (*D2-7*), constructed, installed, or modified as provided in this ordinance, including conformance to Section 3.23, unless a zoning permit has been issued to the Owner(s) or Operator(s). A general solar energy system also requires approved mechanical, electrical, and building permits. An exception to the requirements of Section 3.23 may be granted when a yard (*D2-22*) has a privacy fence. Yards with a privacy fence may be allowed to install ground-mounted solar panels within the setback area, only when approved by the Zoning Administrator. When the solar panel is directly adjacent to the privacy fence, the height of the solar panel shall not exceed the height of the privacy fence. However, for every 3 feet the solar panel is separated from the privacy fence, the solar panel may have an additional foot of height. In no case shall the ground-mounted solar panel exceed eight 8 feet in height.
3. **Siting and Design Requirements.** All general solar energy systems are subject to the following minimum requirements:
  - a. A general solar energy system exceeding 2 square feet in area is not permitted in any front yard (*D2-22*), on any face of a building (*D2-2*) or structure (*D2-20*) facing a street (*D2-18*) unless integrated with the construction of said building or structure, or in view of any adjacent street, except roof-mounted solar panels as set forth below.
  - b. A general solar energy system is limited to a maximum generating capacity of up to 30 kilowatts (kW) in residential districts and up to 150 kilowatts (kW) in all other zoning districts. These limits do not apply to solar energy systems that are integrated into the design of a building or structure, such as, though not limited to, flexible photovoltaic solar cells packaged in the form of roofing shingles.
  - c. The reflection angles of solar energy systems should be oriented away from neighboring windows and, to the extent possible, away from public areas, to minimize glare on adjacent properties and roadways. As such,

## Chapter 15 – Design Standards

---

solar panels shall be finished with non-reflective coatings and exposed frames and components shall have a non-reflective surface.

- d. A ground-mounted general solar energy system shall:
  - i. Be located in a rear yard (*D2-22*) only,
  - ii. Not exceed the allowed maximum lot (*D2-10*) coverage for accessory structures,
  - iii. Not exceed eight 8 feet in height above the ground.
  
- e. Roof-mounted general solar energy systems:
  - i. Permitted roof-mounted solar panels shall include integrated solar panels as the surface layer of the roof structure with no additional apparent change in relief or projection (the preferred installation), or separate flush-mounted solar panels attached to the roof surface. A flush-mounted solar panel is anchored directly against the roof. It is parallel to the surface of the roof and does not stick up and away from the roof.
  - ii. Separate flush-mounted solar panels shall be located on a rear- or side-facing roof, as viewed from any adjacent street (*D2-18*), unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front-facing roof installation.
  - iii. Separate flush-mounted solar panels installed on a building or structure (*D2-20*) with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project vertically more than 5 feet above a flat roof installation.

### K. Open Space Preservation

- 1. Open Space Preservation Option: At the option of the developer, land zoned R-1 and R-2 may be developed for detached single-family residential subdivisions and condominiums in the fashion established MCLA 125.3506 (Section 506 of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended). Land developed under this option must adhere to the following requirements:
  - a. In all developments proposed under the standards of this option, at least 50 percent of the gross buildable area of the subject property (*D2-18*) must be perpetually preserved as open space. Gross buildable area is defined as that portion of the gross site area not containing open bodies of water, streams, wetlands (as defined by the MDEQ), and areas within the 100-year flood plain.

## Chapter 15 – Design Standards

---

- b. The following land areas shall not be applied toward satisfaction of the minimum open space requirement stated under division (a) of this section:
    - i. Unbuildable land, including wetlands, open bodies of water and streams, and areas within the 100-year flood plain;
    - ii. The area of any public road right-of-way (D2-14) or private road easement (D2-7);
    - iii. Areas within lots (D2-11) or units;
    - iv. Public or private golf courses (D2-9).
  - c. The following land areas may be applied toward satisfaction of the minimum open space requirement stated under division (a) of this section:
    - i. Uncleared areas of the site left in their natural condition;
    - ii. Landscaped greenbelts;
    - iii. Public and private parks (D2-13) developed with recreation amenities including but not limited to: landscaping, gazebos, benches, play equipment, pathways (woodchip or paved), and wildlife enhancements;
    - iv. Storm water management facilities, including detention, retention and sedimentation basins, up to 25 percent of the total amount of open space required under division (a) of this section.
2. Open Space Standards: Open space intended to satisfy the minimum requirements stated under sub-section K.1(a) must adhere to the following standards:
- a. Open space shall be centrally located, located along the road frontage (D2-8) of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.
  - b. Open space must be either left in its natural condition, provided with recreational amenities, or landscaped. Preserved open space shall not be left primarily as lawn. This shall not apply to storm water management basins.
  - c. Open space provided along exterior public roads shall generally have a depth of at least 50 feet, and be either landscaped or left in a natural wooded condition. In either case, open space along exterior public roads shall be provided with a minimum of one evergreen or canopy tree for

## Chapter 15 – Design Standards

---

each 30 feet of road frontage. Such plantings shall be planted in staggered rows or clustered into natural groupings to provide a natural appearance. Preservation of existing trees may be credited towards meeting this frontage landscaping requirement.

- d. Open space must be accessible. Access can be provided via sidewalks and pathways throughout the development or where open space abuts road rights-of-way within the development.
  - e. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the Planning Commission.
  - f. Views of open spaces from lots (or units) and roads within the development are encouraged.
3. Means of Open Space Preservation: Open space shall be set aside by the developer through an irrevocable recorded document that is found acceptable to the Planning Commission, such as:
- a. Recorded deed restrictions;
  - b. Covenants that run perpetually with the land;
  - c. Dedication to a land conservancy approved by the Planning Commission; or,
  - d. A conservation easement established per the State of Michigan Conservation and Historic Preservation Act, Public Act 197 of 1980, as amended (M.C.L.A. 324.2140).
4. Protection of Open Space: Preservation of open space as described in sub-section K.3 of this section shall assure that open space will be protected from all forms of development, except as shown on an approved site plan (D2-18), and shall never be changed to another use. The recorded document utilized shall indicate the proposed allowable use(s) of the preserved open space. The Planning Commission may require the inclusion of open space restrictions that prohibit the following:
- a. Dumping or storing of any material or refuse;
  - b. Activity that may cause risk of soil erosion or threaten any living plant material;
  - c. Cutting or removal of live plant material except for removal of dying or diseased vegetation;

## Chapter 15 – Design Standards

---

- d. Use of motorized off-road vehicles;
  - e. Cutting, filling or removal of vegetation from wetland areas;
  - f. Use of pesticides, herbicides or fertilizers within or adjacent to wetlands;
  - g. Require that the preserved open space be maintained by parties who have an ownership interest in the open space;
  - h. Provide standards for scheduled maintenance of the open space;
  - i. Provide for maintenance to be undertaken by Tuscola Township, at the Township's option, in the event that the preserved open space is inadequately maintained, or is determined by the Township to be a public nuisance, with the assessment of costs upon the property owners.
5. Continuing Obligation: The preserved open space shall forever remain open space, subject only to uses approved by the Township on the approved site plan (D2-18) or plat. Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, except for easements (D2-7) for utilities and septic systems, shall be strictly prohibited.
6. Allowable Structures: Any structure(s) or building(s) accessory to a recreation, conservation or agriculture use may be erected (D2-7) within the preserved open space, subject to the approved site plan. These accessory structure(s) or building(s) shall not exceed, in the aggregate, one percent of the required open space area. Accessory structures may include:
- a. Maintenance buildings;
  - b. Clubhouse;
  - c. Recreation structures (gazebos, boardwalks, docks, play equipment, etc.);
  - d. Other structures as approved by the Planning Commission.
7. Lot Size Reduction
- a. The minimum lot width and lot area for lots or units in single-family detached residential developments, as stated in the Schedule of Regulations, may be reduced by up to 20 percent when developed using the option provided under this division.

## Chapter 15 – Design Standards

---

- b. Notwithstanding division (a) of this section, no lot area shall be reduced below 6,600 square feet, nor shall the lot width be reduced below 66 feet. Larger lot area may be required to the requirements of P.A. 288 of 1967, the Subdivision Control Act.
- c. Every square foot of lot area reduction proposed below the minimum lot area normally permitted for the district must be preserved as open space, and may be counted toward the minimum required open space described above under sub-section K.01 of this section.
- d. Required yard (*D2-22*) setbacks shall not be reduced.

## Chapter 15 – Design Standards

---

THIS PAGE INTENTIONALLY LEFT BLANK