Tawas Township Zoning Ordinance

Tawas Township
Iosco County, Michigan
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Tawas City, MI 48763
989-362-3771
www.tawastownship.com

Adopted September 12, 2016
Effective September 29, 2016



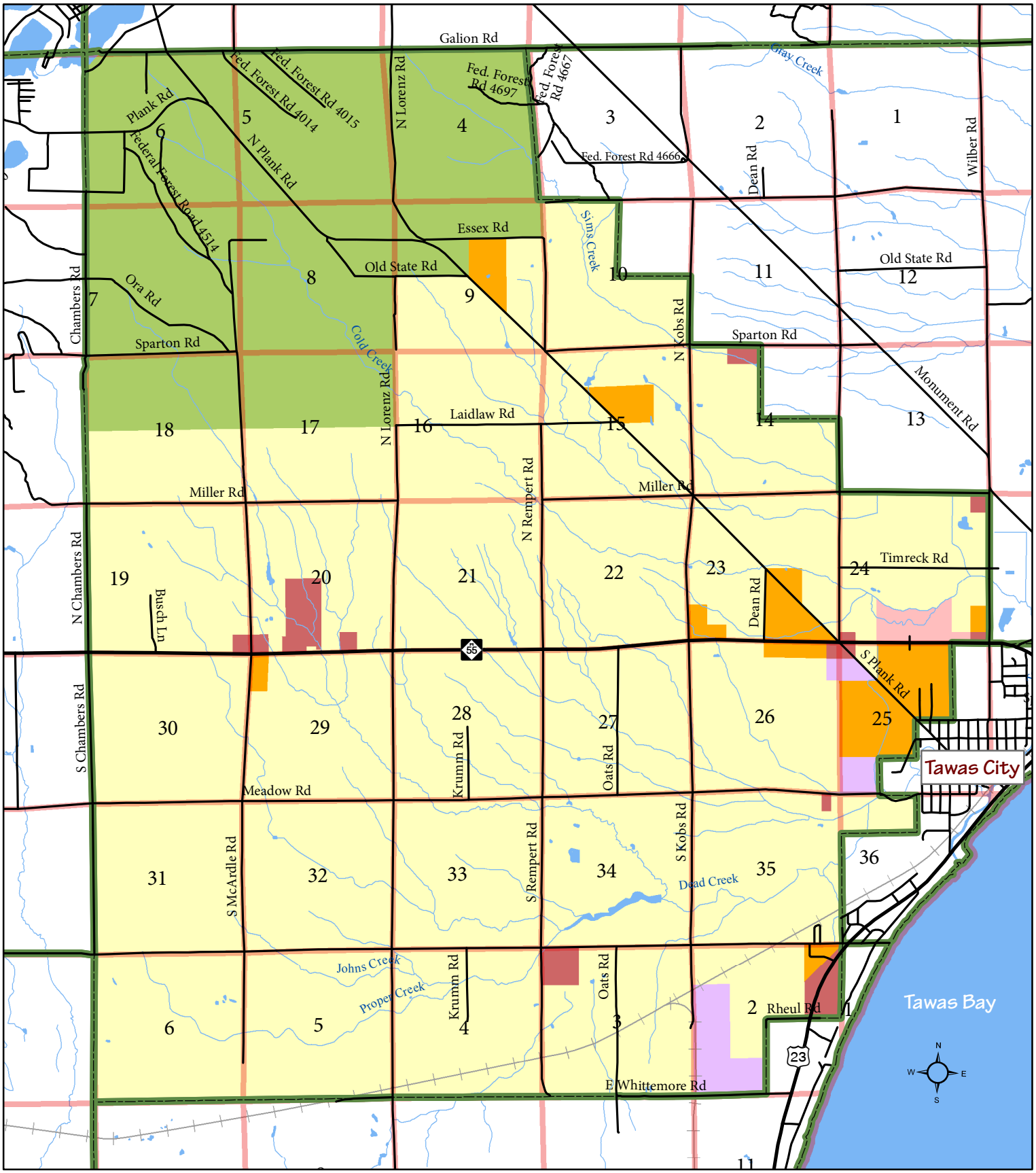
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ZONING ORDINANCE

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Prepared with the Assistance of:
Northeast Michigan Council of Governments
www.nemcog.org



Zoning Map

Tawas Township

Iosco County, Michigan

Amended 9-12-16 (Amendment effective 9-29-16)

Map created by the Northeast Michigan Council of Governments
www.nemcog.org

- R-1: Residential District
- A-1: Agricultural Residential
- OSD: Office/Service District
- C-1: Commercial District
- F-1: Forestry District
- I-1: Industrial District
- State Trunkline
- Roads
- Municipal Boundary
- Sections
- Railroad
- Rivers & Streams

0 0.5 1 1.5 2 Miles

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ARTICLE 1
Purpose & Authority

Section 1.1 Short Title

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

Section 1.2 Legal Basis

This Ordinance has been prepared and adopted under the authority of Public Act 110 of 2006, as amended Such enabling act is hereby made a part of this Ordinance just as if said Act were repeated word for word herein.

Section 1.3 Purpose

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in Section 201 of Public Act 110 of 2006, as amended. Also, this Ordinance is based on the Tawas Township Master Plan, and is intended to carry out the objectives of that Plan.

Section 1.4 Interpretation

A. This Ordinance does not repeal other laws and ordinances except as may be noted in the provisions that follow this section. This Ordinance has no effect on the applicability of private deed restrictions or restrictive covenants.

B. In cases where this Ordinance imposes greater restrictions on the use of land, buildings, structures, or on the commencement of land development projects, or requires larger lots, setbacks, or parking areas than provided by other laws, ordinances, or private deed restrictions or restrictive covenants, the provisions of this Ordinance shall prevail. In cases where this Ordinance establishes lesser restrictions on the use of land, buildings, structure, or on the commencement of land development projects, or requires smaller lots, setbacks or parking areas than provided by other laws, ordinances, or private deed restrictions or protective covenants, the provisions of those other laws, ordinances, restrictions or covenants shall prevail.

C. The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 1.5 Vested Right

Nothing in this Ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; they are hereby declared to be subject to subsequent amendment, change or

modification as may be necessary to the preservation or protection of public health, safety and welfare.

Section 1.6 Repeal & Savings Clause

A. This Ordinance repeals and replaces any previous Tawas Township Zoning Ordinance in its entirety.

B. The repeal of any previous Zoning Ordinance, as provided, shall not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 1.7 Severance Clause

Sections of this Ordinance shall be deemed to be severable and should any section, paragraph or provision thereof be declared by the courts to be unconstitutional or invalid, such holdings shall not affect the validity of this Ordinance as a whole or any other part thereof, other than the part so declared to be unconstitutional or invalid. If any court shall declare invalid the application of any provision of this Ordinance to a particular parcel, lot use, building or structure, such ruling shall not affect the application of said provision to any other parcel, lot use, building or structure not specifically included in said ruling.

Section 1.8 Effective Date

This Ordinance was adopted on September 12, 2016, by the Tawas Township Board and will be effective on September 29, 2016. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at a public hearing before the Tawas Township Planning Commission on March 3, 2016.

Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Tawas Township Board after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of Public Act 110 of 2006, as amended.

ARTICLE 2
Definitions

Section 2.1 Rules of Use and Construction

This chapter defines the words used in this Ordinance. The rules of construction applicable to the words used in this Ordinance are as follows:

A. Words and phrases that are not defined in this chapter shall be defined in terms of their common or customary usage.

B. Technical words and phrases that may have peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

C. The particular shall control the general.

D. The word "shall" is always mandatory and not discretionary. The word "may'' is permissive.

E. When it is consistent with the context, words used in the present tense shall include the future. Words used in the singular form shall include the plural, and the plural form shall include the singular.

F. The word "person" includes any individual, partnership, association, trust, corporation, or any other legal entity or combination of legal entities.

G. The word "lot" includes the word "parcel."

H. Where a standard or regulation involves two or more conditions, provisions, or items that are connected by the conjunction "and" or "or," then the conjunction shall be interpreted as follows:

   1. "And" means that all the connected conditions, provisions or items shall apply.

   2. "Or" means that the connected conditions, provisions or items may apply singly or in combination.

I. A "building" or "structure" includes any part thereof.

J. Terms not herein defined shall have the meaning customarily assigned to them.

Section 2.2 Definitions

A

A-1
Agricultural Residential District.

Abutting (lot or parcel)
A lot or parcel which shares a common border with the subject lot or parcel.

Access management (access control)
A technique to improve traffic operations along a major roadway and decrease the potential for accidents through the control of driveway locations and design; consideration of the relationship of traffic activity for properties adjacent to, and across from, one another; and the promotion of alternatives to direct access.

Access to property, reasonable
A property owner's legal right, incident to property ownership, to access a public road right-of-way. Reasonable access to property may be indirect or certain turning movements prohibited for improved safety and traffic operations.

Accessory Dwelling Unit
An attached or detached dwelling unit accessory to a single-family residence, located in the principal residential structure or an accessory structure. An accessory apartment commonly has its own kitchen, bath, living area, sleeping area, and usually a separate entrance.

Accessory Structure
A freestanding structure that is located on the same lot on which a principal use or principal building is located, and that is devoted to a use that is incidental and subordinate to the principal use. Examples of accessory structures include, but are not limited to, detached residential garages and sheds, boat houses, snowmobile sheds, greenhouses, guard or gate houses, fences and walls, silos and other agricultural structures, and residential swimming pools.

Accessory Use
A use of land that is customarily incidental and subordinate to the principal use of a lot, and that is located on the same lot on which that principal use is located.

Adjacent (lot or parcel)
A lot or parcel which abuts or is directly across a street right-of-way or alley from any lot or parcel line of the subject lot or parcel.

Adult Foster Care Home
See "State Licensed Residential Facility."

Agriculture
Farms and general farming, including horticulture, floriculture, dairying, livestock, and poultry raising, farm forestry, and other similar enterprises or uses.

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

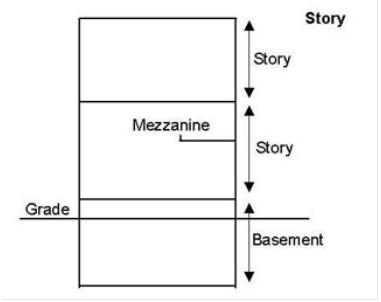
Animal, wild
Any animal not domesticated by humans or any animal which a person is prohibited from possessing by law. Wild animals shall include, but shall not be limited to, the following: alligator (family), deer (family), opossum (family), badger, dog (wild family), primate excluding humans (family), bear, dog-wolf, raccoon, ferret, skunk, snake, cat (wild family), lemur, spider (poisonous), coyote, lizard (poisonous), weasel (family), and marten.

Architectural Features
Architectural features of a building shall include cornices, eaves, gutters, sills, lintels, bay windows, chimneys, decorative ornaments, or similar features.

Assisted Living Home
A structure providing housing and limited services such as nursing, recreation, and meals to individuals who are partially able to provide services to themselves.

B

Basement
That portion of a building which is part or wholly below grade but so located that the vertical distance from the mean grade to the floor is greater than the vertical distance from the mean grade to the ceiling.



Bed and Breakfast Establishment
A use which is subordinate to the principal use of a dwelling as a single- family dwelling unit and in which transient guests are provided a sleeping room and board in return for payment.

Berm
A mound of earth graded, shaped and improved with landscaping in such a fashion as to be used for visual and/or audible screening purposes.

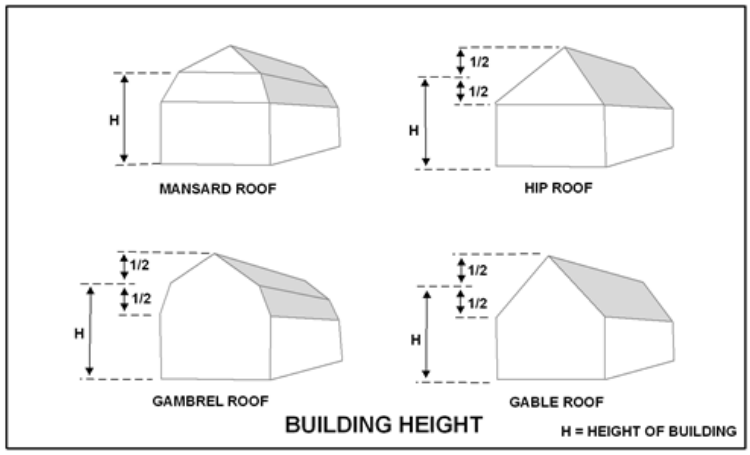
Billboard (Off-Premise Sign)
An outdoor sign, structure or symbol advertising services or products which are not made, produced, assembled, stored, or sold upon or from the lot or premises upon which the same is located.

Board of Appeals
The Tawas Township Zoning Board of Appeals.

Buffer Zone
A strip of land often required between certain zoning districts reserved for plant material, berms, walls, or fencing to serve as a visual barrier.

Building
Any structure which is erected having a roof supported by columns or walls, which is used or erected for the shelter or enclosure of persons, animals or personal property or for carrying on business activities or other similar uses. This shall include tents or vehicles situated on private property and used for purposes of a building.

Building Height
The vertical distance from the established grade at the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line of a mansard roof, and to the mean elevation level between eaves and ridge of a gable, hip or gambrel roof (See Figure 2).



Building Line
A horizontal line generally parallel to a front, rear, or side lot line which is located at the point of the foundation of a principal building nearest to the front, rear, or side lot line.

Building, Main, (also Building, Principal) A building in which the principal or main use of the lot on which it is situated occurs.

Building Setback Line
A line indicating the minimum distance required to be maintained between a street right-of-way and the nearest supporting member of any structure on the lot.

C

C
Commercial District.

Child Care Facility
A facility for the care of children (persons under 18 years of age), as licensed and regulated by the state under Act 116 of the Public Acts of 1973, being M.C.L.A. §§ 722.111 through 722.128 as amended, and the associated rules promulgated by the State Department of Human Services. Such organizations shall be further defined as follows:

A. **Family Child Care Home**:
A private home operated by a Michigan licensed day care operator in which at least one (1) but less than (7) seven children are received for care and supervision for periods of less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children

related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

B. **Group Child Care Home**
A private home operated by a Michigan licensed day care operator in which more than six (6) but not more than twelve (12) children are given care and supervision for periods less than twenty-four (24) hours a day, unattended by a parent and/or legal guardian, not including children related to an adult member of the resident family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four (4) weeks during a calendar year.

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

D. **Private Home**:
A private residence in which the registered facility operator permanently resides as a member of the household.

Church
A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

Clinic
An establishment housing facilities for medical, dental or psychiatric diagnosis and treatment, exclusive of major surgical procedures, for sick, ailing and injured persons who are not kept overnight on the premises

Club
A nonprofit association of persons who are bona fide members, paying regular dues and are organized for some common purpose, but not a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

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

Common Open Space
An unoccupied area within a planned unit development which is reserved primarily for the leisure and recreational use of all the planned unit development residents, owners and occupants, and generally owned and maintained in common by them often through a homeowners association.

Condominium Act
Michigan Public Act 59 of 1978, as amended.

Condominium Subdivision Plan
The site, survey and utility plans, and sections showing the existing and proposed structures and improvements including the location thereof on the land. The plan shall follow and show all aspects as required under the Condominium Act.

Condominium Unit
That portion of the condominium project designed and intended for separate ownership as described in the Master Deed, regardless of whether it is intended for residential, office, industrial, business, recreational, use as a time-share unit, or any other type of use.

Condominium Unit, Site
The area designating the perimeter within which the condominium unit must be built. After construction of the condominium unit, the balance of the condominium unit site shall become a limited common element. The term "condominium unit site" shall be equivalent to the term "lot", for purposes of determining compliance of a site condominium subdivision with provisions of the Ordinance pertaining to minimum lot size, minimum lot width, maximum lot coverage and maximum floor area ratio.

Construction
The building, erection, alteration, repair, renovation, demolition or removal of any building, structure or structural foundation; or the physical excavation, filling and grading of any lot other than normal maintenance.

Convalescent or Nursing Home
A structure licensed under the applicable Michigan law, with sleeping rooms where lodging, meals, nursing and limited medical care are provided for persons who are dependent upon others to provide services. Such an establishment shall not contain equipment for or provide care in maternity cases or for psychotics or other unruly, mentally deranged persons nor for surgical or medical cases commonly treated in hospitals.

Convenience Store with Gasoline Sales
An establishment that retails convenience food items which occupy fifty (50) square feet or greater of the sales area in conjunction with gasoline sales.

Cottage Industry
A home occupation of which the sale of goods or products on the premises is a significant portion.

Cul-de-sac
A dead end public or private street, generally short in distance, which terminates in a circular or semi-circular section of street which allows for vehicle turnaround.

D

Deceleration lane

An added roadway lane that permits vehicles to slow down and leave the main vehicle stream before turning.

Density
The number of dwelling units situated on or to be developed per net or gross acre of land. For the residential component of Planned Unit Developments overall maximum unit density calculations shall include MDNR regulated wetland areas and non-MDNR regulated wetland areas, but shall not include floodplains or suface water bodies such as rivers, streams, lakes or ponds over five acres in size which are permanently or typically covered with water.

Detention Facility
A facility designed for holding stormwater runoff for a short period of time and then releasing it to the natural watercourse where it returns to the hydrologic cycle.

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

Drainageways and Streams
Existing permanent or intermittent water courses.

Drive Through Business
A business establishment so developed that its retail or service character is wholly or partially dependent on providing a driveway approach and service windows or facilities for vehicles in order to serve patrons while in the vehicle.

Dwelling Unit, Manufactured
A factory-built, single-family structure that is transportable in one (1) or more sections, is built on a permanent chassis, is designed to be used as a dwelling with our without a permanent foundation, is designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, and electrical systems in the structure, but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site and which does not have wheels or axles permanently attached to its body or frame. A manufactured home is constructed according to the National Mobile Home Construction and Safety Standards Act of 1974, as amended. The manufactured home shall meet the minimum floor area requirements of this Zoning Ordinance and installed in accordance with all of the other requirements of this Ordinance specified for dwellings when located outside of a licensed Manufactured Housing Development.

Dwelling, Multiple Family
A building containing three (3) or more dwelling units designed for exclusive use and occupancy by three (3) or more families.

Dwelling, Single Family
A building designed for exclusive use and occupancy as a dwelling unit by one (1) family.

Dwelling, Two Family

A building containing two separate dwelling units designed for residential use and connected by either a common wall or an attached garage area.

Dwelling Unit
A building, or part thereof, providing complete living facilities, including provisions for sleeping, cooking, eating and sanitation, for exclusive use by one family, with no ingress or egress through any other dwelling unit.

Dwelling Unit, Attached
A dwelling unit attached to one or more dwelling units by common major structural elements.

Dwelling Unit, Detached
A dwelling unit which is not attached to any other dwelling unit by any means.

E

Easement
A grant of one or more of the property rights by a property owner to the public, or another person or entity.

Endangered species habitat
An area where a plant or animal listed as an endangered species by state or federal agencies naturally grows or lives, or identified habitat sites designated on the Michigan Natural Features Inventory.

Erected
Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction. Excavation, 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 or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, (but not including buildings or substations) reasonably necessary for the furnishing of adequate service by each public utilities, or township departments or commissions for the public health, safety or general welfare.

Essential Public Service Building
A building or structure principal to an essential public service, such as a drop- off station for residential recyclables, vehicle garages, telephone exchange buildings, electricity transformer stations or substations, gas regulator stations, radio and television towers, and cellular phone antennas.

Essential Public Service Building Storage Yard

An outdoor storage area principal or accessory to an essential public service.

Excavation
Any breaking of ground, except common household gardening and ground care.

F

F-1
Forestry District.

Family

A. An individual or group of two (2) or more persons related by blood, marriage or adoption, including those related as foster children, who are domiciled together as a single, domestic, non-profit housekeeping unit in a dwelling unit, or

B. A collective number of individuals domiciled together in one dwelling unit whose relationship is of a continuing, non-transient, distinct domestic character and who are cooking and living as a single, non-profit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, organization, or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms of other similar determinable period.

Farm
The land, plants, animals, buildings, structures, including ponds used for agricultural or aquacultural activities, machinery, equipment, and other appurtenances used in the production of farm products.

Farm Product
Those plants and animals useful to human beings produced by agriculture and includes, but is not limited to, forages and sod crops, grains and feed crops, field crops, dairy and dairy products, poultry and poultry products, cervidae (deer family), livestock, including breeding and grazing, equine, fish, and other aquacultural products, bees and bee products, berries, herbs, fruits, vegetables, flowers, seeds, grasses, nursery stock, trees and tree products, mushrooms, and other similar products, or any other product which incorporates the use of food, feed, fiber, or fur as determined by the Michigan Commission of Agriculture.

Fence
An accessory structure intended for use as a barrier to property ingress or egress, a screen from an objectionable vista or noise, and/or for decorative use.

Filling
The depositing or dumping of any matter onto, or into, the ground, except common household gardening and ground care.

Financial Services
Establishments such as banks, savings and loan institutions, credit unions, brokerage houses, and similar establishments.

Flood or Flooding
A general and temporary condition of partial or complete inundation of normally dry land areas from:
A. the overflow of inland waters
B. the unusual and rapid accumulation or runoff of surface waters from any source

Flood Hazard Area
Land which on the basis of available floodplain information is subject to a one percent (1%) or greater chance of flooding in any given year.

Flood Insurance Rate Map (FIRM)
An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study
The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, and may include a Flood Hazard Boundary - Floodway Map.

Floodplain
The relatively flat area or lowlands contiguous to the channel of watercourse or a body of standing water, which has been or may be covered by flood water. The one-hundred (100) year flood plain consists of contiguous areas paralleling a river, stream or other body of water that constitute at their maximum edge the highest flood levels experienced in a period of 100 years. The one-hundred (100) year flood plains are identified on Floodway Maps produced by FEMA (Federal Emergency Management Agency).

Floodway
The channel of a river or other watercourse and the adjacent land areas which must be reserved in order to discharge the base flood.

Floor Area, Usable
That area to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, stairways, and elevator shafts, or for utilities for sanitary facilities, shall be excluded from the computation of usable floor area. Usable floor area shall be measured from the interior faces of the exterior walls, and total usable floor area for a building shall include the sum of the usable floor area for all floors.

Floor Area, Gross
The sum of the horizontal areas of each story of a building, measured from the interior faces of the exterior walls, and the centerlines of interior walls, exclusive of mechanical areas, elevator shafts, stairwells and vent shafts for more than one floor, and uninhabitable attics or basements having headroom of seven (7) feet or less.

Floor Area, Residential

The sum of the horizontal areas of each story of a dwelling unit, measured from the interior faces of the exterior walls, exclusive of areas of basements, unfinished attics, attached garages, carports, breezeways and enclosed or unenclosed porches.

Foster Care Home, Family
A single-family dwelling occupied as such in which one (I) but not more than four (4) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Foster Care Home, Group
A single-family dwelling occupied as such in which more than four (4) but less than seven (7) minor children, who are not related to an adult member of the family occupying the single-family dwelling by blood, marriage or adoption, are given care and supervision for twenty four (24) hours per day, unattended by a parent or legal guardian.

Frontage
The total length along which a parcel of land fronts on a street, measured along the line where the property abuts the street right-of-way.

Frontage Road
A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. Frontage roads can be one-way or bi-directional in design. The frontage road provides specific access points to private properties while maintaining separation between the street and adjacent land uses. A road which allows parking or is used as a maneuvering aisle within a parking area is generally not considered a frontage road.

G

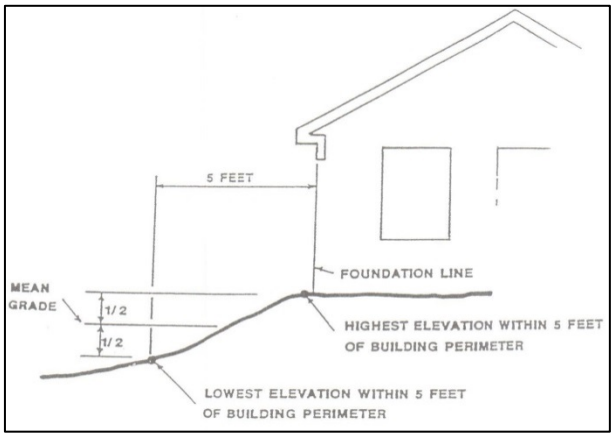
Garage
The part of a main building or an accessory building used primarily for the parking or storage of vehicles necessary in connection with the permitted use of the main building, where there is no vehicle servicing for compensation.

Garage or Yard Sale
Any sale of personal effects, jewelry, or household items, furnishings and equipment belonging to the owner or occupant of the property held in any district by the owner, occupant or his personal representative.

Garden Center
An establishment with retail sales of trees, fruits, vegetables, shrubbery, plants, seeds, topsoiL humus, fertilizer, trellises, lawn furniture, playground equipment and other home garden supplies and equipment.

Glare
The effect produced at the lot line by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Grade, Average (Mean)
The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure.



Grade, Finished
The lowest point of elevation between the exterior wall of the structure and a line five (5) feet from the exterior wall of the structure.

Grade, Natural
The elevation of the ground surface in its natural state, before construction begins.

Greenbelt
A strip of land which shall be of sufficient width and density of planting materials to screen adjacent properties from view.

H

Health Care Institution
A state licensed medical establishment whose facilities provide in-patient accommodation, a wide range of medical and surgical care, and other in-patient health services for sick, ailing or injured persons; and including such related facilities as laboratories, outpatient departments, training facilities, central services and staff offices and residences which are integral with and accessory to the principal use of the establishment.

Home Occupation
An occupation or profession carried on by an occupant of a dwelling unit as a secondary use which is clearly subservient to the use of the dwelling for residential purposes.

Home Sale
A sale of personal property conducted at a residential dwelling on a temporary basis. Home sales include garage sales, yard sales, porch sales, basement sales, and the like.

Hospital
See "Health Care Institution."

Hotel or Motel
Any establishment in which individual cabins, courts, rooms, suites or similar structures or units are rented to transients for temporary periods of time. A "hotel" shall include tourist cabins and homes and motels, but shall not include bed and breakfast establishments. A hotel shall not be considered or construed to be a multiple family dwelling.

I

I-1
Industrial District.

Indoor Recreation Establishment
A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities indoors (within an enclosed building) and operated as a business and open for use by the public for a fee, such as fitness centers, bowling alleys, indoor softball, and racquetball and tennis clubs.

Institutional Uses
Churches, schools, hospitals, and other similar public or semi-public uses. This excludes nursing homes, convalescent homes, and adult foster care facilities.

J

Junkyard or Recycling Yard
Any land or building used for commercial storage and/or sorting, recycling, or sale of paper, rags, scrap metals, salvaged building materials, other scrap or discarded materials, or for the dismantling, storage or salvaging of automobiles or other vehicles not in running condition, or of machinery or parts thereof, but not including a dump.

K

Kennel
Any land, building or structure where six or more cats and/or dogs (in combination) over six (6) months of age are either permanently or temporarily boarded, housed, bred or sold for specified compensation.

L

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

Lodge or Private Club
Structures, facilities and grounds owned or operated by a private or fraternal organization for use by its members and guests.

Lot
A parcel of land separated from other parcels of land by description on a recorded plat or by metes and bounds description, including a condominium unit site in a site condominium subdivision; having frontage upon a public or private street and having sufficient size to comply

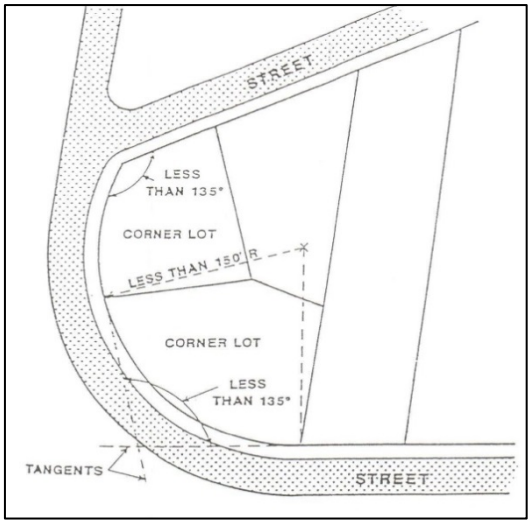
with the requirements of the Ordinance for: minimum area, setbacks, coverage, and open space. A lot may or may not be specifically designated as part of the public record.

Lot Area
The total horizontal area included within lot lines. Where the front lot line is the centerline of a public street, the lot area shall not include that part which is in the public right-of-way.

Lot Area, Net Buildable
The net lot area less areas devoted to floodplains or surface water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water.

For Planned Unit Developments, net buildable lot area is the net lot area less area devoted to water bodies; water bodies being defined as areas greater than five (5) acres in size (either before or after project implementation) which are periodically or permanently covered with water. However, in determining the overall density for the residential component of a Planned Unit Development, MDNR regulated wetlands and non-MDNR regulated wetlands may be included- see definition for density.

Lot, Corner
A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred and thirty five (135) degrees. A lot abutting upon a curved street or streets shall be considered a comer lot if the curve is of less radius than one hundred and fifty (150) feet, and tangents to the curve, at the two points where the side lot lines meet the curve, form an interior angle of less than one hundred and thirty five (135) degrees.



Lot Coverage
A part or percentage of a lot occupied by buildings or structures.

Lot Depth
The arithmetic mean of the shortest and longest distances from the front lot line to the rear lot line (See Figure 5).

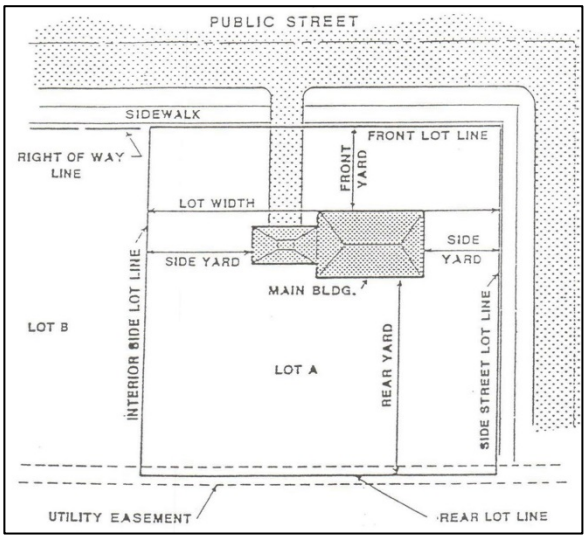
Lot Frontage
The length of the front lot line.

Lot, Interior
A lot other than a comer lot which, with the exception of a "through lot," has only one lot line fronting on a street.

Lot Line
The line bounding a lot, parcel, or general common element if there is no limited common element, which separates the lot, parcel or general common element if there is no limited common element,

from another lot, parcel, general common element if there is no limited common element, existing street right-of-way, approved private road easement, or ordinary high water mark.

Lot Lines



A. **Front Lot Line***:* In the case of an interior lot, abutting upon one (1) public or private street, the front lot line shall mean the line separating such lot from such right-of-way (See Figure 6).

B. **Rear Lot Line***:* That lot line which is opposite and most distant from the front lot line. In the case of an irregular or triangular shaped lot, a line at least ten (10) feet in length, entirely within the lot, and generally parallel to and most distant from the front lot line (See Figure 6).

C. **Side Lot Line***:* Any lot line not a front or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line (See Figure 6)

D. In the case of a lot fronting on right- of-way on two or more sides, or other case in which the above definitions do not apply, the Zoning Administrator shall designate front, rear and side lot lines, based on the following considerations:

1. location and orientation of existing or proposed buildings on the lot in question, in relation to existing buildings on properties in the same general neighborhood.

2. location and effect of vegetation, water, or other natural features affecting location of buildings or structures on the lot in question.

Lot of Record

A lot which actually exists in a subdivision plat as shown on the records of the County Register of Deeds, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot, through (also "double frontage lot")

An interior lot having frontage on two (2) more or less parallel streets.

Lot Width

The horizontal distance between side lot lines measured parallel to the front lot line at the front setback line (See Figure 6).

M

Medical Clinic
An establishment where human patients are admitted for examination and treatment by a group of physicians, dentists or similar professionals on an out-patient basis. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation.

Mini-Warehouse (also "self-storage warehouse")
A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled- access stalls or lockers strictly for the storage of a customer's non-hazardous goods or wares.

Manufactured Home
See "Dwelling Unit, Manufactured".

Manufactured Housing Community
A parcel or tract of land under the control of a person upon which three or more manufactured 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 therefore, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park.

Manufactured Housing Community Homesite
A portion of the manufactured housing community set aside and clearly designated for use by a specific manufactured home.

Medical Marihuana definitions:

A. **Enclosed, Locked Facility:**
That term as defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423.

B. **Marihuana:**
A controlled substance as defined in section 7106 of the public health code, PA 368 of 1978, MCL 333.7106.

C. **Medical Marihuana:**
Marihuana as defined by the Michigan Medical Marihuana Act (MCL 333.26421 et seq.) grown, used or transferred for "medical use" as defined by the Act.

D. **Primary Caregiver:**
That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who is at least 21 years old and who has been registered by State Department of Licensing and Regulatory Affairs or any successor agency to assist with a Qualifying Patients' use of medical marihuana.

E. **Primary Caregiver Facility:**

A building in which the activities of a Primary Caregiver are conducted.

F. **Qualifying Patient:**
That term defined in Section 3 of Initiated Law 1 of 2008, as amended (Michigan Medical Marijuana Act), being MCL 333.26423 who has been diagnosed by a physician as having a debilitating medical condition as provided by the Michigan Medical Marihuana Act and who has obtained a duly issued registry identification card from the State Department of Licensing and Regulatory Affairs or any successor agency.

Motel (See "hotel")

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

N

Non-Conforming Use
The use of a building or of land lawfully existing at the time this Ordinance or amendments became effective but which does not conform with the use regulations of the district in which it is located.

Non-Conforming Lot of Record (also "Substandard Lot")
A lot lawfully existing at the time this Ordinance or amendments became effective, and which fails to meet the minimum area requirements of the zoning district in which it is located.

Non-Conforming Structure
A structure, or portion thereof, lawfully existing at the time this Ordinance or amendments became effective and which fails to meet the minimum requirements of the zoning district in which it is located.

Nursery, Plant
A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

O

OSD
Office Services District.

Obscuring Screen
A visual barrier between adjacent areas or uses. The screen may consist of structures, such as a wall or fence, or living plant material.

Offset

The distance between the centerlines of driveways or streets across the street from one another.

Off-Street Parking Lot
A facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles

Open Air Business
A retail sales establishment operated substantially in the open air.

Ordinary High Water Mark
The line between upland and bottomland which persists through successive changes in water levels below which the presence and action of the water is so common or recurrent that the character of the land is marked distinctly from the upland and is apparent in the soil itself, the configuration of the surface soil, and the vegetation.

Outdoor Recreation Establishment
A privately owned facility designed and equipped for the conduct of sports, amusement or leisure time activities and other customary recreational activities outdoors (outside of an enclosed building) and operated as a business and open for use by the public for a fee such as tennis courts, archery ranges, golf courses, miniature golf courses, golf driving ranges, and children's amusement parks.

P

Parapet Wall
An extension of a building wall above the roof which may serve to screen roof-mounted mechanical equipment

Parcel
A lot described by metes and bounds or described in a recorded plat.

Parking Space (Stall)
A designated area of definite length and width for parking of motor vehicles.

Planned Unit Development
A form of land development comprehensively planned as an entity via a unitary site plan which permits flexibility in building, siting, usable open spaces, and the preservation of significant natural features. Such a development may contain a mix of housing types and non-residential uses.

Planning Commission
The Tawas Township Planning Commission as duly created under Public Act 33 of 2008, the "Michigan Planning Enabling Act", as amended.

Plat
A map of a subdivision of land.

Ponds and Lakes
Natural or artificial impoundments that retain water year round.

Practical Difficulty
A situation in which a property owner cannot establish a "minimum practical" legal use of a legal lot or parcel, meeting all of the dimensional standards of the zoning district in which the lot is located. Situations occurring due to the owner's desire to establish a use greater than the "minimum practical" standard to enhance economic gain greater than associated with the "minimum practical" standard or created by an owner subsequent to the amendment of this Ordinance is not a Practical Difficulty. The Zoning Board of Appeals is responsible for determining Practical Difficulty.

Principal Use
The main use to which the premises are devoted and the principal purpose for which the premises exist.

Principal Use, Permitted
A use permitted in each zoning district by right.

Private Club
An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

Private Road
Any road or thoroughfare for vehicular traffic which is privately owned and maintained and which provides the principal means of access to abutting properties.

Public and Semi-Public Institutional Buildings, Structures and Uses
Buildings, structures, and uses of governmental agencies and non-profit organizations including but not limited to office buildings, municipal parking lots, post offices, libraries, and community centers.

Public Park
Any developed park, playground, beach, outdoor swimming pool, intended for active recreational pursuits, within the jurisdiction and control of a governmental agency.

Public Open Space
Any primarily undeveloped land, intended for passive recreational pursuits, within the jurisdiction and control of a governmental agency.

Public Street
A public thoroughfare which affords the principal means of access to abutting property.

Public utility
Any person, municipal department, board or commission duly authorized to furnish and furnishung under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water.

R

R-1

Residential District.

Radioactive Materials
Materials defined as radioactive under Michigan Department of Natural Resources regulations for transportation of radioactive materials or under Iosco County Health Department regulations, whichever is determined to be applicable.

Recreational Vehicle
A vehicle intended and designed primarily for recreational use, such as motor homes, camper trailers, boats, snowmobiles, off-road and all-terrain vehicles, and similar vehicles or trailers. The term "recreational vehicle" shall not include motorcycles or motorbikes or other similar means of transportation intended primarily for daily on-street use.

Residential human care and treatment facility: A facility (not within a private residence) providing:

A. Emergency shelter and services for battered individuals and their children in a residential structure;

B. Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.

C. Emergency shelter for individuals who are homeless.

D. Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

Retail Store
Any building or structure in which goods, wares, or merchandise are sold to the consumer for direct consumption and not for resale.

Right-of-Way
A street, alley or other thoroughfare or easement permanently established for passage of persons or vehicles and under the legal authority of the agency having jurisdiction over the right-of-way.

S

Salvage
Material to be used for further use, recycling, or sale.

Salvage Yard
Any principal or accessory use where salvage or its component parts are bought and sold, exchanged, stored, baled, packed, disassembled, separated, or handled, including but not limited to: scrap iron and other metals, paper, rags, rubber tires and bottles. A "salvage yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings. The term "salvage yard" does not include drop-off stations for residential recyclables.

Screen
A structure such as a fence or wall, providing enclosure and a visual barrier between the area enclosed and the
adjacent property.

Service Drive
A drive which generally parallels the public right-of-way but runs along the back of a land use which fronts on the public street. A service drive may provide access to properties on both sides, and vary in width and design.

Setback, Required
The required minimum horizontal distance between a front, rear, or side lot line and a building line. Separate definitions for condominium projects are listed under "condominium setbacks."

Setback, Parking Lot
The minimum horizontal distance between the street right-of-way or property line and the near edge of a parking lot, excluding necessary and/or approved driveways, frontage roads and landscaping areas.

Sexually Oriented Business
A business or commercial enterprise engaging in any of the following: (1) adult arcade; (2) adult bookstore or adult video store; (3) adult cabaret; (4) adult motel; (5) adult motion picture theater; (6) adult theater; (7) escort agency; and (8) nude model studio; (9) similar establishments.

A. **Adult Arcade**
Any place to which the public is permitted or invited wherein coin-operated or slug-operated electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.

B. **Adult Bookstore Or Adult Video Store**
A commercial establishment that, as one of its principal business purposes, offers for sale or rental for any form of consideration one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, motion picture, video cassettes or video reproductions, slides or other visual representations or media which depict or describe Specified Sexual Activities or Specified Anatomical Areas; or

2. Instruments, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing Specified Sexual Activities or Specified Anatomical Areas and still be categorized as an Adult Bookstore or Adult Video Store. The sale of such material shall be deemed to constitute a principal business purpose of an

establishment if it occupies 25% or more of the floor area or visible inventory within the establishment.

C. **Adult Cabaret**
A nightclub, bar, restaurant, or similar commercial establishment that regularly features any of the following:

1. Persons who appear in a state of nudity;

2. Live performances that are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities;

3. Films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas; or

4. Persons who engage in lewd, lascivious, or erotic dancing or performances that are intended for the sexual interests or titillation of an audience or customers.

D. **Adult Motel**
A hotel, motel or similar commercial establishment that:

1. Offers accommodation to the public for any form of consideration and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, other photographic reproductions or visual media that are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas and has a sign visible from the public right of way that advertises the availability of any of the above;

2. Offers a sleeping room for rent for a period of time that is less than twelve (12) hours; or

3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than twelve (12) hours.

E. **Adult Motion Picture Theater**
A commercial establishment which for any form of consideration, regularly and primarily shows films, motion pictures, video cassettes, slides, or other photographic reproductions or visual media that are characterized by depiction or description of Specified Sexual Activities or Specified Anatomical Areas.

F. **Adult Theater**
A theater, concert hall, auditorium, or similar commercial establishment that regularly features a person or persons who appear in a state of nudity or live performances that are characterized by exposure of Specified Anatomical Areas or by Specified Sexual Activities.

G. **Nude Model Studio**
Any place where a person who displays Specified Anatomical Areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who

pay money or any form of consideration, but does not include an educational institution funded, chartered, or recognized by the State of Michigan.

H. **Nudity or a State Of Nudity**
Knowingly or intentionally displaying in a public place, or for payment or promise of payment by any person including, but not limited to payment of an admission fee, any individual's genitals or anus with less than a fully opaque covering, or a female individual's breast with less than a fully opaque covering of the nipple and areola. Public nudity does not include any of the following:

1. A woman's breastfeeding of a baby whether or not the nipple or areola is exposed during or incidental to the feeding.

2. Material as defined in section 2 of Act No. 343 of the Public Acts of 1984, being section 752.362 of the Michigan Compiled Laws.

3. Sexually explicit visual material as defined in section 3 of Act No. 33 of Public Acts of 1978, being section 722.673 of the Michigan Compiled Laws.

I. **Specified Anatomical Areas**
Means and includes any of the following:

1. Less than completely and opaquely covered:
   (a) Human genitals;
   (b) Pubic region;
   (c) Buttocks
   (d) Female breast below a point immediately above the top of the areola.

2. Human male genitals in a discernible turgid state even if completely or opaquely covered.

J. **Specified Sexual Activities**
Means and includes any of the following:

1. Human genitals in a state of sexual arousal;

2. Acts of or simulated acts of human masturbation, sexual intercourse, sodomy, bestiality, fellatio or cunnilingus; or

3. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.

4. Excretory functions as part of or in connection with any of the activities set forth in 1-3 above.

Shopping Center
A commercial enterprise which is planned and developed as a unit, and which includes a group of retail businesses. Off-street parking is provided for the shopping center as a whole, as opposed to providing separate areas for individual businesses.

Shoreline
The edge of a body of water measured at the ordinary high water mark.

Sight Distance
The length of roadway visible to the driver. Generally related to the distance or time (perception/reaction time) sufficient for the driver to execute a maneuver (turn from driveway or side street, stop or pass) without striking another vehicle or object in the roadway.

Sign - see definitions in Article 10, Signs and Billboards.

Site plan
A scaled drawing(s) illustrating existing conditions and containing the elements required herein as applicable to the proposed development to ensure compliance with zoning provisions.

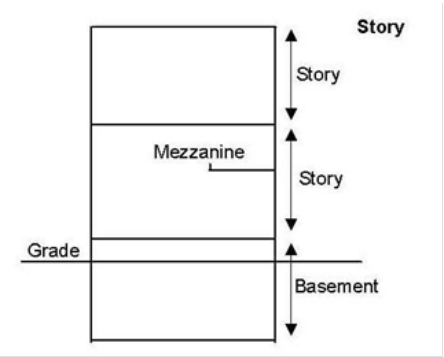
Special Land Use
A use of land which is permitted within a particular zoning district only if the applicable standards have been met. A special land use requires that a special use permit be obtained.

Stable, Private
A stable for the keeping of horses for the use of the residents of the principal use and shall not include the keeping of horses for others, of for commercial boarding, and with a capacity for not more than two (2) horses; provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains at least one acre of land for each additional horse stabled thereon.

Stable, Commercial
A stable other than a private stable, with a capacity for more than two (2) horses, and carried on within an unplatted tract of land.

State Licensed Residential Facility
A structure constructed for residential purposes that is licensed by the State pursuant to Act No. 218 of the Public Acts of 1979 (Adult Foster Care Licensing Act), as amended, being Sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973 (Child Care Organizations), as amended, being Sections 722.111 to 722.128 of the Michigan Compiled Laws, which provides resident services or care for six (6) or fewer individuals under twenty-four (24) hour supervision for persons in need of that supervision or care.

Story
That portion of a building between a floor and the floor or roof next above it. A basement shall be counted as a story if its ceiling is over four (4) feet above the average adjoining ground surface.



Street
A public thoroughfare which affords the principal means of access to abutting property.

Structure

Anything constructed, assembled or erected, the use of which requires location on the ground or attachment to something having location on or in the ground; this term shall include fences which are more than 50% solid, tanks, towers, dish antennae, advertising devices, tents, wagons, trailers, dining cars, or similar structures on wheels or other support used for business or living purposes. The word "structure" shall not apply to wires and their supporting poles or frames or electrical or telephone utilities or to service utilities below the ground.

Structural Alterations
Any changes in the supporting members of a building such as bearing walls, columns, beams or girders, or any substantial changes in the roof and exterior walls or any expansion or addition to the floor space of a building by the addition of bearing walls, columns, beams or girders.

Substantial Improvement
Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of *this* definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

T

Temporary Building, Structure or Use
A building, structure or use permitted to exist during periods of construction of the principal building, structure, or use.

U

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

V

Variance
A relaxation or modification of the requirements of *this* Ordinance as authorized by the Board of Zoning Appeals under the provisions of this Ordinance and Public Act 110 of 2006, as amended.

Vehicle

Any device in, upon, or by which any person or property is or may be transported or drawn upon any street, highway, excepting devices exclusively moved by human or animal power or used exclusively upon stationary rails or tracks.

Veterinary Clinic
A building, or any portion thereof, used for the medical treatment of domesticated animals by a Doctor of Veterinary Medicine and his or her employees, and including exterior or interior kennels or overnight lodging facilities for animals..

W

Wetland
Land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh.

Wetland, Regulated
Certain wetlands regulated by the Michigan Department of Natural Resources under the provisions of Act 203 of the Public Acts of 1979, as amended, and generally defined as land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh and which is any of the following:

A. Contiguous to an inland lake or pond, or a river or stream;

B. Not contiguous to an inland lake, pond, river or stream, and more than five (5) acres in size;

C. Not contiguous to an inland lake or pond, or a river or stream; and five (5) acres or less in size if the Michigan Department of Natural Resources determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the property owner.

Wind Energy definitions:

A. **Ambient**
Ambient is defined as the sound pressure level exceeded ninety (90) percent of the time.

B. **Anemometer**
A device used to measure wind speed.

C. **dB(A)**
The sound pressure levels in decibels. Refers to the "a" weighted scale defined by ANSI. A method for weighting the frequency spectrum to mimic the human ear.

D. **Decibel**
The unit of measure used to express the magnitude of sound pressure and sound intensity.

E. **Hub Height**
The distance measured from the ground level to the center of the turbine hub.

F. **Shadow Flicker**
Alternating changes in light intensity caused by the moving blade of a wind turbine casting shadows on the ground and stationary objects, such as the window of a dwelling.

G. **Small On-Site Wind Energy Systems**
A wind energy conversion system consisting of a wind turbine (horizontal or vertical axis), a tower, and associated control or conversion electronics which has a rated capacity of not more than one hundred (100) kW and which is intended to primarily replace or reduce on-site consumption of utility power.

H. **Sound Pressure**
Average rate at which sound energy is transmitted through a unit area in a specified direction. The pressure of the sound measured at a receiver.

I. **Sound Pressure Level**
The sound pressure mapped to a logarithmic scale and reported in decibels (dB).

J. **Wind Energy Facility**
A power generating facility consisting of one or more wind turbines under common ownership or operation control, and includes substations, MET towers, cables/wires, and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers.

K. **Wind Turbine Generator**
A wind energy conversion system which converts wind energy into power. May include a tower, pylon, or other structure, including all accessory facilities, upon which any, all, or some combination of the following are mounted:

1. A wind vane, blade, or series of wind vanes or blades, or other devices mounted on a rotor for the purpose of converting wind into electrical or mechanical energy.

2. A shaft, gear, belt, or coupling device used to connect the rotor to a generator, alternator, or other electrical or mechanical energy-producing device.

3. A generator, alternator, or other device used to convert the energy created by the rotation of the rotor into electrical or mechanical energy.

L. **Wind Turbine (Horizontal Axis)**
A wind energy system in which the rotor(s) rotate around a horizontal shaft.

M. **Wind Turbine (Vertical Axis):**
A wind energy system in which the rotor rotates around a vertical shaft.

N. **Wind Turbine Generator Total Height:**

1. Horizontal Axis Wind Turbine Rotors

The distance between the ground and the highest point of the wind turbine generator, plus the length by which the rotor wind vanes or blades mounted on a horizontal axis wind turbine rotor exceeds the height of the wind turbine generator.

2. **Vertical Axis Wind Turbine**
   The distance between the ground and the highest point of the wind turbine generator.

Wireless Communications

A. **Alternative Tower Structure**
   Man-made trees, clock towers, bell steeples, light poles and other similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

B. **Antenna Array**
   One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include omni-directional antenna (rod), directional antenna (panel) and parabolic antenna (disc). The Antenna Array does not include the Support Structure.

C. **Attachment Structure**
   Attachment Structures include but are not limited to utility poles, signs, water towers, rooftops, towers with any accompanying pole or device (Attachment Device) which attaches the Antenna Array to the existing building or structure and associated connection cables, and an Equipment Facility which may be located either inside or outside of the Attachment Structure.

D. **Co-Location/Site Sharing**
   Use of a common Wireless Communication Facility or common site by more than one wireless communication license holder, or by one wireless license holder for more than one type of communication technology and/or placement of a Wireless Communication Facility on a structure owned or operated by a utility or other public entity.

E. **Equipment Facility**
   An Equipment Facility is any structure used to contain ancillary equipment for a Wireless Communication Facility which includes cabinets, shelters, a build out of an existing structure, pedestals, and other similar structures.

F. **FTA**
   Federal Telecommunications Act of 1996, as amended.

G. **Height**
   The distance measured from ground level to the highest point on the Wireless Communication Facility, including the Antenna Array.

H. **Setback**
   The required distance from the property line of the parcel on which the Wireless Communication Facility is located or residential district to the base of the Support Structure and equipment shelter or cabinet where applicable.

I. **Support Structure**

A structure designed and constructed specifically to support an Antenna Array, and may include a monopole, self-supporting (lattice) tower, and other similar structures. Any device (Attachment Device) which is used to attach an Attachment Structure shall be excluded from this definition.

J. **Temporary Wireless Communication Facility**
A Wireless Communication Facility to be placed in use for ninety (90) or fewer days.

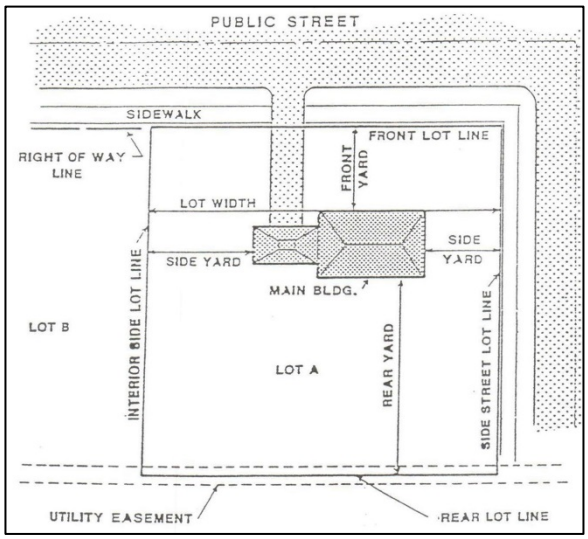
K. **Wireless Communications**
Television and radio towers, as well as any personal wireless service as defined in the Telecommunications Act of 1996, as amended, which includes FCC licensed commercial wireless telecommunications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

L. **Wireless Communication Facility**
Any facility for the transmission and/or reception of wireless communications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility and a Support Structure. A Wireless Communication Facility also includes an Antenna Array attached to an existing building or structure (Attachment Structure).

M. **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.

Y

Yard
A space open to the sky and unoccupied or unobstructed, except by encroachments specifically permitted by this Ordinance, on the same lot with a building or structure. A required yard is measured between the applicable lot line and the nearest foundation line of a building or structure.



A. **Front Yard**
A yard extending across the full width of the lot, the depth of which is the distance between the front lot line and foundation line of the building or structure. In the case of a waterfront lot, the yard on the street side shall be the front yard (See Figure 6).

B. **Rear Yard**

A yard extending across the full width of the lot, the depth of which is the distance between the rear lot line and rear foundation line of the main building (See Figure 6).

C. **Side Yard**
A yard between the foundation line of the main building and the side lot line extending from the front yard to the rear yard (See Figure 6).

Yard Sale
See "Garage or Yard Sale".

Z

Zoning Act
Public Act 110 of 2006, as amended.

Zoning Administrator
An individual appointed by the Tawas Township Board delegated to administer the Tawas Township Zoning Ordinance.

Zoning Board of Appeals
The Tawas Township Zoning Board of Appeals created under Public Act 110 of 2006, as amended.

Zoning District
A portion of the incorporated area of the township within which certain regulations and requirements or various combinations thereof apply under the provisions of the Zoning Ordinance. Zoning Districts within Tawas Township include:

A. A-1 Agricultural Residential District
B. R-1 Residential District
C. F-1 Forestry District
D. OSD Office Services District
E. C Commercial District
F. I-1 Industrial District

ARTICLE 3

Administration & Zoning Board of Appeals

Section 3.1 Zoning Administrator

A. The provisions of this Ordinance shall be administered in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended.

B. Tawas Township shall appoint a Zoning Administrator to act as its officer for the proper administration and enforcement of this Ordinance. The Zoning Administrator shall be appointed by the Township Board for such term, subject to such conditions, and at such rate of compensation as the Board shall determine.

Section 3.2 Duties of the Zoning Administrator

A. The Zoning Administrator shall have the power to grant zoning permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance.

B. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

C. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his/her duties as Zoning Administrator.

Section 3.3 Permits

A. No building or structure of any kind shall be erected, moved, enlarged, substantially altered, or demolished until the owner or occupant has applied for and obtained a Land Use-Building Permit from the Zoning Administrator. No Zoning Permit shall be required for any lawful use of any building or structure in existence as of the adoption date of this Ordinance. Exempted from the permit requirements are exterior alterations and ordinary maintenance repairs that do not require a building, mechanical, electrical or plumbing permit.

B. A Zoning Permit shall not be issued until all other necessary permits required by statute have been obtained or waived with exception of those permits which are contingent upon the issuance of a zoning permit. The following permits or approvals. where required, shall be completed before a Land Use-Building Permit may be issued:

1. Wastewater disposal system permit.

2. Water well permit.

3. Soil erosion control measures approval.

4. Driveway permit (County Road Commission).

5. Any other permits required by state or local laws.

C. The Land Use-Building Permit shall be required to secure any required building permit issued by the appropriate authority operating within Tawas Township

D. No permit shall be issued to erect, move, enlarge, substantially alter, or demolish a building or structure unless the request is in conformance with the provisions of this Ordinance.

E. The Zoning Administrator shall have the power to revoke or cancel any Zoning Permit in case of failure or neglect to comply with the provisions of the Ordinance, or in the case of a false statement or misrepresentation made in the application. The owner shall be notified of such revocation in writing.

F. No Zoning Permit shall be valid until the required fees have been paid. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees as specified by the Township Board.

G. Conformance with Approved Plans: Permits issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement and construction set forth in such approved plans and applications. Any other use, arrangement or construction at variance with that authorized shall be deemed a violation of this Ordinance.

H. If construction is not started within one year of the date a permit is issued, the land use- building permit shall become void and a new permit application must be filed with the Zoning Administrator.

Section 3.4 Inspections Required

For the construction, enlargement or movement of buildings or structures, two inspections are required. The first inspection shall be made after the location of the building or structure has been staked out on the site. The second inspection shall be made after the completion of the structure, but prior to its occupancy. Upon satisfactory completion, inspection, and the Zoning Administrator's finding that the structure is in compliance with the Land Use- Building Permit as written, the Zoning Administrator shall issue a Certificate of Occupancy to the permit holder.

For renovations, only one inspection upon completion shall be required. After inspection and a finding of compliance with the permit, the Zoning Administrator shall issue a Certificate of Occupancy.

Section 3.5 Fees

The Township Board shall, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance.

If the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission, or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit, and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective, thereby justifying the denial of the application or the dismissal of the appeal. Any unexpected funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or prior to the final decision on an appeal.

Section 3.6 Performance Guarantee

In connection with the construction of public and site improvements through site plan approval, Special Land Use approval, or a PUD project, the Planning Commission may require the applicant to furnish the Township with a performance guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Township in an amount equal to the estimated costs associated with the construction of public and site improvements. Public improvements mean, by way of example and not limitation, roads, parking lots, and water and sewer systems which are located within the development or which the applicant has agreed to construct even though located outside the development. Site improvements mean landscaping, buffering, and the completion of conditions imposed by the Planning Commission which are located within the development. For purposes of this Section, the costs covered by the performance guarantee shall include all of the following: (1) the purchase, construction, and/or installation of the improvements, (2) architectural and engineering design and testing fees and related professional costs, and (3) an amount for contingencies consistent with generally accepted engineering and/or planning practice. The performance guarantee shall be deposited with the Township Clerk at or before the time the Township issues the permit authorizing the development, or if the development has been approved in phases, then the performance guarantee shall be deposited with the Township Clerk prior to the commencement of construction of a new phase. The performance guarantee shall ensure completion of the public and site improvements in accordance with the plans

approved by the Planning Commission. Any cash deposit or certified funds shall be refunded for the development or each phase of a multi-phase development in the following manner:

A. One-third (1/3) of the cash deposit after completion of one-third (1/3) of the public and site improvements;

B. Another one-third (1/3) of the cash deposit after completion of two-thirds (2/3) of the public and site improvements; and

C. The balance at the completion of the public and site improvements.

Any irrevocable bank letter of credit or surety bond shall be returned to the applicant upon completion of the public improvements. If a development is to be completed in phases, then the Planning Commission may require the applicant to furnish a performance guarantee as provided in this Section for each phase of the development. If an applicant has contracted with a third-party to construct the public and site improvements and the third-party has provided a bond meeting the requirements described above and the bond also names the Township as a third-party beneficiary of the bond, then the Planning Commission may accept that bond as meeting all or a portion of the performance guarantee required by this Section.

Section 3.7 Public Notification

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, and the other provisions of this Section with regard to public notification.

3.7.1 Published Notice.

When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the zoning staff shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Tawas Township and mailed or delivered as provided in this Section.

3.7.2 Content.

All mail, personal and newspaper notices for public hearings shall:

A. Describe the nature of the request: Identify whether the request is for a rezoning, text amendment, Special Land Use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.

B. Location: Indicate the property that is subject to the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identification of the nearest cross street, or the inclusion of a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are

proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.

C. When and where the request will be considered: indicate the date, time and place of the public hearing(s).

D. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

E. Disabled access: Information concerning how disabled access will be accommodated if the meeting facility is not disabled accessible.

3.7.3 Personal and Mailed Notice.

A. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:

1. The owners of the property for which approval is being considered and the applicant, if different than the owner(s) of the property.

2. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, notice shall be given to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or the occupant is located within Tawas Township. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

3. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to **§3.7.5**.

B. Notice Deemed Given: Notice shall be deemed given when personally delivered or by its deposit in the United States mail, first class, property addressed, postage paid. Zoning staff shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.

3.7.4 Timing of Notice.

Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:

For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or Ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval.

3.7.5 Registration to Receive Notice by Mail.

A. **General**: Any neighborhood organization, public utility company, railroad or any other person may register with the Township Clerk to receive written notice of all applications for development approval pursuant to **§3.7.3 (A)(3)** above or written notice of all applications for development approval within the zoning district in which they are located. The Township Clerk shall be responsible for providing this notification, as established by the Township Board.

B. **Requirements**: The requesting party must provide the Township Clerk information to ensure notification can be made. All registered persons must register annually to continue to receive notification pursuant to this Section.

Section 3.8 Enforcement

Violations of any of the provisions of this Ordinance shall be a nuisance per se. Any action which is thought to be in violation shall be reported to the Zoning Administrator.

3.8.1 Inspection of Violation.

The Zoning Administrator shall inspect each alleged violation and shall order a correction in writing for all conditions found to be in violation of this Ordinance.

3.8.2 Correction Period.

All violations shall be corrected within thirty (30) days following the receipt of an order to correct from the Zoning Administrator. However, in those instances which, in the opinion of the Zoning Administrator, a longer time for correction is required, up to six months may be granted. Any correction period which extends beyond the standard sixty (60) day period shall be clearly stated in writing by the Zoning Administrator on the order for correction, along with the reason for the extended correction period.

3.8.3 Penalties.

For each day that a violation continues beyond the correction period, a separate offense shall be declared. Any person who violates or refuses to comply with any provisions of this Ordinance or any permit, license or exception granted hereunder, or any lawful order of the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor.

Upon conviction thereof before any court having jurisdiction, he or she shall be punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment not to exceed ninety (90) days, or both, at the discretion of the court.

The imposition of any sentence shall not exempt an offender from compliance with the provisions of this Ordinance. The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

Section 3.9 Planning Commission

The Tawas Township Board has properly established a Township Planning Commission in accordance with Public Act 33 of 2008, as amended (Michigan Planning Enabling Act). The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:

3.9.1 Site Plan Approval.

The Planning Commission shall review site plans and recommend approval, conditional approval, or denial of same as provided by **Article 7, §7.5**.

3.9.2 Special Use Permits.

The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning shall review the application and recommend approval, conditional approval, or denial of the application. The Planning Commission shall also initiate any necessary action to revoke a Special Use Permit.

3.9.3 Rezoning or Amendment.

The Planning Commission shall conduct public hearings on proposals to rezone property or amend the text of this Ordinance as provided by Article 11.

Section 3.10 Zoning Board of Appeals

There is hereby established a Zoning Board of Appeals (ZBA), which shall perform its duties and exercise its powers as provided by in Article 6 of Public Act 110 of 2006, as amended in such a way that the objectives of this Ordinance shall be attained, public safety secured, and substantial justice done. The Board shall consist of five (5) members, appointed by the Township Board by a vote of a majority of its membership.

3.10.1 Membership.

A. The first member shall be a member of the Township Planning Commission.

B. The remaining four (4) members must be selected from electors of the Township.

C. One member may be a member of the Township Board provided that an elected official cannot serve as Chairperson.

3.10.2 Employees.

An employee or contractor of the Township Board may not serve as a member of the Board of Appeals.

3.10.3 Alternates.

The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called to sit as a regular member of the Zoning Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend one (1) or more meetings of the Zoning Board of Appeals. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

3.10.4 Terms.

The term of each member of the ZBA is three (3) years. Of the first members appointed, two (2) serve for two (2) years and the remaining members for three (3) years. A successor shall be appointed not more than one month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.

3.10.5 Removal of Member.

A member of the Zoning Board of Appeals may be removed by the Township Board for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

3.10.6 Rules of Procedure.

The ZBA shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its own chairperson and, in the chairperson's absence, an acting chair.

3.10.7 Meetings.

A. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as the Zoning Board of Appeals may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The ZBA may declare any meeting or part of a meeting a workshop to pursue matters of business without comment from the public in attendance.

B. **Quorum**: Three (3) members of the ZBA shall constitute a quorum for the conduct of its business. The Board of Appeals shall not conduct business unless a majority of those Zoning Board of Appeals

members qualified to sit for a particular matter are present to constitute a quorum, regardless of whether the members are regular members or alternate members.

C. **Records**: Minutes shall be recorded of all proceedings which shall contain evidence and data relevant to every case considered together with the votes of the members and the final disposition of each case. These minutes shall be filed in the office of the Township Clerk, and shall be made available to the public in accordance with Section 9 of the Open Meetings Act (P.A. 267 of 1976, as amended). The Township Clerk shall act as secretary to the ZBA, and all records of the Board's actions shall be taken and recorded under the Clerk's direction.

3.10.8 Legal Counsel.

The Township Attorney shall act as legal counsel for the ZBA and shall be present at all meetings at the request of the Board.

3.10.9 Procedure and Decisions.

A. **Notice of Appeal:** Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by an officer or department of the Township, by filing a written application for appeal with the Zoning Administrator. Upon receipt of an application for appeal, the Zoning Administrator shall promptly transmit the records concerning the appealed action to the chairperson of the ZBA. Any appeal from the ruling of the Zoning Administrator concerning the enforcement of the provisions of this Ordinance shall be filed within ten (10) days after the date of the Zoning Administrator's decision.

B. **Fee:** A fee as established by the Township Board shall be paid at the time the petitioner files an application with the Board. The purpose of such fee is to cover the necessary advertisements, mailings, investigations, hearing records and other expense incurred by the Board in connection with the appeal. No fee shall be charged if the Township or any official body of the Township is the moving party. If an applicant requests and receives a postponement of the hearing subsequent to the mailing of notices and advertisement of public hearing, said applicant shall pay the necessary expenses incurred by the Township to re-notice the hearing.

C. In the event an application is made involving more than one building, the total development may be incorporated in one appeal provided that the subject property is continuous and is not divided by another zoning district.

D. **Documents Required:** The applicant shall submit six (6) copies of surveys, plans and data or other information which is requested by the Zoning Administrator or Chairman of the ZBA and which is reasonably necessary.

E. **Hearing and Public Notice:** Upon receipt of application for appeal, the chairperson of the Zoning Board of Appeals shall fix a reasonable time and date for a Public Hearing, not to exceed thirty (30) days from the date of filing of the Notice of Appeal. Upon determination of the date and time of the Public Hearing, the Township Clerk shall give public notice pursuant to **§3.7**

F. **Stay:** An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would in the opinion of the body or officer cause imminent peril to life or property, proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or a circuit court.

G. **Appearance**: Upon the hearing, any party may appear in person or by agent or attorney. The Board may recess such hearing from time to time, and, if the time and place of the continued hearing are announced at the time of adjournment, no further notice shall be required.

H. **Decision**:

1. The Board of Appeals shall render its decision within thirty (30) days of filing of Notice of Appeal unless an extension of time is necessary to review new information pertinent to making the decision, and is agreed upon by the appellant and a majority of members of the ZBA present.

2. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination and may issue or direct the issuance of a permit.

3. The concurring vote of a majority of the members of the Zoning Board of Appeals is necessary to reverse an order, requirement, decision, or determination of the administrative official or body, to decide in favor of the applicant on a matter upon which the zoning board of appeals is required to pass under the zoning ordinance, or to grant a dimensional variance in the zoning ordinance.

4. A member of the Zoning Board of Appeals who is also a member of the Planning Commission shall not participate in a public hearing on or vote on the same matter that the member voted on as a member of the Planning Commission. However, the member may consider and vote on other unrelated matters involving the same property.

5. **Findings of Fact**: In granting or denying a variance, the Board shall state in a written statement of findings of fact the grounds upon which it justifies the granting of a variance. Copies of the written Findings of Fact shall be supplied to the Township Board and Planning Commission

6. **Decision Final**: The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the circuit court of Alcona County.

I. **Conditions**: In granting the variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall automatically invalidate the permit.

J. **Voiding of Variance**: Each variance granted under the provisions of this Ordinance shall become null and void unless:

1. The construction authorized by such variance or permit has commenced within six (6) months of granting of the variance and pursued diligently to completion; or

2. The occupancy of land, premises or building has taken place within two (2) years after the granting of the variance.

K. **Resubmittal**: No application for the variance which has been denied, wholly or in part, by the Board of Zoning Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the ZBA to be valid.

3.10.10 Jurisdiction.

A. **Powers**: The Zoning Board of Appeals shall have all powers and authority granted by Public Act 110 of 2006, as amended, together with such other powers and duties as are given to such Board by the provisions of this ordinance, including the following specific powers:

1. **Appeals from a Decision**: The ZBA shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance.

2. **Interpretation**: The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

   a. The ZBA may determine the precise location of the boundary lines between zoning districts.

   b. The ZBA may classify any activity which is not specifically mentioned in the District for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.

   c. The ZBA may determine the off-street parking and loading space requirements of any use for which these requirements cannot be readily determined using the information provided in this Ordinance.

   d. The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.

3. **Dimensional Variances**: Upon the finding of practical difficulty, the ZBA shall have the authority to grant nonuse variances related to dimensional requirements of the Zoning Ordinance as provided for in **§3.10.11**.

4. A variance in the Zoning Ordinance may be applied for and granted under Section 4 of the Uniform Condemnation Procedures Act, 1980 PA 87, MCL 213.54.

5. **Special Land Use and PUD**: The ZBA has no jurisdiction to hear appeals from Planning Commission decisions concerning Special Land Use approvals or Planned Unit Developments.

B. **Exercise of Powers**: In exercising the above powers, the ZBA may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirements, decision or determination as ought to be made, and to that end shall have all the powers of the official or body from whom the appeal is taken.

C. Nothing herein contained shall be construed to give or grant to the ZBA the power or authority to alter or change this Ordinance or the Zoning Map, such power and authority being reserved to the Township Board of the Tawas Township in the manner provided by law.

3.10.11 Dimensional Variance Standards.

The ZBA may grant dimensional variances when the applicant demonstrates in the official record of the hearing that the strict enforcement of this Ordinance would result in practical difficulty. To establish practical difficulty, the applicant must establish all of the following:

A. The need for the requested variance is due to unique circumstances or physical conditions of the property involved that do not apply generally to other properties in the surrounding area, such as narrowness, shallowness, shape, water, or topography and is not due to the applicant's personal or economic hardship;

B. Strict compliance with the regulations governing area, setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity unnecessarily burdensome;

C. Whether granting the requested variance would do substantial justice to the applicant as well as to other property owners in the district, or whether granting a lesser variance than requested would give substantial relief to the property owner and be more consistent with justice to other property owners;

D. The need for the requested variance is not the result of action of the property owner or previous property owners (self-created).

E. That the requested variance will not cause an adverse impact on surrounding property, property values, or the use and enjoyment of property in the neighborhood or zoning district and will not impair an adequate supply of light and air to adjacent property, unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the Tawas Township .

3.10.12 Appeal of ZBA Decisions.

A decision of the ZBA may be appealed by the owner to the State Court System, beginning with Circuit Court

Section 3.11 Conditions

The Planning Commission and Zoning Board of Appeals may attach reasonable conditions on discretionary zoning decisions under its respective jurisdiction. These conditions may include those necessary to 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, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Any conditions imposed, however, shall meet all of the following requirements:

A. Be designed to protect natural resources, the health, safety, and welfare and social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

B. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

C. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the Ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

Section 3.12 Rehearing Process

3.12.1 Rehearing Performed By Planning Commission or ZBA.

The Planning Commission or Zoning Board of Appeals may grant a rehearing under exceptional circumstances for any decision made by it. A rehearing shall mean that the body which originally reviewed the request shall be the body which reviews the same request again. Exceptional circumstances shall mean any of the following:

A. The applicant who brought the matter before the Planning Commission or Zoning Board of Appeals made misrepresentations concerning a material issue, which was relied upon by the Planning Commission or Zoning Board of Appeals in reaching its decision.

B. There has been a material change in circumstances regarding the Planning Commission or Zoning Board of Appeals' findings of fact, which occurred after the public hearing.

C. The Township attorney by written opinion states that, in the attorney's professional opinion, the decision made by the Planning Commission or Zoning Board of Appeals or the procedure used in the matter was clearly erroneous.

3.12.2 Rehearing Procedure.

A rehearing may be requested by the applicant or by the Zoning Administrator, or a rehearing may be granted by the Planning Commission or Zoning Board of Appeals on its own motion.

A. Time Limit: A request for a rehearing which is made by an applicant must be made within twenty-one (21) days from the date on which the applicant receives notification regarding the decision for which the rehearing is being requested.

B. A request for a rehearing made by the Zoning Administrator or a rehearing granted by the Planning Commission or Zoning Board of Appeals on its own motion may be granted at any time as long as the applicant has not been prejudiced by any delay.

C. Whenever the Planning Commission or Zoning Board of Appeals considers granting a rehearing, it shall provide written notice to the applicant that a rehearing will be considered. The notice may be served upon the applicant by first class mail at the applicant's last known address or may be served personally on the applicant. The notice must be served at least nine (9) days before the time set for the hearing if served by mail, or at least seven (7) days before the time set for the hearing if served by personal service. Service by mail shall be complete upon mailing. In addition to serving the above notice on the applicant, all other notice requirements for the type of decision being heard shall be completed before the Planning Commission or Zoning Board of Appeals holds a hearing at which it considers whether to grant a rehearing.

D. If the Planning Commission or Zoning Board of Appeals grants a rehearing, then the rehearing shall not be held until all notice requirements for the type of decision being reheard have been satisfied.

Section 3.13 Action Table

The following table is a summary of basic requirements for various administrative actions under this zoning ordinance. It supplements the preceding text, but is not a substitute for it.

Type of action	Parties who may initiate action	Body making decision	Public hearing required?	Published notice(s)- Number of days before hearing	Mailed notice to all owners and occupants within 300 feet - Days before hearing	Body to which applicant may appeal a denial
Plot Plan approval, sign or fence permit	Applicant	Zoning Administrator	No	-----	-----	Zoning Board of Appeals
Site plan approval	Applicant	Planning Commission	No	Not required	Not required	Zoning Board of Appeals
Special use permit	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Planned unit development	Applicant	Planning Commission	Yes	Not less than 15 days	Not less than 15 days	Circuit Court
Variance	Applicant	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Interpretation	Applicant or Zoning Administrator	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Appeal from decision	Any aggrieved party	Zoning Board of Appeals	Yes	Not less than 15 days	Not less than 15 days	Circuit court
Rezoning	Applicant, Planning Commission	Step 1: Planning Commission recommends to Township Board	Yes	Not less than 15 days	Not less than 15 days	No action until after Township Board decision
		Step 2: Township Board	No	------	Not less than 15 days	Subject to protest petition
Text change	Applicant, Planning Commission	Step 1: Planning Commission recommends to Township Board	Yes	Not less than 15 days	Not required	No action until after Township Board decision
		Step 2: Township Board	No	------	Not required	Subject to protest petition
Zoning Ordinance Enforcement	Zoning Administrator	------	------	------	------	------

ARTICLE 4
General Provisions

Section 4.1 Scope and Application of Regulations

A. **Purpose**. It is the purpose of this Article to provide regulations that apply in all zoning districts to all permitted and special land uses.

B. Zoning affects every structure and use and extends vertically. Except as hereinafter specified, each building, structure or premises shall hereafter be used or occupied, and each building or part thereof or other structure shall be erected, moved, placed, reconstructed, extended, enlarged, or altered, in conformity with the regulations herein specified for the zoning district in which it is located.

1. No building or other structure shall hereafter be altered:

   a. To accommodate or house a greater number of families than permitted by the Zoning District or to provide less space per dwelling unit than is specified for the Zoning District in which such building is located.

   b. To have narrower or smaller rear yards, front yards, or other side yards, other than permitted.

   c. To exceed the height limitations or to occupy a greater percentage of lot area than is specified for the Zoning District in which such building is located.

2. No yard, lot, parking area, or other required space existing at the time of passage of this Ordinance shall be subdivided or reduced in dimension or area below the minimum requirements set forth herein except where such reduction has been brought about by expansion or acquisition of public rights-of-way for streets, roads or highways. If a required area is already less than the minimum required under this Ordinance, said area or dimension shall not be further divided or reduced. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

C. The applicable zoning permit or building permit shall be obtained prior to the beginning of construction.

D. In case any building or part thereof is used, erected, altered or occupied contrary to law or to the provisions of this Ordinance, such building shall be declared a nuisance and may be required to be vacated, torn down, or abated by any legal means and shall not be used or occupied until it has been brought into conformance.

E. If construction on a building is lawfully begun prior to adoption of this Ordinance, nothing in this Ordinance shall be deemed to require any change in the planned or designed use of any such

building provided that actual construction is being diligently carried on, and further provided that such building shall be entirely completed for its planned or designed use within one (1) year from the effective date of this Ordinance, or affecting amendment.

In the event that such construction is not in conformance with the provisions of the Zoning District in which it is located, such use, activity, building or structure shall be considered a legal nonconforming use and shall be allowed to remain as such.

Section 4.2 Conflicting Regulations: Graphics, Tables, and Text

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

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics.

Section 4.3 Zoning Lots/Zoning Lot Occupancy/Illegal Dwellings

4.3.1 Zoning Lots.

A. **New Lots to be Buildable**. All newly created lots shall have buildable area. The net buildable area of a lot shall be a contiguous piece of land excluding land subject to flooding six (6) months of the year, poor drainage, steep slopes, rock outcrops and land encumbered by easements preventing the use of the land.

B. No new lots shall be created which do not meet the minimum lot size regulations of this Ordinance with the exception of parcels described and designated as "outlots" in a recorded plat which are so arranged or subdivided as to provide for one or more principal buildings with a land area allocated to each building which is equal to or greater than the lot area required in the district, and the building and land complies with all other requirements of the district in which it is located.

C. Corner Lots: On a corner lot, each lot line which abuts a street shall be deemed to be a front lot line, and the required yard along both lot frontages shall be a required front yard.

4.3.2 Zoning Lot Occupancy and Principal Use.

A. No single-family detached residential structure shall be erected upon a lot with another single family detached residential structure unless otherwise provided in this Ordinance. In addition, every building hereafter erected or structurally altered to provide dwelling units shall be located on a lot or a building site as herein defined.

B. Unless specified by other provisions of this Ordinance, no more than one (1) principal use may be established on any lot in any zoning district.

4.3.3 Illegal Dwellings.

The use of any portion of a basement or partially completed structure for dwelling purposes shall not be permitted unless a temporary certificate of occupancy has been issued by the Iosco County Building Department. Garages, accessory buildings, motor homes, travel trailers, trucks, buses, or other such portable structures shall not be occupied for dwelling purposes except as otherwise allowed in this Ordinance.

Section 4.4 Restoration of Unsafe Buildings/Barrier-Free Modifications

Nothing in this Ordinance shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Building Official, or required to comply with his or her lawful order. Nothing in this Ordinance shall prevent the unlimited modification of a building only as may be necessary to comply with barrier-free requirements and the Americans with Disabilities Act.

Section 4.5 Relocation of Buildings

The relocation of a building to a different site shall be considered the same as erection of a new building. All provisions, regulations or requirements relative to the erection of a new building shall be applicable to a structure that is relocated. No building shall be moved onto a lot into Tawas Township without first obtaining a zoning permit from the Zoning Administrator.

Section 4.6 Access

Every principal structure hereafter erected or moved after the effective date of this Ordinance, shall be located on a lot adjacent to an improved and maintained public road, easement which provides unobstructed access to a public road, or with unobstructed access to an approved private road that meets Iosco County Road Commission standards, and all structures shall be located on lots as to provide safe and convenient unobstructed access for servicing fire protection.

Section 4.7 Temporary Buildings for Construction Purposes

4.7.1 Temporary Living Quarters.

This Section establishes regulations which are intended to permit the temporary placement and occupancy of structures in all zoning districts when located on the same lot on which a lot owner's permanent dwelling is being constructed, or repaired following an event that temporarily renders the dwelling unfit for occupancy. Structures may be placed and occupied as temporary living quarters, subject to the following conditions:

A. No structure shall be placed or occupied under the provisions of this Section unless authorized by the Zoning Administrator by the issuance of a Temporary Dwelling Permit.

B. Temporary permits as required by this Section shall not be issued unless and until a zoning permit authorizing construction of the permanent dwelling, or repair or reconstruction of a damaged, dangerous, and unsafe existing dwelling has been secured by the lot owner or his/her authorized representative.

C. Temporary permits issued under the provisions of this Section shall be valid for a period of six (6) months from the date of issue by the Zoning Administrator.

D. Temporary permits issued under the provisions of this Section may be renewed once by the Zoning Administrator for a six (6) month period, if substantial progress is being made on the permanent dwelling.

4.7.2 Dwelling as Sales Office.

The Zoning Administrator may authorize a certification for a dwelling house to be temporarily used as a sales and management office for the sale of homes within a subdivision for a period of one (1) year, provided all of the following requirements are complied with:

A. The house to be used as such office is built upon a lot approved as part of the approved subdivision and is of substantially similar design as those houses to be sold within the subdivision.

B. No retail sales or business other than that accessory to the management and sales of the land in the subdivision owned by the applicant shall be permitted.

C. Said dwelling house shall meet all other zoning restrictions of the zone in which it is located.

4.7.3 Construction Debris.

All construction debris shall be removed from the site within six (6) months after the completion or abandonment of the work. Failure or refusal to remove a temporary building and/or construction debris within six (6) months after the completion or abandonment of work constitutes a violation of this Ordinance.

Section 4.8 Accessory Structures & Uses

4.8.1 Accessory Structures.

Permanent or temporary accessory structures, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

A. Accessory structures may be erected, constructed or placed upon a lot without a principal structure.

B. **Attached Accessory Structures**. Where an accessory structure is attached to a principal structure, such accessory structure shall be considered part of the principal structure and shall be subject to and must conform to all regulations of this Ordinance applicable to principal

structure regardless of whether the accessory building was constructed as a detached structure and then later attached to the principal structure.

C. **Relationship to Principal Structure**. No detached accessory structure shall be located closer than ten (10) feet to any principal structure.

D. **Setbacks and**. Accessory structures shall be setback a minimum of forty (40) feet from the front lot line and six (6) feet from interior side and rear lot lines. For corner lots, the setback on the corner side yard shall be equal to the front setback.

E. **Accessory Structure Height**.

1. Accessory structure height shall not exceed twenty-five (25) feet in the R-1 District.

2. Accessory structure height shall not exceed forty (40) feet in the Industrial District.

F. **Permit Required**. A zoning permit is required for accessory structures. If a new accessory structure is being placed in the same footprint of an old accessory structure which is in compliance with setbacks listed in this Ordinance, then no permit is required.

G. **Nontraditional Storage Facilities.** Truck bodies, school bus bodies, mobile homes, travel trailers or other items built and intended for other uses shall not be used as permanent accessory structures. Semi-trailers may be used as temporary storage for commercial and industrial uses in the commercial and industrial districts in the rear yard only for no longer than three (3) months. In a commercial zone, semi-trailers used as temporary storage must be screened from visibility from all public rights-of-way including streets or alleys.

H. **Accessory Structure as a Dwelling.** No detached accessory structure shall be used for dwelling purposes unless otherwise permitted in this Ordinance.

4.8.2 Accessory Uses.

Swimming pools, spas, and hot tubs are permitted as an accessory use in all zoning districts subject to applicable setback regulations established for accessory uses, buildings, and structures. Swimming pools, spas, and hot tubs located outdoors, whether constructed in, on or above the ground, shall be provided with a fence or other barrier that complies with all provisions of the State of Michigan Building Code applicable to swimming pools. Fences and other barriers must be approved by the Building Inspector before a swimming pool, spa, or hot tub will be approved for use or occupancy,

Section 4.9 Minimum Standards for Dwellings

The following standards and regulations shall apply to all dwellings that are erected in or moved into or within the Township, except those dwellings located within licensed mobile home parks:

4.9.1 All Dwellings.

A. All dwellings shall comply with the dimensional requirements, including minimum floor area, of the zoning district in which they are located.

B. All dwellings shall have a minimum width across all front, side, or rear elevations of fourteen (14) feet.

C. All dwellings shall comply with all Iosco County building, fire, and safety codes.

D. All dwellings shall be constructed or placed upon and anchored to a foundation that complies with the applicable provisions of the State of Michigan Building Code.

E. Permanent steps or porches are required where there is a difference in elevation between a doorway and grade level.

F. Additions to existing dwellings shall meet all requirements of this ordinance.

G. All dwellings shall be connected to a public sewer system and water supply system, or a well and septic system approved by the local Health Department.

4.9.2 Manufactured Homes.

A manufactured home newly sited on an individual lot shall meet the standards for minimum lot size, yard set-backs, and minimum floor area for the district in which it is located and shall meet the following additional standards:

A. Manufactured homes shall be attached to an approved foundation or basement and shall be anchored using a system that meets the Michigan Manufactured Housing Commission requirements.

B. The wheels, axles and towing assembly shall be removed from a manufactured home before the unit is attached to the foundation. Additionally, no manufactured home shall have any exposed undercarriage or chassis.

C. Manufactured homes shall be installed according to the United States Department of Housing and Urban Development (HUD) regulations entitled “Manufactured Home Installation Standards”, and the construction of the unit shall comply with the United States Department of Housing and Urban Development (HUD) regulations entitled "Manufactured Home Construction and Safety Standards”, being 24 CFR part 3280, as amended.

D. Manufactured homes shall not be attached to each other. Additions, new roofs and accessory buildings may be attached to a manufactured home.

E. No manufactured home shall be located or placed in Tawas Township without prior completion of site preparation to include electric, water, sewage disposal and foundation to meet the current HUD rules and regulations and District Health Department regulations.

F. Manufactured homes shall not be used as accessory buildings.

Section 4.10 Corner Clearance

No fence, wall, shrubbery, sign, or other structure or planting shall obstruct vision between the height of three (3) feet and ten (10) feet within the triangular area formed by the intersecting street right-of-way lines and a straight line intersecting them at points which are on said right-of-way lines and twenty-five (25') feet distant from their point of intersection. Such heights of clear vision areas shall be measured from the elevation of the street center-lines at the point of intersection. Driveways and alleys shall not be located within the intersection visibility triangle.

FIGURE 4.10 A: Corner Clearance

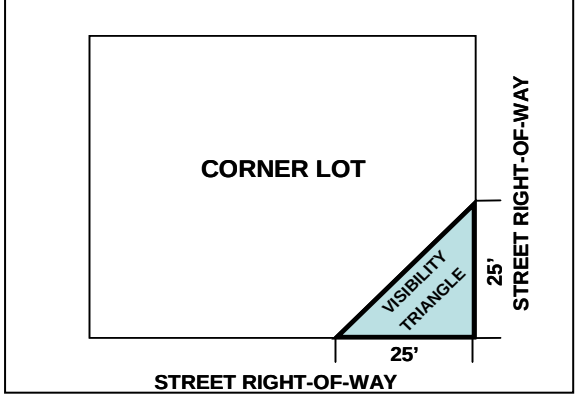
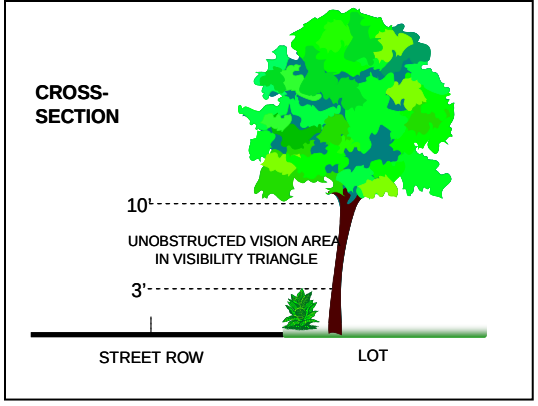


FIGURE 4.10 B: Corner Clearance: Cross-Section



Section 4.11 Exterior Site Lighting

4.11.1 Intent and Purpose.

The purpose of exterior lighting standards is to create and maintain safe nighttime environments for both pedestrians and drivers on public roadways and right-of-ways by minimizing brightly lighted surfaces and lighting glare; to preserve the restful quality of nighttime by eliminating intrusive, artificial light and lighting that unnecessarily contributes to "sky glow"; and to reduce light pollution from lighting luminaries and light trespass onto adjacent properties. The following requirements shall be considered by the Planning Commission and Zoning Administrator in the review of all site plans submitted for approval under the terms of this Zoning Ordinance.

4.11.2 General Standards.

A. **Exempted Areas and Types.**

The following types of outdoor lighting shall not be covered by this Ordinance:

1. Residential decorative lighting such as porch or entry lights, ground level lawn and driveway lights, and special seasonal lights such as Christmas decorations.

2. Lights located within the public right-of-way or easement.

3. Temporary lighting needed for emergency services or to perform nighttime road construction on major thoroughfares.

4. Temporary lighting for civic activities, fairs, or carnivals provided the lighting is temporary.

5. Lighting required by the Federal Communications Commission, Federal Aviation Administration, Federal Occupational Safety and Health Administrations, or other applicable federal or state agencies.

6. Lighting for recreational facilities: shall conform to the requirements set forth in the most current edition of the Illuminating Engineering Society of North America (IESNA) RP-6 Recommended Practice for Sports and Recreational Area Lighting and the IESNA Lighting Handbook.

B. **Regulated Lighting**.

The following types of lighting shall be regulated by this Ordinance:

1. Private parking lot lighting and site lighting for commercial, industrial and institutional developments.

2. Multiple-family development parking lot lighting and site lighting.

3. Privately-owned street lighting.

4. Building facade lighting.

5. Security lighting, spotlights, and floodlights.

6. Other forms of outdoor lighting which, in the judgment of the Zoning Administrator, is similar in character, luminosity and/or glare to the foregoing.

7. Standards related to the lighting of signs are contained in **Article 10.**

C. **Standards**: Lighting shall be designed and constructed as per the following requirements:

1. **Lighting Confined to Site**. Direct or directly reflected light shall be confined to the development site and pedestrian pathways and shall not negatively affect adjoining property. All lighting shall be oriented not to direct glare or excessive illumination in a manner which may interfere with the vision of drivers or pedestrians.

2. **Lighting Directed Downward/Shielded**. Except for diffused globe-style walkway lights and the lighting addressed in **subsection 3 below**, the following shall apply: all outdoor lighting in all districts shall be directed toward and confined to the ground areas of lawns or parking lots. Exterior lighting shall be shielded, hooded and/or louvered to provide a glare-free area beyond the property line unless the light source is not directly visible from beyond the boundary of the site. Lighting fixtures shall have one hundred

(100) percent cut off above the horizontal plane at the lowest part of the point light source. The light rays may not be emitted by the installed fixture at angles above the horizontal plane.

3. **Upward Directional Lighting**. All lighting used for the external illumination of buildings and flags with lights directed in an upward direction so as to feature said buildings and flags, shall be placed and shielded so as not to interfere with the vision of persons on adjacent streets or adjacent property.

4. **Height**. Pedestrian lighting shall be no more than sixteen (16) feet in height. Parking lot lighting and lighting for public and private streets shall be no more than twenty-five (25) feet in height. The Planning Commission may permit taller fixtures only when the Commission determines that unique conditions exist and where a waiver would: reduce the number or bulk of light fixtures; not adversely impact neighboring properties; and permit fixtures in proportion to height and bulk of nearby buildings and other fixtures.

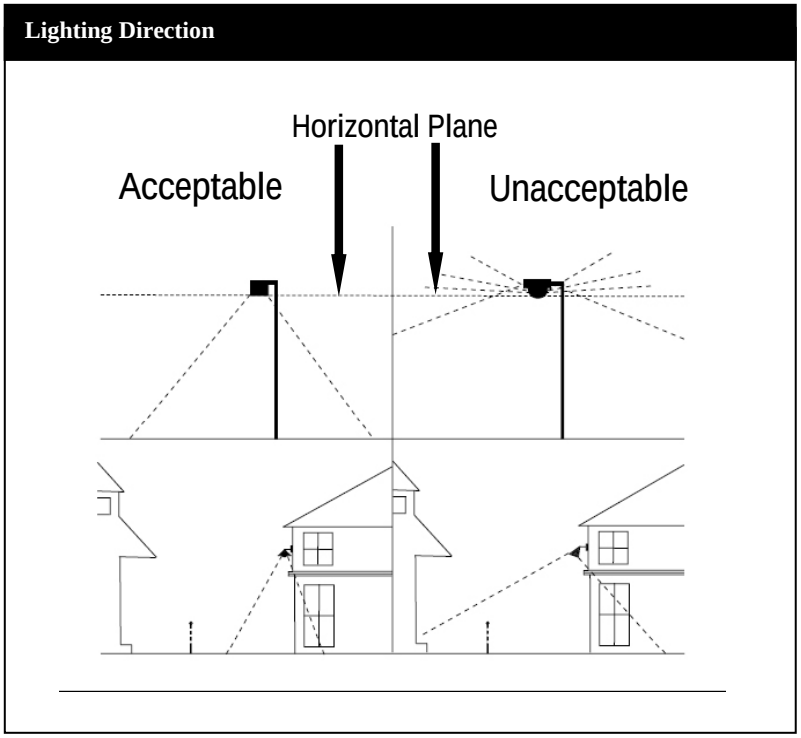
5. **Location of Poles**. Lighting poles and structures shall be located within landscaped areas where possible.

6. **Moving Lights**. All illumination of any outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use. Beacon, strobe and search lights are not permitted.

7. **Interference with Traffic Control Devices**. No colored lights shall be used at any location where it may be confused with or construed as traffic control devices.

8. **Gas Stations**. Ceiling lights in gas pump island canopies shall be recessed.

Lighting Direction



Section 4.12 Fences

4.12.1 Construction and Maintenance.

A. **Materials**. Fence and wall materials may include treated wood, painted/stained wood, treated split rail, ornamental wrought iron, brick, stone, masonry block, molded vinyl, chain link or similar materials. It shall be unlawful to erect a fence consisting or constructed of tires, vehicle parts, tree stumps, rotting lumber, trash, or any materials capable of providing habitat for pests or vermin.

B. **Barbed Wire**. Except in the A-1 District and I-1 District, fences on residential or commercial lots shall not contain barbed wire, electric current or charge of electricity. Fences located in the side or rear yard of industrial lots may contain barbed wire located at a minimum of six (6) feet off the ground. Barbed wire cradles may be placed on top of fences enclosing public utility buildings or wherever deemed necessary by the Zoning Administrator in the interest of public safety.

C. **Finished Side**. The portions of all fences facing property other than the property of the fence owner or facing a street right-of-way shall be finished and constructed so that, to the extent possible by the design of the fence, the fence posts and the horizontal and/or vertical fence supports are not visible from that other property or from the street right-of-way.

D. **Maintenance**. Fences shall be maintained to retain their original appearance, shape and configuration. Elements of a fence that are missing, damaged, destroyed or deteriorated shall be replaced and repaired to maintain conformity with the original fence appearance and design.

E. **Corner Clearance**: Fences, walls, or hedges installed, constructed, or planted in accordance with the provisions of this Ordinance shall not obstruct corner clearance as regulated in **§4.10.**

4.12.2 Residential and Agricultural Fences and Walls.

Fences and walls shall require a Zoning Permit issued by the Zoning Administrator and shall comply with the following regulations and requirements:

Table 4.12.2 A: Residential Fences & Walls	
Front Yard	▪ Up to 4’ high. ▪ Fences may be set on the property line.
Rear Yard & Side Yard	▪ Up to 6’ high: Outer face may abut property line ▪ Fences over 4’ high may not extend toward the front of the lot nearer than the front of the house or the front yard setback, whichever is closer to the front lot line.
Table 4.12.2 B: Agricultural Fences & Walls	
Front Yard	▪ Up to 4’ high. ▪ Fences may be set on the property line.
Rear Yard & Side Yard	▪ Up to 8’ high: Outer face may abut property line ▪ Fences over 8’ high may not extend toward the front of the lot nearer than the front of the house or the front yard setback, whichever is closer to the front lot line.

4.12.3 Commercial & Industrial Fences & Walls.

Fences and walls which are not part of an **approved** site plan require a Zoning Permit from the Zoning Administrator. All fences and walls shall comply with the following regulations and requirements:

Table 4.12.3: Commercial and Industrial Fences & Walls	
Front Yard, Rear, and Site Yard	▪ Up to 8' high. ▪ May be set on the property line. ▪ 6 additional inches allowed for fence posts.

4.12.4 Commercial & Industrial Fences & Walls Required for Screening Purposes.

For those districts and uses listed below, there shall be provided and maintained on those sides abutting or adjacent to a residential use of property or a residential district an obscuring fence or wall or a combination thereof as required below (except otherwise regulated by this Ordinance):

TABLE 4.12.4: Commercial & Industrial Fences & Walls for Residential Screening Purposes	
SIDE AND REAR YARD SCREENING REQUIREMENTS	
Multi-Family Uses	6' high fence or wall
All off street parking areas	4' high fence or wall
Office use	4'high fence or wall
Commercial District or Commercial Use	6' high fence or wall
Industrial District or Industrial Use	8' high wall or fence (Height shall provide open storage areas, loading/unloading areas, or service areas the most complete obscuring possible.)
Outdoor storage areas exceeding 500 square feet	6' high fence or wall; 8' high fence or wall if in an industrial zone or if use is industrial
Utility buildings, stations, and substations	6' high fence or wall

4.12.4.1 Screening Materials.

A. **Wall or Fence**. In addition to a solid wall or fence, chain link or other wire fence utilizing metal, plastic or wood slats may be considered an obscuring wall for the purpose of this Ordinance.

B. **Greenbelt**. The Planning Commission may, in its review of site plans for specific uses, allow or require the provision of a greenbelt planting consisting of trees and shrubs alone or in addition to a fence or wall to serve as a screen where such screens are required under this Ordinance or where conditions are such that a more effective and harmonious development with abutting or neighboring land uses would result.

C. **Fence/Wall in Combination with Berm**. The construction of a fence or wall in combination with

a berm to achieve the required height standards for screening purposes may also be approved. The height of the berm in addition to the fence atop of the berm shall not exceed the total allowable fence height as permitted by district.

D. **Berm**. A berm may also be used to achieve screening requirements. A mound of earth at least six (6) feet in height and graded to a slope no greater than one (1) foot of rise in three (3) feet of horizontal distance. The berm shall be landscaped by planting with grasses and/or shrubs and trees.

E. The requirement for an obscuring wall between off-street parking areas or outdoor storage areas and abutting residential districts or uses shall not be required when such areas are located more than two hundred (200') feet distant from such abutting residential use or district.

F. The Planning Commission may waive or modify the foregoing requirements where cause can be shown that no good purpose would be served with conformance to **subsection 4.12.4**.

Section 4.13 Garage/Yard Sales

A. In residential and commercial districts, time limits for a garage or yard sale shall be no longer than four (4) consecutive days with no more than one (1) sale in any thirty (30) day period. Sales shall occur no more than two (2) times from April 1 – October 31.

B. No more than two (2) vehicles shall be for sale on any private, residential lot at any one time.

Section 4.14 Outdoor Storage & Waste Disposal

All uses established or placed in operation in any zoning district after the effective date of this Ordinance shall comply with the following requirements:

A. No materials or wastes shall be placed on the premises in such a form or manner that the materials may be transferred off the property by natural causes or forces, such as by wind or water.

B. All materials or equipment shall not be allowed to accumulate on any property in such a manner as to be unsightly, constitute a fire hazard, or contribute to unsanitary conditions.

Section 4.15 On-Site Drainage & Runoff

A. No premises within a residential district shall be filled or graded so as to discharge surface runoff onto abutting premises or in such a manner that will cause inconvenience or damage to adjacent properties. When property is developed adjacent to existing properties previously developed, existing grades have priority.

B. Where any lot, part or parcel of land, has located upon it a duly recorded easement for any purpose whatsoever, that portion of such land whereupon the easement stands shall be graded so as not to obstruct or substantially slow down the natural flow or course of surface water across such easement.

Section 4.16 Unclassified (Unlisted Uses)

When a use is not expressly mentioned in the Zoning Ordinance, the Planning Commission shall make an interpretation as to what district or districts should accommodate the use. The decision shall be based on the intent of each district and similar uses allowed in the district. The decision of the Planning Commission regarding unclassified uses may be appealed to the Zoning Board of Appeals.

Section 4.17 Approval of Plats

All plats or subdivisions created after the effective date of this Ordinance shall comply with the lot area, width, setback, and all other dimensional requirements of the zoning district in which such plats or subdivisions are located.

Section 4.18 Site Condominiums

4.18.1 Intent.

The purpose of this Section is to regulate the creation and use of site condominiums within the Township and to promote and protect the health, safety, and general welfare of the public. These regulations and controls shall in no way repeal, annul, or in any way interfere with the provisions and standards of any other state and federal laws and regulations.

4.18.2 General Requirements.

A. **Compliance with Federal, State and Local Laws.** All site condominium projects, including manufactured home condominium developments, shall comply with all applicable federal, state, and local laws and ordinances.

B. **Zoning Requirements.** All site condominium projects shall be located within the zoning district that permits the proposed use, and shall comply with all zoning requirements of this Ordinance.

1. For the purposes of these regulations, each condominium unit in a site condominium shall be considered as a single zoning lot, and shall comply with all regulations of the zoning district in which it is located.

2. In a site condominium containing single-family detached dwelling units, not more than one (1) dwelling unit shall be located on a single site condominium unit nor shall a dwelling unit be located on a site condominium unit with any other principal structure or use.

3. Required yards shall be measured from the boundaries of the site condominium unit.

C. **Site Plan Review.** Prior to recording a plat or master deed, site condominiums shall undergo site plan review and approval by the Planning Commission in accordance with **Article 7** of this Ordinance. Approval under this Ordinance shall be required as a condition to the right to construct, expand, or convert a site condominium project in the Township.

1. **Application**.

   a. An application for site plan approval shall be filed for review as per the requirements of **Article 7** of this Ordinance. All procedures and standards of **Article 7** shall apply to site condominium projects.

   b. All condominium site plans shall include the information required in Section 66 of the Condominium Act.

   c. The application for site plan review shall also include a copy of the proposed deed restrictions and/or master deed and by-laws to be recorded with the County Register of Deeds for review and approval by the Planning Commission.

   d. In the case of single-family detached dwelling units, the location and dimensions of site condominium common elements, limited common elements and building envelopes, rather than individual buildings and required yards, shall be shown on the site plan.

2. **Deed Restrictions, Master Deed, By-Laws.**

   a. The deed restrictions and/or master deed and by-laws shall be reviewed with respect to all matters subject to regulation by the Township, including but not limited to preservation and maintenance of drainage, retention ponds, wetlands and other natural areas, and maintenance of landscaping in common areas in the project.

   b. Also, the deed restrictions and/or master deed and by-laws shall provide for the means by which any private road rights-of-way may be dedicated to the public entity having jurisdiction in the future should such dedication be later deemed appropriate.

3. **Performance Guarantees.** As a condition of approval of the site plan, the Planning Commission may require performance guarantee**s** by the developer in accordance with the provisions of **§3.6**, to ensure completion of improvements shown upon the site plan. Upon fulfillment of all requirements, the developer shall apply to the Township for release of any remaining performance guarantees.

D. **Easements for Utilities.** Road rights-of-way shall be parcels separate from individual residential units or lots. The rights-of-way shall be for roadway purposes, and for the maintaining, repairing, altering, replacing, and/or removing of pipelines, wires, poles, mains, conduits, and other installations of a similar character, hereinafter collectively called “public structures” for the purpose of providing public utilities including electric, communications, water, drainage and sewers, and subject to easements to be dedicated to the Township.

E. **Additional Filings Required.** Subsequent to the recording of the deed restrictions and/or master deed and by-laws, and subsequent to the construction of improvements, the developer shall file the following information with the Township Clerk:

   1. Three (3) copies of the as-built site condominium plans.

2. Two (2) copies of the recorded deed restrictions and/or master deed and by-laws with all pertinent attachments.

3. Certification from the developer's engineer that improvements have been installed in conformance with the approved construction drawings and monuments.

Section 4.19 Pets, Livestock & Domestic Farms

4.19.1 Domestic Household Pets

Domestic household pets, including dogs, cats, birds and fish, but not including poisonous or dangerous reptiles, wild or dangerous animals may be kept as an accessory residential use on any premises without a zoning permit, but subject to state and county canine licensing requirements. The keeping six (6) or more cats and/or dogs (in any combination), other than cats or dogs under six (6) months of age born to a female cat or dog under the care, custody, or control of resident of the property, will be considered a kennel and requires a zoning permit as such.

4.19.2 Chickens in the R-1 District.

The raising and keeping of chickens is permitted in the R-1 District and on platted premises within the Township.

A. Adequate space shall be provided for the clean and healthful keeping of such animals.

B. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.

C. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

D. Chickens shall be contained within a fenced-in area.

E. No roosters shall be allowed in the R-1 District.

4.19.3 Domestic Farms in the A-1 and F-1 Districts.

Domestic farms including the raising and keeping of all livestock is allowed in the A-1 and F-1 Districts. Domestic Farms that include livestock must be on sites of 2.0 acres or larger, as follows:

A. Allowed animal density is two Farm Animal Units for the first 2.0 acres, plus one additional Farm Animal Unit for each additional acre of contiguous land (ownership or lease). Animal densities are calculated from the following Farm Animal Unit table:

Farm Animal Units	1
Animal Type[1]	**Number of Animals**
Slaughter and Feeder Cattle	1
Mature Dairy Cattle	0.7
Swine[2]	2.5
Sheep and Lambs	10
Horses	0.5
Turkeys	55
Laying Hens or Broilers	100

[1]All other animal classes, types or sizes (eg. Nursery pigs) not in this table, but defined in the Michigan Right to Farm Act or described in Michigan Commission of Agriculture and Rural Development Policy, are to be calculated as one thousand pounds live weight equals one animal unit.

[2] Weighing over 55 pounds.

B. Corrals, stables, enclosure fencing, and domestic farm buildings shall meet the fencing standards in **§4.12** and accessory building standards in **§4.8**.

C. No nuisances shall be maintained to the detriment of neighboring owners. Swine, roosters, or other animals may be prohibited by the Planning Commission, if determined to cause a nuisance.

D. Adequate space shall be provided for the clean and healthful keeping of such animals.

E. Such animals shall be kept so as not to present a danger to the property of others or to human life and limb.

F. Such animals shall be kept so that manure piles shall not be offensive to nearby properties.

In the case of disputes or needed interpretations, the Planning Commission may review and take action to continue, modify, or abate a domestic farm use in keeping with the spirit and intent of the Zoning District, and the level of management and care given the subject livestock.

Section 4.20 General Exceptions

4.20.1 Essential Services.

The erection, construction, alteration, maintenance, and operation by public or private utilities or municipal departments or commissions, of essential services and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal department or commission or for the public health or safety or general welfare, shall be permitted as authorized or regulated by law and other Ordinances of Tawas Township in any District. The essential services addressed in this Section must also meet all regulations and requirements of the authority having jurisdiction over the road. No zoning permit is required.

4.20.2 Voting Place.

The provisions of this Ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

4.20.3 Height Limit.

A. The height limitations of this Ordinance shall not apply to any portion of a structure that could not be used for living or commercial space such as chimneys, church spires, flag poles, and public monuments; provided, however, the Planning Commission may specify a height limit for any such structure when such structure requires authorization as a Special Land Use.

B. The height limitations of this Ordinance shall not apply to ground mounted amateur radio transmitting and receiving towers.

C. These height restrictions do not apply to wind turbines, anemometer towers, radio and television towers, telecommunication towers and related facilities which are regulated by **Article 12: Supplemental Regulations**.

4.20.4 Access Through Yards.

For the purpose of this Ordinance, access drives may be placed in the required front or side yards so as to provide access to rear yards or accessory or attached structures. These drives shall not be considered as structural violations in front and side yards. Further, any walk, terrace or other surface servicing a like function, and not in excess of twelve (12) inches above the grade upon which placed, shall, for the purpose of this ordinance, not be considered to be a structure, and shall be permitted in any required yard.

Section 4.21 Site Rehabilitation

All excavated overburden or other materials extending above the natural grade shall be leveled or removed, and the surface of the entire tract shall be restored to usable condition for development or agriculture. The excavated area shall be graded so that no gradient of the disturbed area has a slope greater than 1:3 (one (1) foot rise in three (3) feet of horizontal distance). The graded area shall be seeded with an appropriate grass type and a vegetative cover shall be established to minimize soil erosion.

Section 4.22 Land Clearing/Removal or Dumping Of Material/Waste

A. **Dumping of Soil, Sand, Clay, or Gravel**.

The dumping of any soil, sand, clay or gravel on any parcel of land within Tawas Township is hereby prohibited, except where, within six (6) months following such dumping, such parcel of land is graded in such manner as to prevent the collection of water, to provide proper drainage and to leave the ground surface fit for the growing of turf and other land uses permitted in the district; provided, however that no soil, sand, clay, gravel, trash, rubbish or waste material shall be dumped on the spillways or floodplains of any natural streams or water courses, or on any area between the lower and upper banks of such streams or water courses, except on recommendation of the Township Planning Commission and approval of the Township Board after a

public hearing and on a satisfactory showing that such dumping will not result in damage to other property within Tawas Township and will not be injurious to the public health, safety and welfare.

Material to be placed on a site shall be of such a composition as not to create potential contamination of the natural environment including groundwater, vegetation, soils and surface waters. No dumping of soil, sand, clay or similar material shall be undertaken that appreciably increases the surface runoff reaching adjacent or surrounding property. Surface runoff shall be dissipated by retention on the development parcel, percolation into the soil, evaporation, or by transport by natural drainage way or conduit to any appropriate point of discharge.

B. Dumping of hazardous substances and/or nuclear wastes shall not be allowed within Tawas Township, except as permitted by 1978 P.A.113 (Radioactive Waste), State of Michigan.

Section 4.23 Private Roads

4.23.1 Nonconforming Existing Private Roads.

In the case of private roads built prior to this ordinance, such roads may be utilized and improved and additional access points for new structures are permitted. However, emergency fire service will be provided at the discretion of the Fire Department. Tawas Township bears no liability for emergency services on nonconforming private roads.

4.23.2 Private Roads.

Private roads, providing access to five (5) or more parcels, are permitted provided they conform to the requirements of this Section. No private road shall be constructed, after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

A. Application, review and approval of a proposed private road shall follow the same procedures as Special Uses.

B. The proposed private road shall meet the currently Iosco County Road Commission design standards.

C. No structure or development activity shall be established within approved rights-of-way or easements.

D. No fence, wall, sign, landscape screen or any plantings shall be erected or maintained in such a way as to obstruct vision or interfere with traffic visibility.

E. No more than twenty (20) lots or parcels may gain access to a single private road if only one point of intersection is provided between the private road and a public road. No more than fifty (50) lots or parcels may gain access to a private road where two points of intersection are provided between the private road and public roads. Where more than fifty (50) lots or parcels

are served, the road shall be a paved road built to County Road Commission standards.

F. A cul-de-sac or other approved turn-around configuration shall be constructed whenever a private road terminates without intersection with another public street or private road.

G. Any driveways off a private road shall be at least forty (40) feet from the intersection of a private or public road right-of-way.

H. Construction authorization from the Iosco County Road Commission is required for connection to a road under the Commission's jurisdiction, and from the Michigan Department of Transportation if connected to a state trunkline. When applicable, a permit is also required from the County under Part 91 of the Natural Resources and Environmental Protection Act.

I. Intersections of private roads with public roads shall meet the current Iosco County Road Commission standards.

J. Stormwater runoff patterns for the private road shall be shown on the site plan. Any drainage originating outside the site, which has previously flowed onto or across the site, shall also be considered in the proposed stormwater runoff plan. Where stormwater runoff is proposed to run into an existing county or state road stormwater system, the stormwater plan for the private road shall be submitted to the Iosco County Drain Commissioner and the Iosco County Road Commission, Michigan Department of Transportation, or other appropriate government permitting agencies for review and approval prior to Township Planning Commission approval.

K. Lots or parcels fronting on private roads shall meet the required front yard setback and lot width for the zoning district where located.

4.23.3 Road Construction Approval Procedures.

No private road shall be constructed after the effective date of this Ordinance unless an application for a private road construction permit has been completed and filed with the Zoning Administrator, and subsequently approved.

A. Application for approval of a private road shall include three (3) copies of a site plan sealed by a professional engineer 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 type of material the road base and surface will consist of.

5. Utility plans including the location and size/capacity of stormwater drainage systems, sewer or septic system, water lines or private wells and private utilities such as telephone, electric and cable service.

6. Proposed locations of driveways off the private road.

7. Any existing or proposed structures, trees or other obstruction within the proposed right-of-way.

B. All plans as submitted for approval shall show the private road easement including a legal description, and must include the grade for these roads.

C. Road maintenance agreement or covenants running with the land signed by the proprietor(s) shall be recorded with the Tawas Township Clerk and the Iosco County Register of Deeds providing for:

1. A method of initiating and financing the private road in order to keep the road up to properly engineered specifications and free of snow and debris.

2. A workable method of apportioning the costs of maintenance and improvements to current and future users.

3. A notice that if repairs and maintenance are not made, the Township Board may bring the road up to established County Road Commission standards for public roads and assess owners of lots or parcels on the private road for the improvements, plus an administration fee in the amount of twenty-five percent (25%) of the total costs.

4. No public funds of Tawas Township will be used to build, repair or maintain the private road.

D. Road easement agreement signed by the proprietor(s) shall be recorded with the Tawas Township Clerk and the Iosco County Register of Deeds providing for:

1. Easements to the public for purposes of emergency and other public utility vehicles for whatever public services are necessary.

2. A provision that the proprietor(s) using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesmen, delivery persons and other bound to or returning from any of the properties having a need to use the road.

E. Application Review and Approval or Denial

1. The Zoning Administrator shall send the private road plans to the appropriate Emergency Services and Fire Protection agencies, to the County Drain Commissioner, to the County Road Commission if connected to a county public road and to MDOT if connected to a state

trunkline for review and comment. The proposed road maintenance agreement and road easement agreement and covenants running with the land shall be sent to the Township Attorney for review and comment.

2. County Road Commission, MDOT, County Drain Commissioner, Emergency Services and Fire Protection agencies, and Township Attorney comments shall be forwarded to the Planning Commission. After reviewing all materials and recommendations submitted, the Planning Commission shall approve, deny or approve with conditions the application for a private road.

3. If the application is denied, the reasons for the denial and any requirements for approval shall be given in writing to the applicant.

4. The Zoning Administrator shall arrange for inspections during construction or, and upon completion of the private road.

F. Failure to Perform: Failure by the applicant to begin construction of the private road according to approved plans on file with the Township within one (1) year from the date of approval shall void the approval and a new plan shall be required, subject to any changes made by the County Road Commission, MDOT or the Township in its standards and specifications for road construction and development.

G. Issuance of Building Permits for Structures on Private Roads: No building permit shall be issued for a structure on any private road until such private road is given final approval by the Planning Commission.

H. Posting of Private Roads: All private roads shall be designated as such and shall be posted with a clearly readable sign. The lettering shall be a minimum of four (4) inches in height on a green background with white reflective lettering, which can be easily seen in an emergency. The sign shall be paid for, posted, and maintained by the property owners' association or proprietor(s). The applicant shall check with the County Road Commission to avoid a duplication of names.

I. Notice of Easements: All purchasers of property where a private road provides access to the premises shall, prior to closing of the sale, receive from the seller a notice of easement, in recordable form, substantially conforming to the following:

1. This parcel of land has private road access across a permanent sixty-six (66) foot easement, which is a matter of record and a part of the deed.

2. This notice is to make purchaser aware that this parcel of land has ingress and egress over this easement only.

3. Neither the County nor the Township has any responsibility for maintenance or upkeep of any improvements across this easement. This is the responsibility of the owners of record.

4. The United States mail service and the local school district are not required to traverse this private road and may provide service only to the closest public access.

J. Fees: Before final approval, an application fee established by the Township Board and the cost for a qualified professional to review the plans and inspect the construction shall be paid by the proprietor(s).

K. Final Approval: The Planning Commission shall grant final approval of a private road upon inspection and finding that the road is constructed according to the approved permit.

ARTICLE 5
Nonconformities

Section 5.1 Purpose

It is the intent of this Ordinance to permit legal nonconforming lots, structures or uses to continue until they are removed but not to encourage them. It is recognized that there exists within the districts established by this Ordinance and subsequent amendments, lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that work shall be diligently carried on until completion of the building involved.

Section 5.2 Change in Tenancy or Ownership

There may be a change of tenancy, ownership or management of any existing nonconforming uses of land or of structures which does not alter the nonconforming status.

Section 5.3 Nonconforming Structures

Existing buildings and structures that could not be built under the provisions of this Ordinance due to their noncompliance with floor area, height, setback, or other regulations may be added to, extended, reconstructed, or altered subject to the following provisions:

5.3.1 Maintenance of Nonconforming Structures.

A. Nothing in this Ordinance shall prevent such necessary repairs, reinforcement and incidental alterations of a nonconforming structure existing on the effective date of this Ordinance as may be necessary to secure a reasonable advantageous use thereof during its natural life nor shall any provision of this ordinance prevent compliance with the provisions of any Building Code in effect in Iosco County relative to the maintenance of structures.

B. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Building Official or to comply with barrier-free requirements of the Americans with Disabilities Act. Nothing in this ordinance shall prevent any alteration, improvement or repair as required by the Health Department as

necessary to protect the public health, safety, and welfare.

5.3.2 Alterations to Nonconforming Structures.

A. A non-conforming structure may be enlarged or altered so long as the alteration does not increase its non-conformity.

B. Should any such structure be moved for any reason, it shall thereafter conform to the setback regulations for the zoning district in which it is located after it is moved.

5.3.3 Damage or Total Destruction of Nonconforming Structures.

Any non-conforming principal building which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be reconstructed to a character similar to the original structure without increasing any non-conformity. The restoration shall be commenced within six (6) months of the date of the destruction and shall be diligently carried on to completion.

Section 5.4 Nonconforming Uses of Land

Where at the time of passage of this Ordinance the lawful use of land exists which would not be permitted by the regulations imposed by this Ordinance, the use may be continued so long as it remains otherwise lawful, subject to the following provisions:

5.4.1 Expansion of Non-Conforming Use

A. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance.

B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for the use at the time of adoption or amendment of this Ordinance.

C. No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel other than that occupied by the use at the effective date of this Ordinance or its subsequent amendment.

D. No additional structure which does not conform to the requirements of this Ordinance shall be erected in connection with a non-conforming use of land.

5.4.2 Damage or Total Destruction of Non-Conforming Use.

Any non-conforming use which has been destroyed or damaged by fire, explosion, act of God, or public enemy may be reconstructed to a character similar to the original structure without increasing any non-conformity or changing the original use, unless to a conforming use. The restoration shall be commenced within six (6) months of the date of the destruction and shall be diligently carried on to completion.

5.4.3 Change of Nonconforming Use.

Once a nonconforming use has been changed to a conforming use or to a more appropriate nonconforming use, the previous nonconforming use shall not be re-established.

5.4.4 Abandonment of Nonconforming Use.

If a property owner has the intent to abandon a nonconforming use of land and in fact abandons a nonconforming use of land for a period of one (1) year or more, then any subsequent use of the property or structure shall conform to the requirements of this Ordinance. When determining the intent of the property owner to abandon a nonconforming use or structure, the Zoning Administrator shall consider the following factors:

A. Whether utilities such as water, gas, and electricity to the property have been disconnected.

B. Whether the property, buildings, and grounds have fallen into disrepair.

C. Whether signs or other indications of the existence of the nonconforming use have been removed.

D. Whether equipment or fixtures necessary for the operation of the nonconforming use have been removed.

E. Other information or actions that evidence an intention on the part of the property owner to abandon the nonconforming use or structure.

Section 5.5 Nonconforming Lots of Record (Substandard Lots)

Any nonconforming lot of record may be used for any purpose authorized by the district in which it is located. This provision shall apply even though such lot fails to meet the requirements for area or width applicable in the district, provided that yard dimensions and other requirements not involving area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Any required variances may be requested pursuant to the procedures and standards of this Ordinance.

Section 5.6 Elimination of Nonconformities

The Township may acquire private property by purchase, condemnation, or other means for the removal of non-conforming uses and structures. The cost of acquiring the private property may be paid from general funds or assessed to a special district, as provided in PA 110 of 2006, as amended. The elimination of non-conforming uses and structures in a zoning district is declared to be for a public purpose and for a public use. The Township Board may institute proceedings for condemnation of non-conforming uses and structures under Public Act 149 of 1911.

ARTICLE 6
District Regulations

Section 6.1 Table of Permitted Uses and Special Land Uses

Tawas Township Zoning Districts	
R-1	Residential District
A-1	Agricultural Residential District
F-1	Forestry District
OSD	Office Services District
C	Commercial District
I-1	Industrial District

TABLE OF PERMITTED USES & SPECIAL LAND USES						
P = Permitted by right (with zoning permit) **S = Permitted with a Special Use Permit** *Uses with Supplemental Development Regulations (Article 12) If use does not have a "P" or an "S", it is not allowed in that district.	**R-1**	**A-1**	**F-1**	**OSD**	**C**	**I-1**
ACCOMODATION AND FOOD SERVICES						
Bakeries (goods produced & sold on-site)					P	
*Bed & Breakfasts**	S	S	S			
Cabin Courts (Cottages)					P	
Caterers/Food Service Contractors					P	
Coffee Shops					P	
Convention Centers/Conference Centers/Banquet Halls					P	
Drinking Establishments/Taverns					P	
Inns (with or without restaurants serving to the public)					P	
Hotels & Motels (attached or detached units)					P	
Microbreweries (serving directly to the public)					P	
Resorts; Vacation Lodges & Vacation Farms		P				
Restaurants without Drive-Through					P	
*Restaurants with Drive-Through (Drive-In or Eat in Car)**					P	
*Rooming & Boarding Houses**	S	S				

TABLE OF PERMITTED USES & SPECIAL LAND USES						
P = Permitted by right **S = Permitted with a Special Use Permit** *Uses with Supplemental Development Regulations (Article 12) If use does not have a "P" or an "S", it is not allowed in that district.	**R-1**	**A-1**	**F-1**	**OSD**	**C**	**I-1**
AGRICULTURE/FOREST PRODUCTS						
Agricultural Equipment Dealers/Repair		S			P	
Agricultural products processing and storage (excluding concentrated animal feeding operations)		S				
Agricultural Tourism Uses (no zoning permit required)		P				
Bakeries selling goods grown primarily on-site						
Educational tours, classes, lectures, and seminars						
Family-oriented animated barns (haunted houses)						
Gift shops for agriculturally-related products, crafts						
Historical agricultural exhibits						
Organized meeting space (weddings, birthdays, corporate picnics)						
Petting farms, animal display, and pony rides						
Picnic areas (including rest rooms)						
Playgrounds, wagon/sleigh rides, nature trails						
Restaurants related to the agricultural use of the site						
Seasonal Outdoor Mazes of agricultural origin						
Small-scale entertainment (concert, car show, art fair)						
*Animal Shelter/Kennels**		S	S			
*Biofuel Production Facilities on Farms**		PS				
Boarding Stables; Riding Arenas		P	P			
Bulk seed, feed, fertilizer and nursery stock outlet and distribution centers (including wholesale)		P				
Cider Mills		P				
Farms and agricultural operations		P				
Farm Product Sales (Fruit/Vegetable Market – products not raised on property)		P				
Farm Supply Stores		S				
Feedlots (large scale commercial)		S				
Firewood Sales		P				
Forest Products Processing (Saw Mills, Veneer Mills, Planing Mills & related operations)		P	P			
Forestry/forest management (including forest harvesting and temporary log storage yards)		P	P			
Game Preserves		P	P			
Grain Elevators		P				
Greenhouses/Nurseries/ Landscaping		P				
Lumber Yards					P	
Meat Packing Plants/ Slaughter Houses						P
Roadside Stands (products raised on property)		P				
U-Pick Operations		P				
Veterinary Clinic/Veterinary Hospital		P			P	
Wineries/Distilleries/Breweries		P			P	

TABLE OF PERMITTED USES & SPECIAL LAND USES						
P = Permitted by right **S = Permitted with a Special Use Permit** *Uses with Supplemental Development Regulations (Article 12) If use does not have a "P" or an "S", it is not allowed in that district.	**R-1**	**A-1**	**F-1**	**OSD**	**C**	**I-1**
ARTS, ENTERTAINMENT, AND RECREATION						
Amusement Arcades					**P**	
Archery Ranges (& as accessory use to a business)					**P**	
Art Studios				**P**	**P**	
Billiards Halls					**P**	
Canoe Liveries		**P**				
Bowling Centers					**P**	
*Campgrounds**						
Fitness & Recreational Sports Centers (ex: spas, health clubs, racquetball)					**P**	
*Golf Courses**		**P**				
Museums & Galleries				**P**	**P**	
Nature Parks/Nature Areas/Wildlife Sanctuaries	**P**	**P**	**P**			
Outdoor Performance Facilities					**S**	
*Outdoor Amusement Facilities (commercial: ex – go karts; miniature golf)**					**P**	
Private Clubs; Lodges		**S**		**P**		
Public Parks, Playgrounds, Rec Area	**P**	**P**				
*RV Parks**					**P**	
Skating Rinks (indoor)					**P**	
Sportsmen's Associations. Guided Hunts		**S**	**S**			
Summer Camps (state-licensed), Day Camps, Vacation Camps		**S**	**S**			
Swimming Pool Clubs					**P**	
Theaters/Performing Arts Facilities					**P**	
Theaters (Drive-In)					**P**	

TABLE OF PERMITTED USES & SPECIAL LAND USES						
P = Permitted by right **S = Permitted with a Special Use Permit** *Uses with Supplemental Development Regulations (Article 12) If use does not have a "P" or an "S", it is not allowed in that district.	**R-1**	**A-1**	**F-1**	**OSD**	**C**	**I-1**
COMMERCIAL/RETAIL						
*Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change**					S	
Automotive Equipment Rental/Leasing					P	
Boat Repair & Storage					P	
Building & Garden Equipment & Supplies Dealers					P	
*Car Washes**					P	
Cash Advance Stores					P	
Cemeteries (public or religious-affiliation)	S	S		S	S	
Clothing & Clothing Accessories Stores					P	
Commercial/Industrial Equipment Rental & Leasing					P	P
Commercial Equipment Repair & Maintenance					P	P
Convenience Stores					P	
Crematoriums					S	P
*Drive-Through Establishments**					P	
Dry Cleaning & Laundry Services (cleaning equipment is used to service only the premises at which it is located)					P	
Electronic & Precision Equipment Repair & Maintenance					P	
Electronics & Appliance Stores					P	
Extermination & Pest Control Services					P	
Financial Institutions				P	P	
Florists					P	
Food & Beverage Stores					P	
Funeral Homes & Mortuaries					P	
Furniture & Home Furnishings Stores; Antique Stores					P	
Furniture Refinishing					P	P
*Gas Station**					S	P
General Merchandise Stores					P	
General Rental Centers					P	
Hardware Stores					P	
Health & Personal Care Stores					P	
Home Improvement Centers (lumber stored in enclosed structure)					P	
Interior Designers/Showrooms					P	
Medical Equipment Sales					P	
Medical Laboratories					P	P
Movie Rental Stores					P	
Office Supply Stores					P	
Outdoor Sales of automobiles, boats, trucks, motorcycles, ATVs, marine craft, farm implements, contractor's equipment, and manufactured homes					P	
Pawn Shops/Resale Shops				S	S	
Personal Services (beauty shops, tailoring, massage)				P	P	

TABLE OF PERMITTED USES & SPECIAL LAND USES						
P = Permitted by right **S = Permitted with a Special Use Permit** *Uses with Supplemental Development Regulations (Article 12) If use does not have a "P" or an "S", it is not allowed in that district.	**R-1**	**A-1**	**F-1**	**OSD**	**C**	**I-1**
COMMERCIAL/RETAIL CONTINUED						
Pet and Pet Care Stores (except Veterinary & Animal Shelters)					P	
Pharmacies/Medical & Optical Supplies					P	
Photofinishing/Photographers					P	
Printing/Binding/Publishing of Printed Materials					P	
Professional Cleaning Services					P	
Professional Offices				P	P	
Seasonal Use Sales (no zoning permit needed)*		P		P		
Septic Services						P
*Sexually Oriented Businesses**						S
Shopping Center – Multiple Businesses					S	
Small Engine Repair					S	S
Small-Scale Craft Making					P	
Sporting Goods, Hobby, Book & Music Stores (inc. bait & tackle)					P	
Studios for dance, physical exercise and music					P	
COMMUNICATIONS						
Television/Radio Broadcasting Stations					P	P
*Wireless Communications Equipment & Support Structures **		S				
CONSTRUCTION/CONTRACTORS						
Special trade contractors (ex: building, electrical, plumbing, heating) with indoor storage of materials/equipment)					P	P
Special trade contractors (ex: building, electrical, plumbing, heating, well drilling, septic pumping, excavating) with outdoor storage of materials/equipment)						P
EDUCATIONAL SERVICES/RELIGION						
Colleges/Universities/Other Institutions of Higher/Specialized Learning (public and private)					S	
Public or private schools	S	S			P	
Religious Institutions	S	P		P	P	
Vocation/Trade Schools					P	P
HUMAN CARE AND SOCIAL ASSISTANCE						
Child Care Services (see following)						
Family Child Care Home (6 or less)	P	P	P			
Group Child Care Home (7 -12)	S	S	S			
Child Care Center /Nursery School(not in home)		S			P	
Health Care /Dental /Optical Clinics				P	P	
Hospitals					P	
*Assisted Living Home Nursing/Convalescent Home **					P	
Residential Human Care and Treatment Facility(outside of a private residence)*					S	
Residential Facility for Battered Women and Children (in a private residence)	P	P	P			
State-Licensed Residential Facilities (Adult Foster Care - 6 or less adults)	P	P	P			

TABLE OF PERMITTED USES & SPECIAL LAND USES						
P = Permitted by right **S = Permitted with a Special Use Permit** *Uses with Supplemental Development Regulations (Article 12) If use does not have a "P" or an "S", it is not allowed in that district.	**R-1**	**A-1**	**F-1**	**OSD**	**C**	**I-1**
MANUFACTURING/INDUSTRIAL/MINING/WASTE MANAGEMENT						
Asphalt Mfg						**S**
Blast Furnace, Steel Furnace, Blooming or Rolling Mill						**S**
Central Dry Cleaning Plants (not dealing directly with customers)						**p**
Ceramic Products using Gas- or Electrically-Fired Kilns, and or Glass Products						**P**
Computer, Electronic, & Appliance Product Mfg						**P**
Concrete, Cement, Gypsum, Plaster of Paris, Corrosive Acid or Alkali Mfg						**P**
Food/beverage processing						**P**
Food/beverage bottling & packaging						**P**
Furniture & Related Product Mfg						**P**
Incinerator Plant (non-pyrolysis)						**S**
Incinerator Plant (pyrolysis type)						**S**
*Junkyards/salvage yards/scrap yards/motor vehicle impoundment and wrecking yards**						**S**
Laboratories						**P**
Leather &Allied Product Mfg						**P**
Machine Shops						**P**
Metal Plating/Buffing/Polishing/Cutting/ Slitting/Shearing						**P**
Mineral Processing Facilities & Operations (Inc Docking Facilities)						**S**
Miscellaneous Mfg (from previously prepared materials including agricultural, building, natural, synthetic, biological, and ceramic materials)						**P**
Oil Refinery and Gas Processing Facilities						**S**
Petroleum Products, Gas Products, Paint & Chemical Bulk Storage & Distribution						**S**
Plastics Mfg						**P**
Portable and temporary hot and cold mix asphalt plants, ready-mix concrete plants, and similar uses.						**P**
Recycling facilities/Resource Recovery Facilities/Transfer Stations/Waste Collection						**P**
Research/Design/Experimental Product Development (within a completely enclosed building)						**P**
Resource Extraction (Mining)*	**S**	**S**	**S**	**S**	**S**	**S**
Roofing Materials Mfg						**S**
Sanitary Landfills						**S**
Sign Painting & Mfg						**P**
Smelting Industries						**P**
Solar Panels, Wind Generators, and Alternative Energy Systems Mfg						**P**
Textile & Apparel Mfg						**P**
Tool & Die Shops						**P**
Wood Product Mfg (not mills)						**P**

TABLE OF PERMITTED USES & SPECIAL LAND USES						
P = Permitted by right **S = Permitted with a Special Use Permit** *Uses with Supplemental Development Regulations (Article 12) If use does not have a "P" or an "S", it is not allowed in that district.	**R-1**	**A-1**	**F-1**	**OSD**	**C**	**I-1**
MISCELLANEOUS						
Accessory Buildings & Uses	P	P	P	P	P	P
Parking Lots	P	P	P	P	P	P
Planned Unit Developments	S	S	S	S	S	S
PUBLIC FACILITIES						
Auditoriums					P	
Community Centers (public)					P	
Government Offices	S				P	
Libraries	S				P	
Police/Fire Stations					P	
Post Office					P	
Public Works Facilities with Outdoor Storage					P	P
RESIDENTIAL USES						
*Accessory Dwelling Units**	S	S	S			
Amateur Radio Antennae (roof- or ground-mounted)	P	P	P	P	P	P
*Home Occupations**	P	P	P	P		
*Cottage Industries**	S	S	S			
Living Quarters in conjunction w/ permitted business use					P	
*Manufactured Housing Community (& accessory uses such as laundry, office building, & community building)**		S				
*Medical Marihuana Primary Caregiver Facility as a home occupation**	P	P	P			
Multiple-Family Dwelling Units(as part of a Planned Unit Development)*		S				
Single-Family Dwelling (year round & seasonal)	P	P	P	P		
Townhouses; Condominiums (connected); Site Condominiums		S				
Two-Family Dwelling (duplex)	P		P	P		
TRANSPORTATION SERVICES/WAREHOUSING/WHOLESALE TRADE/ STORAGE/SHIPPING						
Airports, Landing Fields, Heliports, Aviation Support, Aviation Development, & other aviation functions						S
Bus Garages						P
Couriers/Parcel Packing/Shipping/ Delivery Establishments						P
Freight Terminals/Trucking Facilities						P
Mail Order Establishments						P
Rail yards						P
Scenic & Sightseeing /Ground Passenger Transportation						P
*Truck Washes**						P
*Warehousing & Storage**						P
Wholesale Trade						P
UTILITIES/ENERGY						
Essential Services (including gas regulator stations and electrical transformer stations)	P	P	P	P	P	P
Heating & Electric Power Generating Plants						S
Public Utility Facilities (without storage yards)					P	P
Public Utility Facilities (with storage yards)						P
Wind Energy Facilities and Anemometer Towers (Commercial)		S				
Wind Energy Systems (small on-site)	P	P	P	P	P	P

Section 6.2 Zoning Map

The areas assigned to each Zoning District and the boundaries thereof shown on the map entitled "Tawas Township Zoning Map" are hereby established, and said map and all proper notations and other information shown thereon are hereby made a part of this Zoning Ordinance. The official Zoning Map shall be located in Tawas Township Office and shall be the final authority in any dispute concerning district boundaries. The official map shall be kept up to date by the Zoning Administrator. The official zoning map, including legally adopted amendments, shall be designated as such by the signature of the Zoning Administrator and Planning Commission Chair.

Section 6.3 Zoning District Boundaries

The boundaries of these districts are hereby established as shown on the "Tawas Township Zoning Map", which accompanies this Ordinance, and which with all notations, references, and other information shown thereon shall be as much a part of this Ordinance as if fully described herein:

A. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, shall be construed to follow such center lines.

B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries indicated as approximately following township limits shall be construed as following township limits.

D. Boundaries indicated as following shore lines shall be construed to follow such shorelines, and in the event of a change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

E. Boundaries indicated as parallel to or extensions of features indicated in subsections A through D above shall be so construed. Distances not specifically indicated on the official Zoning Map shall be determined by the scale of the map.

F. Insofar as some or all of the various districts may be indicated on the Zoning Map by patterns which, for the sake of map clarity, do not cover public rights-of-way, it is intended that such district boundaries do extend to the center of any public right-of-way.

G. Where, due to the scale, lack of detail, or illegibility of the Zoning Map accompanying this Ordinance there is any uncertainty, contradiction, or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application, or upon its own motion, by the Zoning Board of Appeals.

Section 6.4 Zoning of Annexed Areas

Whenever any area is annexed to Tawas Township, one of the following conditions will apply:

A. Land that is zoned previous to annexation shall be classified as being in whichever district of this Ordinance most closely conforms with the zoning that existed prior to annexation, such classification to be recommended by the Planning Commission to the Township Board and the Board shall approve same by resolution.

B. Land not zoned prior to annexation shall be automatically classified as an R District until a Zoning Map for said area has been adopted by the Township Board. The Planning Commission shall recommend the appropriate zoning districts for such area within three (3) months after the matter is referred to it by the Township Board.

Section 6.5 Zoning of Vacated or Filled Areas

A. **Vacated Areas**: Whenever any street, highway or other public right-of-way within Tawas Township shall have been abandoned by official government action and when such right-of-way lands attach to and become part of the land adjoining said right-of-way, such right-of-way property shall automatically acquire and be subject to the provisions of the zoning district of the abutting property without further governmental action. In the case of an abandoned right-of-way which also served as a district boundary, the centerline of such abandoned right-of-way shall remain the boundary line and the lands on either side of said centerline shall become attached to their respective adjoining properties without further governmental action.

B. **Filled Areas**: Whenever, after appropriate permits are obtained, any fill material is placed in any lake, stream, or wetland so as to create a usable or buildable space, such fill area shall take on the Zoning District and accompanying provisions of the land abutting said fill area. No use on any lake or stream shall be allowed which does not conform to the Ordinance provisions on the property from which said property emanates. No fill material shall be placed in any lake or stream within the Township unless appropriate permits are obtained.

Section 6.6 (R-1) Residential District

R-1

<table>
<tr><td colspan="2">Intent and purpose:
Single-family and two-family residential development with appropriate neighborhood-scale services and amenities.</td></tr>
<tr><td colspan="2">Uses allowed:
Permitted and Special Land Uses shall be limited to the following table (also listed in §6.1: Table of Permitted and Special Land Uses).</td></tr>
<tr><td>Minimum Lot Size
Area: 12,000 square feet
Width: 80 feet
Depth: 120 feet

Maximum Lot Coverage: 40%</td><td>Minimum Setbacks:
Front: 40 feet
Side: 6 feet each side
Rear 6 feet

Maximum Building Height
2 stories or 25 feet (whichever is less)</td></tr>
<tr><td rowspan="2">Minimum Floor Area: 720 square feet

Minimum Building Width: 20 feet</td><td>Off-Street Parking Regulations: Article 9</td></tr>
<tr><td>Sign Regulations: Article 10</td></tr>
<tr><td rowspan="2">Screening & Buffering Requirement:
§4.12</td><td>Plot Plan & Site Plan Regulations: Article 7</td></tr>
<tr><td>Supplemental Regulations: Article 12</td></tr>
</table>

Section 6.7 (A-1) Agricultural Residential District

A-1

Intent and purpose:

1. To preserve, enhance, and stabilize areas which are currently used predominantly for general farming.
2. To conserve lands best suited to farming due to their physical characteristics.
3. To protect agricultural lands from premature urban development.
4. To preserve the essential rural character and economic value of these agricultural lands.

Uses allowed:

Permitted and Special Land Uses shall be limited to the following table (also listed in §6.1: Table of Permitted and Special Land Uses).

Minimum Lot Size **Area:** One (1) acre **Width:** 200 feet **Depth:** No minimum required. **Maximum Lot Coverage:** 40%	**Minimum Setbacks:** Front: 40 feet Side: 10 feet each side Rear 10 feet **Maximum Building Height** 2 stories or 25 feet (whichever is less)
Minimum Floor Area: 720 square feet for dwellings & main buildings.	**Off-Street Parking Regulations**: Article 9
	Sign Regulations: Article 10
Screening & Buffering Requirement §4.12	**Plot Plan & Site Plan Regulations**: Article 7
	Supplemental Regulations: Article 12

Section 6.8 (F-1) Forestry District

F-1

Intent and purpose:
1. To promote the development and use of the wooded, non-agricultural portions of the Township in a careful and appropriate manner.
2. To provide appropriate areas for small forestry operations, wildlife management areas, and related uses.

Uses allowed:
Permitted and Special Land Uses shall be limited to the following table (also listed in §6.1: Table of Permitted and Special Land Uses).

Minimum Lot Size **Area:** One (1) acre **Width:** 200 feet **Depth:** 200 feet **Maximum Lot Coverage:** 40%	**Minimum Setbacks:** Front: 40 feet Side: 6 feet each side Rear 20 feet **Maximum Building Height** 2 stories or 25 feet (whichever is less)
Minimum Floor Area: 720 square feet for dwellings & main buildings.	**Off-Street Parking Regulations**: Article 9
	Sign Regulations: Article 10
Screening & Buffering Requirement §4.12	**Plot Plan & Site Plan Regulations**: Article 7
	Supplemental Regulations: Article 12

Section 6.9 (OSD) Office Service District

OSD

Intent and purpose:
1. To promote a transitional area between residential and commercial districts.
2. To serve as a buffer between major thoroughfares and residential districts.
3. To accommodate residences and less intensive commercial uses, such as professional and financial offices, and personal service establishments.

Uses allowed:
Permitted and Special Land Uses shall be limited to the following table (also listed in §6.1: Table of Permitted and Special Land Uses).

Minimum Lot Size **Area:** 12,000 square feet **Width:** 80 feet **Depth:** 120 feet **Maximum Lot Coverage:** 40%	**Minimum Setbacks:** Front: 40 feet Side: 6 feet each side Rear 6 feet **Maximum Building Height** 2 stories or 25 feet (whichever is less)
Minimum Floor Area: 720 square feet for dwellings & main buildings.	**Off-Street Parking Regulations**: Article 9
	Sign Regulations: Article 10
Screening & Buffering Requirement §4.12	**Plot Plan & Site Plan Regulations**: Article 7
	Supplemental Regulations: Article 12

Section 6.10 (C) Commercial District

C

Intent and purpose:

1. To provide appropriate locations for a mixture of general retail, office and service businesses, and certain institutional uses for residents of the Township and surrounding areas.
2. To minimize impacts of commercial activities on surrounding residential areas.
3. To provide for an area of mixed use development by also permitting residences.
4. To promote the development of commercial use clusters in the M-55 corridor, promote highway safety, and minimize adverse impacts on adjacent land uses.

Uses allowed:
Permitted and Special Land Uses shall be limited to the following table (also listed in §6.1: Table of Permitted and Special Land Uses).

Minimum Lot Size **Area:** 12,000 square feet **Width:** 80 feet **Depth:** 100 feet	**Minimum Setbacks:** Front: 40 feet Side: 20 feet each side • May be reduced to 10 feet if next to another business use • No side yard required if attached to another business with approved firewall in between Rear 10 feet **Maximum Building Height** 2 stories or 25 feet (whichever is less)
Minimum Floor Area: 720 square feet for main buildings.	**Off-Street Parking Regulations**: Article 9
	Sign Regulations: Article 10
Screening & Buffering Requirement §4.12	Plot Plan & Site Plan Regulations: Article 7
	Supplemental Regulations: Article 12

Section 6.11 (I-1) Industrial District

I-1

Intent and purpose:

1. To provide adequate locations for all appropriate types of industrial, wholesale, and storage uses and other activities whose external effects may need to be restricted to avoid detrimentally affecting the surrounding districts.
2. To adequately serve those types of development and to prevent conflicts between incompatible land uses.

Uses allowed:

Permitted and Special Land Uses shall be limited to the following table (also listed in §6.1: Table of Permitted and Special Land Uses).

Minimum Lot Size **Area:** One (1) acre **Width:** 150 feet **Depth:** 150 feet **Maximum Lot Coverage:** 40%	**Minimum Setbacks:** Front: 50 feet Side: 10 feet each side Rear: 20 feet **Maximum Building Height** 2 stories or 40 feet (whichever is less)
Minimum Floor Area: 720 square feet for main buildings.	**Off-Street Parking Regulations**: Article 9 **Sign Regulations:** Article 10
Screening & Buffering Requirement §4.12	Plot Plan & Site Plan Regulations: Article 7 Supplemental Regulations: Article 12

Other Requirements:

1. All uses established in this district shall comply with all federal, state and local laws pertaining to open burning, sewage disposal, water supply, storm drainage, fire safety, and hazardous materials storage.
2. All uses established in this district shall comply with all federal, state and local laws applicable to stormwater discharge, the emission of smoke, dust, noxious gases, noise, vibration and radiation.
3. Performance bond may be required to ensure proper site maintenance, including outdoor storage areas.

ARTICLE 7
Plot Plans & Site Plans

Section 7.1 Purpose

This article provides a review and approval process for certain land uses and land development projects. The review and approval process described in this Section is intended to ensure that all land uses comply with applicable zoning district and other zoning regulations, the site plan review standards contained in this article, and other applicable county, state, and federal statutes.

Section 7.2 Plots Plans

7.2.2 Circumstances Requiring a Plot Plan.

Plot plans shall be submitted with all applications for Zoning Permits for the following:

A. Single- and Two-Family Dwelling Units.

B. Residential Special Land Uses.

C. All uses which do not require a site plan.

7.2.3 Plot Plan Administrative Procedure.

A. **Single- and two-family dwelling units, accessory buildings, signs, fences, and all other uses which do not require a site plan**. Reviewed and approved by the Zoning Administrator.

B. **Residential Special Land Uses.** Reviewed and approved by the Planning Commission after the required public hearing.

C. **Non-residential accessory buildings**. Reviewed and approved by the Zoning Administrator.

7.2.4 Plot Plan Requirements.

The Plot Plan shall show the following:

A. The shape, location and dimensions of the lot and property lines, drawn to scale. The scale shall be of such size as deemed adequate by the Zoning Administrator to make a judgment that the application meets the requirements of this ordinance. When deemed necessary by the Zoning Administrator, a survey may be required.

B. The scale, north arrow, and date.

C. Location of required setbacks of the zoning district.

D. The location, shape, dimensions, and height of all structures or impervious surfaces to be erected, altered or moved onto the lot and of any building or other structure already on the lot, drawn to scale. In addition, an elevation drawing of the proposed building(s) may be required by the Zoning Administrator in order to measure the height of the proposed structures.

E. The location and configuration of the lot access and driveway, drawn to scale.

F. The location and width of all abutting rights-of-way, easements, and public open spaces within or bordering the subject project.

G. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.

H. Natural features such as forests, water bodies, wetlands, high risk erosion areas, slopes over 10%, drainage and other similar features, if determined by the Zoning Administrator to be applicable.

I. Other information concerning the lot or adjoining lots that may be essential for determining whether the provisions of this Ordinance are being observed, as deemed necessary by the Zoning Administrator.

Section 7.3 Circumstances Requiring a Site Plan

A. Site plan review and approval shall be required as described below. Site plan approval must be obtained before a land use-building permit can be issued, and prior to the commencement of land clearing or excavation necessary for the construction of site improvements.

Site plan review and approval is required in the following circumstances;

1. For all non-residential land uses permitted in all zoning districts, except home occupations and farming operations.

2. For all special uses. A site plan shall be submitted at the time application is made for a special use permit. Review of the site plan shall be concurrent with deliberations on the application for a special use permit.

3. For all Planned Unit Developments (PUD's). A site plan shall be submitted at the time application is made for PUD approval. Review of the site plan shall be concurrent with deliberations on the application for the PUD.

4. All site condominium and condominium subdivisions developed pursuant to the Condominium Act (P.A. 59 of 1978, as amended).

5. Multiple-Family Dwelling Units.

6. Expansion or renovation of an existing non-residential use which increases the existing floor

space more than twenty five (25) percent.

B. **Site Plan Waiver.**

The Zoning Administrator may waive site plan review requirements for permitted uses and the stated review and approval procedures by the Planning Commission in any of the following cases where he or she determines that the submission of a site plan and adherence to the stated review and approval procedures by the Planning Commission would serve no useful purpose:

1. A change in principal use where such change would not result in significant structural alterations, an increase in impervious surface, additional off-street parking, access or other external site characteristics, or create a violation of this Ordinance. However, such change of use shall require a change of use permit issued by the Zoning Administrator.

2. Seasonal Use Sales.

Section 7.4 Application Requirements

An application for site plan review and approval shall be submitted to the Zoning Administrator no less than twenty-one (21) days prior to the meeting at which the PC will review the application. The review of applications submitted less than twenty-one (21) days prior to such a meeting will be delayed until the next regular meeting date.

Applications must be accompanied by a completed application form and application fee in the amount established by the township Board. Three (3) copies of the site plan must be provided. The site plan shall show the following information (unless waived by the Zoning Administrator when he/she finds those requirements are not applicable to the proposed development):

A. **Scale and north arrow.** The scale shall be not less than 1" = 20' for property under three (3) acres and at least 1" - 100' for parcels three (3) acres or more in size.

B. **Name, address, and phone number of the applicant(s).** Name, address, and phone number of the person or firm that prepared the site plan.

C. **The date on which the site plan was prepared**. In the event that revisions of the site plan are required, then the subsequent revision dates shall also be indicated.

D. **Legal description** of the property subject to the application.

E. **Name and address** (or approximate location) of the proposed land use or land development project.

F. **Size of the property in acres and square feet.**

G. **Area of Development.** Area in square feet to be occupied by buildings, parking areas, roadways, landscaped areas, and unimproved open space.

H. **A small-scale map** (1" = 200') indicating the location of streets, highways, watercourses, and lakes located within one-half (1/2) mile of the subject property shown on the site plan. The property subject to review must be highlighted.

I. **The exterior property lines** (boundaries) of the property subject to the application.

J. **The zoning classification** of the property subject to review, as well as that of adjoining properties.

K. **Topography** of the site at five (5) foot contour intervals

L. **Location of Roadways and Easements**. The location, name, pavement width, and right-of-way width of existing and proposed streets, highways, easements, and rights-of-way that adjoin or cross the property. The location, name, pavement width, and right-of-way width of existing and proposed private roadways. The location, width, and purpose of other existing and proposed easements or rights-of-way.

M. **Location of Structures**. Locations and dimensions of existing and proposed buildings and other structures. The distance between existing and proposed buildings and existing and proposed setbacks from property lines must be indicated in feet.

N. **Location of Vehicular Features.** Location and layout of existing and proposed parking and loading areas, including proposed surface type. The direction of travel on driveways and driving lanes must be indicated. Parking spaces must be consecutively numbered.

O. **Location of Pedestrian Circulation Features.** Location and design of sidewalks, walkways, barrier-free access points, bicycle paths, bicycle parking areas, and areas for public use.

P. **Location of Stormwater Management Facilities.** The location of existing and proposed stormwater management facilities. The Planning Commission may require that applicants submit a separate storm drainage plan.

Q. **Fences and Walls**. The location and height of existing fences or walls. including the type of fencing proposed.

R. **Landscaping**. The location of required landscaped buffers and screening, as well as other landscape improvements. The Planning Commission may require that applicants submit a separate landscaping plan.

S. **Natural Features.** The location and type of existing natural features on the site, including but not limited to, wetlands, watercourses, floodplains, ponds, wooded areas, and so forth. Indicate the location and type of existing trees and other vegetation to be retained on the site.

T. **Signs and Lighting.** The location, height, and design of existing and proposed signs and exterior lighting fixtures.

U. **Outdoor Storage.** Description and location of any existing or proposed outdoor storage facilities

(above ground and below ground storage).

V. **Snow Storage**. The location of snow storage areas.

W. **Hours of Operation**. Anticipated hours of operation for the proposed use. The Planning Commission may impose reasonable limits to hours of operation as a condition of site plan approval when warranted to assure compatibility with surrounding land uses.

X. **Residential Project Requirements**. Site plans for residential projects (multiple family developments and manufactured home parks) shall include the following additional information:

1. Minimum floor area of dwelling units.
2. Total number of units proposed.
3. Number of bedrooms per unit in multiple family developments.
4. Areas to be used for open space and recreation.

Y. **Phased Construction**. Where phases or staged construction is contemplated for the development of a project, the site plan submitted must show the interrelationship of the proposed project to the future stages, including the following:

1. Relationship and identification of future structures.
2. Pedestrian and vehicular circulation.
3. Time schedule for completion of the various phases of the proposed construction.
4. Temporary facilities or construction of same as required to facilitate the stated development.

Z. **Other**. Information as may be required by the Zoning Administrator or Planning Commission to assist in the consideration of the proposed development.

Section 7.5 Planning Commission Review and Recommendation

7.5.1 Coordination with other Agencies.

The Zoning Administrator may distribute the site plan to the following for comment or recommendation prior to consideration for approval:

1. The Iosco County Soil Erosion and Sedimentation Control Officer;
2. The Iosco County Drain Commissioner;

3. The Iosco County Road Commission and, if appropriate, the Michigan Department of Transportation;

4. District Health Department;

5. Local police, fire and ambulance service providers.

6. Planning consultant

7. Other agencies as deemed appropriate.

7.5.2 Representation at Meeting.

The applicant or his/her representative shall be present at the scheduled site plan review. If the applicant fails to provide representation, the review may be tabled until the next scheduled Planning Commission meeting or may be acted upon without the applicant's input.

7.5.3 Approval Based on Findings of Fact.

After site plan review by the Planning Commission is complete, the Planning Commission, within sixty (60) days, shall approve, approve with conditions, or deny the proposed site plan based upon the approval standards in **§7.6**. The decision of the Planning Commission shall be incorporated into a written statement of findings and conclusions relative to the site plan which specifies the basis for the decision and any condition(s) imposed.

7.5.4 Signed Copies.

Upon approval of the site plan, three (3) copies of the site plan shall be signed and dated by the applicant and Zoning Administrator. One signed and dated site plan shall be provided to the applicant, one (1) copy shall be retained by the Zoning Administrator as part of the permanent zoning file, and one (1) copy shall be made part of the Planning Commission's permanent record of proceedings on the site plan. If required by the Township, a digital copy of the final approved site plan shall be provided by the applicant.

7.5.5 Conditional Approvals.

The Planning Commission may impose reasonable conditions with the approval of a final site plan, pursuant to **§3.11** of this Ordinance.

7.5.6 Conformity to Site Plan Required.

Following approval of a site plan by the Planning Commission, the applicant shall construct the site improvements in complete conformity with the approved site plan and conditions imposed. Failure to do so shall be deemed a violation of this Ordinance and the Zoning Permit may be revoked by the Planning Commission. The Zoning Administrator shall give the permittee notice of violation of the site plan at least ten (10) days prior to the revocation by the Planning Commission to provide time for corrective action. The Planning Commission may revoke such permit if it is determined that a

violation in fact exists and has not been remedied since the notification of the intention to revoke a permit.

No construction, reconstruction, demolition, or other site work may progress in the interim between submittal and final approval of a site plan, and no building permit(s) shall be issued prior to the approval of the site plan.

Section 7.6 Site Plan Approval Standards

The Planning Commission shall approve, or approve with conditions, an application for a site plan only upon a finding that the proposed site plan complies with all applicable provisions of this Ordinance and the standards listed below unless the Planning Commission waives a particular standard upon a finding that the standard is not applicable to the proposed development under consideration, and the waiver of that standard will not be significantly detrimental to surrounding property or to the intent of the Ordinance.

7.6.1 Compliance with District and Ordinance Requirements.

A. The site plan as approved must be consistent with the intent and purpose of this Zoning Ordinance to promote the public health, safety, and general welfare.

B. The land use subject to review and approval shall comply with all applicable provisions of this Ordinance.

C. All buildings, structures, and other improvements shall comply with the applicable zoning district setback requirements.

D. All signs shall comply with the applicable area, setback, height, and lighting standards.

E. All exterior lighting fixtures shall be of a type and quality that limits illumination to the site only, and shall be located so as not to produce glare off-site.

7.6.2 Parking, Circulation and Loading.

A. Parking areas shall provide the number of parking spaces required for the proposed use. Parking areas shall be surfaced with either compacted gravel, asphalt, or concrete, and shall be designed and constructed to provide for effective stormwater drainage. Parking areas shall be provided with a stormwater detention system that effectively holds and filters parking lot runoff.

B. Access from adjoining roads shall be arranged to assure the safety of vehicles and pedestrians traveling on adjoining public roads and sidewalks. Driveways shall be designed and located to assure adequate clear vision areas at adjoining road right-of-way lines. Particular attention shall be paid to site access in the event of fire or other emergency. There must be a proper relationship between the proposed use and existing streets and highways within the vicinity of the proposed use.

C. Internal roadways and sidewalks, if provided, shall be designed and constructed to assure the safe and convenient movement of vehicles and pedestrians on the site. Particular attention should be paid to all buildings and uses on the site in the event of fire or other emergency.

D. Loading areas shall be located at the sides or rears of the building, and shall be screened from view from adjoining property.

7.6.3 **Outdoor Storage.**

Areas used for outdoor storage of goods, equipment, waste materials or other materials of any kind shall be screened from view from adjoining properties and public roadways.

7.6.4 **Stormwater.**

The site shall be improved with a storm drainage system that maintains stormwater runoff at a pre-development rate. Runoff shall be managed in a manner that prevents off-site impacts.

7.6.5 **Public Welfare and Adjoining Properties.**

The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall take into account the size of the property, uses on the adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal, orderly, and reasonable development or improvement of surrounding property for uses permitted in this Ordinance nor to diminish the value thereof and will be harmonious in use, appearance, and layout with existing and planned future uses in the immediate area. Adverse impacts upon adjoining land uses shall be minimized by appropriate screening, fencing, or landscaping.

7.6.6 **Natural Features.**

As many natural features of the landscape as possible shall be incorporated into the design and layout of the site so as to buffer the site from adjacent incompatible land uses, to assist in preserving the general appearance of the surrounding area, and to help control erosion of the discharge of water. Reasonable buffer and open space areas may be required.

7.6.7 **Emergency Access.**

All buildings, structures, parking areas, and storage areas will be accessible to emergency vehicles at all times of the year.

Section 7.7 Validity of Approved Site Plan

A. Site plan approval shall be valid for a maximum period of one (1) year from the date approval was granted. If the actual physical construction of the buildings and improvements shown on the approved site plan has not commenced in a substantial way during this period, approval shall become null and void.

B. Thirty days prior to expiration of an approved final site plan, an applicant may make application to the Planning Commission for a one-year extension of the site plan at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.

C. Any subsequent re-submittal of a site plan due to expiration shall be processed as a new request with new fees.

Section 7.8 Amendment to an Approved Site Plan

A. The owner of property for which a site plan has been approved shall notify the Zoning Administrator of any desired change to the approved site plan. Minor changes to an approved site plan may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design and character of the site plan or any specified conditions imposed as part of the original approval and will conform to regulations contained within this Ordinance. Minor amendments shall include the following as deemed appropriate by Zoning Administrator:

1. Changes in floor plans that do not exceed five (5%) percent of the total floor area and which do not alter the character of the use or increase the amount of required parking.

2. Reduction of the size of any structure and/or sign.

3. Changing the location of structures/signs by no more than five (5) feet.

4. Expansion no greater than five (5) percent of the size of any sign.

5. Internal re-arrangement of the parking lot which does not affect the number of parking spaces or alter access locations or design.

6. Landscaping approved in the site plan that is replaced by similar landscaping to an equal or greater extent.

7. Changes that will preserve the natural features of the site without changing the basic site layout.

8. Change type and design of lighting fixture provided an engineer or architect certifies there will be no change in the intensity of light at the property boundary.

9. Changes related to item 1 through 8 above required or requested by the Township or other state of federal regulatory agencies in order to conform with other laws or regulations; provided the extent of such changes does not alter the basic design and character of the site plan, nor any specified conditions imposed as part of the original approval and provided that such changes conform to the regulations contained in this Ordinance.

B. After approval by the Zoning Administrator, the applicant shall prepare a revised site plan showing the approved amendment. The revised site plan shall contain a list of all approved amendments and a place for the Zoning Administrator to sign and date all approved amendments.

C. No fees shall be required for minor site plan amendments approved by the Zoning Administrator.

D. For amendments to site plans that do not qualify as a minor amendment or which require Planning Commission action, the same application process and fee for site plan review shall apply.

If the Zoning Administrator finds that a proposed amendment to a site plan does not qualify as a minor change, he or she shall immediately notify the permit holder in writing that site plan approval has been suspended pending approval of the proposed amendment. The permit holder's notice shall be delivered by mail or in person. When the Planning Commission has approved the amendment, the Zoning Administrator shall send a written notice to the permit holder that the project's site plan has again been approved. This provision is not to be construed to prohibit phased development of a project provided that each phase is developed in accordance with an approved site plan.

ARTICLE 8
Special Land Uses

Section 8.1 Purpose

In addition to the uses permitted by right in each zoning district, this Ordinance allows the establishment of special land uses subject to the procedures, standards, and regulations described in this Article. Applications for special use permits may be filed by any person owning or having an interest in the property subject to the application.

Section 8.2 Application Procedures

A. Application for special use permits shall be submitted to the Zoning Administrator no less than twenty-one (21) days prior to the meeting at which the Planning Commission will consider the application. The review of applications submitted less than twenty-one (21) days prior to such meetings will be delayed until the next scheduled meeting.

   Applications must be accompanied by the materials and information described below:

   1. A completed Special Use application form and application fee.

   2. Three (3) copies of a site plan prepared as specified in **Article 7**.

   3. A written statement (preferably typewritten) describing how the proposed special use will comply with the general standards for special use approval listed under **§8.4**.

   When a complete application is submitted, the Zoning Administrator shall confer with the Chairperson of the Planning Commission to schedule a public hearing on the application.

Section 8.3 Planning Commission Decision

A. After the required public hearing and review of approval standards, the Planning Commission shall act to approve, approve with modifications and/or conditions, or disapprove the Special Land Use.

B. The decision on a Special Land Use shall be incorporated into a written statement of findings and conclusions relative to the Special Land Use which specifies the basis for the decision and any condition(s) imposed.

C. The Planning Commission may require conditions including but not limited to the provision for fencing, walls, and/or landscaping as screening to minimize adverse effects on the neighborhood.

D. In the case of a Special Land Use, the decision of the Planning Commission may not be appealed to the Zoning Board of Appeals. Appeals shall be made to the Circuit Court of Iosco County.

Section 8.4 Special Land Use Approval Standards

After the required public hearing, the Planning Commission shall approve, deny, or approve with conditions, an application for a Special Land Use permit only upon finding that the proposed Special Land Use complies with all the following standards A - I. Uses which also require a site plan shall also adhere to the site plan requirements and approval standards in **Article 7**.

8.4.1 Allowed Special Land Use.

The property subject to the application is located in a zoning district in which the proposed Special Land Use is allowed.

8.4.2 Compatibility with Adjacent Uses.

A. The proposed Special Land Use shall be designed, constructed, operated and maintained to be harmonious, compatible and appropriate in appearance with existing or planned uses and the intended character of the area and the surrounding land, and shall not change the essential character of the area in which it is proposed to be located.

B. The use shall not be hazardous or disturbing to existing or future nearby uses. The proposed use will not involve uses, activities, processes, materials, or equipment that will create a nuisance for other properties in the vicinity by reason of traffic, noise, smoke, fumes, glare, odors, or the accumulation of scrap or waste materials.

C. The proposed special use will not diminish the opportunity for adjacent property owners to use and develop their properties as zoned.

8.4.3 Public Services.

A. The proposed Special Land Use will not place demands on fire, police, or other public resources in excess of current capacity.

B. The proposed Special Land Use shall be served adequately by essential public facilities and services including but not limited to streets, police and fire protection, storm water drainage, refuse disposal, water and sewage facilities, and schools.

8.4.4 Economic Well-Being of the Community.

The proposed Special Land Use shall not be detrimental to the economic well-being of the surrounding residents, businesses, landowners, and the community as a whole. The use will not create excessive additional public costs and will not be detrimental to the economic welfare of the Township.

8.4.5 Compatibility with Natural Environment.

The proposed Special Land Use will not involve uses, activities, processes, materials, or equipment that will create a substantially negative impact on the natural resources of the Township or the natural environment as a whole. Natural features of the landscape, including but not limited to, ponds, streams, hills, and wooded areas, shall be retained where they afford a barrier or buffer from adjoining properties. The landscape shall be preserved in its natural state, as far as practical, by minimizing tree and soil removal, and any grade or slope changes shall be in keeping with the general appearances of the neighborhood.

8.4.6 Impact of Traffic on Street System.

The location and design of the proposed Special Land Use shall minimize the negative impact on the road system in consideration of items such as vehicle trip generation (i.e. volume), types of traffic, access location and design, circulation and parking design, road and bridge capacity, traffic operations at proposed access points, and traffic operations at nearby intersections and access points. The proposed Special Land Use shall not cause traffic congestion, conflict or movement in greater proportion to that normally prevailing for the use in the particular zoning district.

8.4.7 Consistent with Zoning Ordinance and Master Plan.

The use will be consistent with the intent and purposes of this Ordinance and meet the goals and objectives of the currently adopted Master Plan.

8.4.8 Compliance with Supplemental Site Development Standards.

The proposed Special Land Use complies with all applicable supplemental site development standards as contained in **Article 12** of this Ordinance.

Section 8.5 Inspection of a Special Land Use

The Zoning Administrator shall have the right to inspect any Special Land Use to ensure continued compliance with the conditions of the Special Land Use.

Section 8.6 Compliance with Other Regulations

A. An approved special use shall be developed, constructed, operated, and maintained in strict compliance with the terms of the special use permit, including the approved site plan and any attached conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and approved by the Planning Commission. In the event that functional elements or improvements associated with a special use were designed by an architect or engineer, the applicant shall, following completion of construction, provide a statement prepared by the architect or engineer certifying that all improvements have been constructed in compliance with the special use permit as granted.

B. All applicable federal, state and local licensing regulations shall be complied with. Initial and annual proof of such compliance may be a condition of Special Land Use approval and the continuance thereof.

C. As a minimum, or unless specifically modified by the provisions of **Article 12 (Supplemental Site Development Standards)**, the dimensional standards and landscape, buffering and parking regulations otherwise applicable to the use and/or zoning district shall be maintained as outlined within the other applicable articles of this Ordinance. In such cases where there are conflicting standards, the most restrictive shall apply unless specifically modified by the provisions of **Article 12**.

Section 8.7 Amendment to an Approved Special Land Use

Minor amendments to a previously-approved Special Land Use may be approved by the Zoning Administrator with no public hearing or public hearing notice required. Minor amendments are listed in **§7.8.** Amendments which do not fall under **§7.8 (A)** shall be process in the same manner as a new Special Land Use.

Section 8.8 Expiration of a Special Land Use

A. The Special Land Use permit shall expire unless the use has begun within one (1) year of approval. Thirty days prior to expiration of an approved Special Land Use permit, an applicant may make application to the Planning Commission for a one-year extension of the Special Land Use permit at no fee. The Planning Commission shall grant the requested extension for this additional one year if it finds good cause for the extension.

B. The Special Land Use permit shall expire if replaced or superseded by a subsequent permitted use or Special Land Use permit or if the applicant requests the rescinding of the Special Land Use Permit.

C. The Special Land Use permit shall expire if the Special Land Use has been abandoned for a period of one (1) year or more. When determining the intent of the property owner to abandon a Special Land Use, the Planning Commission shall consider the following factors:

1. Whether utilities such as water, gas, and electricity to the property have been disconnected.

2. Whether the property, buildings, and grounds have fallen into disrepair.

3. Whether signs or other indications of the existence of the Special Land Use have been removed.

4. Whether equipment or fixtures necessary for the operation of the Special Land Use have been removed.

5. Other information or actions that evidence an intention on the part of the property owner to abandon the Special Land Use.

Section 8.9 New Ownership of a Special Land Use

A Special Land Use Permit does not expire on transfer or sale of the property.

ARTICLE 9
Parking & Loading Space Requirements

Section 9.1 Purpose

The purpose of parking regulations is to make Tawas Township safe for and accessible by pedestrians, cyclists, and drivers. Equal consideration should be given to pedestrians, cyclists and drivers in the design of all public and private parking areas. Site design should help to reduce the number of conflicts between the parking area users. Public rights-of-way shall be designed to ensure the movement of people safely. Design of parking areas and rights-of-way shall contribute to the walkability of Tawas Township.

Section 9.2 Single-Family Residential Parking Requirements

A. The off-street parking facilities required for residential dwellings shall be located on the same lot or plot of ground as the dwellings they are intended to serve and shall consist of a parking strip, parking apron, driveway, carport, and/or garage or some combination thereof.

B. No parking area shall be used for storing of any commercial vehicle exceeding one ton in capacity.

C. The storage of merchandise, motor vehicles for sale (other than a resident's private vehicles), or the repair of vehicles exceeding one ton capacity is prohibited in any required parking area.

Section 9.3 Non-Residential and Multi-Family Parking Requirements

A. Off-street parking and loading provisions of this Section shall apply to the following:

1. New Construction. For all buildings and structures erected and all uses of land established after the effective date of this chapter.

2. Enlargement. Whenever a building is expanded to increase its usable floor area.

3. Change in Use. Whenever the use of a building or portion of a building is changed to accommodate a use requiring more parking than the former use.

4. Parking Area Construction and Expansion (for all new parking areas and whenever existing parking areas are expanded or upgraded). Normal maintenance, such as re-grading of legal non-conforming gravel parking areas or the addition of top coat or sealer to existing paved parking areas, will not trigger full off-street parking compliance; however, pulverizing an existing asphalt, concrete or other paved parking surface, the outright removal or substantial modification of the paved surface in preparation for paving and demolition by neglect which serves to return a parking area substantially to gravel or other aggregate surface, shall, for the purposes of this code, be considered a new parking area.

B. **Excessive Parking Space**. A maximum of one hundred twenty (120) percent of the required number of parking spaces may be provided (rounded down to the nearest whole number). Provision of more than one hundred twenty (120) percent of the requirement will require a variance from the Board of Zoning Appeals.

C. **Mixed Uses in the Same Building**. In the case of mixed uses in the same building, the required number of parking spaces for each use shall be determined and provided separately. The parking spaces for one use shall not be considered as providing required spaces for any other use, except as provided in this subsection D or E.

D. **Collective Parking**. Two (2) or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces may be reduced by 10%. Vehicular access must be provided between parking areas in a manner which allows travel from one parcel to another without the use of a public street.

E. **Shared Parking.** Joint use of the same parking areas may be permitted for two (2) or more uses located on the same, adjacent, or nearby parcels provided that the developer or owner demonstrates to the satisfaction of the Township that the uses will not overlap in hours of operation or in demand for shared spaces. The owners of all parcels used for or making use of shared parking areas shall record a commitment stating that the uses will not overlap in hours of operation or in demand for shared spaces. The commitment shall be binding on future owners of the property(s) and shall be recorded with the Register of Deeds. Shared parking areas shall be located not more than three hundred (300) feet from the uses they are intended to serve. If shared parking is utilized, the required parking number of parking spaces shall be reduced by 30%.

F. **Reduction of Parking Spaces**. For development in any zoning district, the Planning Commission may approve a total reduction of not more than 30% of the required off-street parking spaces where it has been demonstrated by study of the proposed use(s) and the customary operation of the use(s) that adequate parking would be provided.

G. **Display and Storage**. Accessory off-street parking facilities required herein shall not be used for the storage, repair, dismantling or wrecking of any vehicles, equipment or material.

H. **No Driveway onto Major Road**. In the C-1, I-1, OSD, or FID Zoning Districts, uses on parcels fronting on state or interstate highways may reduce the required number of off-street parking spaces by ten percent (10%) if the parcel has no driveway openings onto the major road. This reduction is in addition to reductions allowed by other provisions of this Article.

I. **Driveway Spacing Requirements**. Each parcel in the C-1, I-1, OSD, and FID Zoning Districts shall have no more than one driveway entrance and exit opening to a state or interstate highway for each three hundred (300) feet of frontage or fraction thereof. Where more than one driveway is allowed, the driveways shall be located at least fifty (50) feet apart. No driveway shall be located within twenty-five (25) feet of a neighboring property line, or within fifty (50) feet of a street intersection.

J. **Parking Spaces Required**.

1. **Computing the Number of Spaces**. For the purpose of determining off-street parking requirements, usable floor area shall be calculated.

2. **Fractional Spaces**. When units or measurements determining number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half shall be disregarded, and fractions over one-half shall require one parking space.

3. **Uses Not Mentioned**. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with the use which the Zoning Administrator considers to be similar in type.

4. **Handicap-Accessible Spaces**. Off-street parking facilities shall provide spaces for the handicapped in accord with the provisions of Act 230 of the Public Acts of the State of Michigan 1972, as amended.

PARKING FOR HANDICAPPED (ALL DISTRICTS)	
Number of Parking Spaces in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of Total Spaces
1,001 and Over	20 Plus 1 for Each 100 Over 1,000 Spaces
1 For every 8 accessible spaces, at least 1 must be a van accessible space.	

5. **Number of Spaces Required**.

Parking Requirements

Residential	
Bed and Breakfasts/Rooming houses	1 for each sleeping room and 2 for the owner/resident manager
Group day care homes	2 in addition to the 2 required for the residence
Housing for the elderly	1 for each unit and 1 for each employee on the largest shift
Manufactured Homes located in a Manufactured Housing Community	2 for each manufactured home site and 1 for each employee.
Multiple family	1.5 per each efficiency or one-bedroom dwelling unit, 2 per each unit with 2 or more bedrooms and 1 for each employee
One-family and two-family	2 for each dwelling unit
Commercial	
Auto service station	1 space per pump, plus 1 for each employee, plus 1 for each 250 square feet of gross floor area devoted to retail sales.
Auto body shop/repair	1 space for each 500 square feet of gross floor area plus 1 space for each employee.
Auto wash; auto reconditioning; auto cleaning	1 space per employee on the largest shift plus a minimum of 7 stacking spaces.
Automobile, mobile home, truck, recreational vehicle, boat and farm implement sales and rental	1 space per 500 square feet of showroom floor area plus 1 space per 2,000 square feet of outdoor sales area
Bank	1 per 200 square feet of gross floor area
Beauty parlor or barber shop	2 per chair
Bowling alley	5 spaces per lane
Commercial amusements (outdoor)	At least 10 spaces
Dance Halls, Exhibition Halls, Pool Halls without fixed seats	1 per every 3 persons allowed within the maximum occupancy load.
Drive-In/Drive-Through	5 stacking spaces for each service window.
Dry cleaners	2 for every 1000 square feet of gross floor area
Furniture and appliance sales and service, hardware, household equipment, repair shops, shoe repair, showroom of a plumber, decorator, electrician or similar trade, and other similar uses	1 for each 850 feet of gross floor area
Greenhouse	1 space per 1,000 square feet gross floor area
Laundromats and coin operated dry cleaners	1 for each 3 washing or dry cleaning machines
Motel, hotel, or other commercial lodging establishments	1 for each guest bedroom plus 1 for each 1 employee, plus spaces for any dining rooms, cocktail lounges, ballrooms, or meeting rooms, based upon maximum occupancy code.
Medical and dental offices or similar offices	1 for each employee plus one for each examining room.
Mini-warehouses, self-storage establishments	1 per 10 storage units, equally distributed throughout the storage area
Funeral home; mortuary	1 per 3 persons based on maximum occupancy code plus one for each employee
Open air business	1 for each 600 square feet of lot area
Professional offices	1 for each employee plus 1 per 500 square feet gross floor area
Research, medical or optical laboratory	1 space per 350 square feet
Restaurants and establishments for on premises sale and consumption of food, refreshments, and/or beverages	1 for every 2 persons of seating capacity plus 1 space per employee on the largest shift
Restaurants with drive in, drive through, or take out	Use seating capacity standards as applicable for sit-down restaurants. A minimum of 5 stacking spaces shall be provided for each service window where a drive through operation is present.
Retail sales unless otherwise specified herein; shopping center	1 space per 200 square feet
Taverns; cocktail lounges; and night clubs	1 space per 100 square feet
Veterinary clinics; animal hospitals	3 for every employee plus one per examination room

Institutional	
Assisted living facility, Nursing Homes, Convalescent Homes	1 for every 2 dwellings plus 1 for each employee on the largest shift
Churches, temples, or similar places of worship; theaters, auditoriums, and assembly buildings; stadiums, sports arenas, or similar places of outdoor assembly	1 space for each 4 seats or 8 linear feet of benches in the main unit, plus 1 for each employee. If no permanent seats are provided, then 1 space for each 35 square feet of gross floor area.
High Schools	1 for each teacher, employee, or administrator, and 1 for each 5 students
Elementary, middle, and junior high schools	1 for each teacher, employee, or administrator, plus 1 space for each 4 seats in the auditorium or 1 for each 35 square feet where no fixed seating exists in the auditorium. If no such auditorium exists, then two spaces per classroom in addition to that for each teacher, employee or administrator.
Government offices; libraries; museums	1 for every 400 square feet of gross floor area
Hospitals	1 for every 2 beds plus 1 for every employee based upon the largest shift
Jails	1 space for each staff member plus 1 space for every 5 cells in addition to off street loading spaces for delivery and transport vehicles.
Nursery schools, day nurseries, or child day care centers (non-residential)	1 for each employee plus 1 space for each 5 children of licensed authorized capacity or 1 space for every 10 children if adequate drop-off facilities are provided.
Post offices	1 space per official vehicle plus 1 space per employee on the largest shift plus 1 space per 200 square feet
Private clubs or lodges	1 for every 3 persons allowed within the maximum occupancy load as established by building or health codes
Industrial	
Industrial Establishments	1 space per employee on the largest shift, plus 1 space per 300 square feet of public office area
Mineral extraction, borrow pit, top soil removal and storage	1 space per employee on the largest shift
Sanitary landfill or refuse dump; sewage, trash, garbage disposal or recycling plant	1 space per employee on the largest shift
Truck terminal	1 space per 1,000 square feet
Warehouse and/or storage building	1 space per 2,000 square feet
Water treatment or wastewater facility	1 space per employee on the largest shift
Wholesale establishments	1 space per 600 square feet plus 1 space per employee on the largest shift
Misc	
Athletic clubs	1 per each 3 persons allowed within the maximum occupancy load plus 1 per each employee
Boat Launch Ramps; Marinas	1 per boat slip plus 20 for launch ramps
Cemetery	1 space per employee on the largest shift
Golf Courses	4 spaces per hole plus 1 for each employee
Mini Golf Courses	2 spaces per hole plus 1 for each employee
Private club or lodge	1 space per 3 persons up to maximum capacity
Tennis or racquetball facility	2 spaces per court plus 1 space per employee on the largest shift

Section 9.4 Off-Street Loading and Unloading

On the same premises with every building, structure, or part thereof, involving the receipt or distribution of vehicles or materials or merchandise on a regular basis, there shall be provided and maintained on the lot adequate space for standing, off-street loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. Such space shall be provided as follows:

A. Required Off-Street Loading Berths:

Off-Street Loading & Unloading	
Gross Floor Area	Loading & Unloading Space Required
0 - 20,000 square feet	One (1) space
20,001 - 50,000 square feet	Two (2) spaces
50,001 – 100,000 square feet	Three (3) spaces
100,001 and up	One additional space for each additional 50,000 square feet

B. Each loading space shall be at least twelve (12) feet in width, forty-four (44) feet in length, and have a clearance of fourteen (14) feet above grade.

C. Such space may occupy all or any part of any required yard or court space, except the front yard.

D. Loading areas shall be designed to provide internal drainage.

E. The Planning Commission may permit the modification of loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of these requirements.

Section 9.5 Snow Storage Areas

Snow storage areas shall be provided for all nonresidential uses as an unobstructed area of not less than ten percent (10%) of the surface area of all paved or surfaced areas such as but not limited to: parking areas, loading and service areas, driveways, etc. Such area may be lawn or landscaped areas, parking lot divider strips, tree planting areas in parking lots provided plantings are adequately protected. Snow storage areas shall not include public rights-of-way.

ARTICLE 10
Signs

Section 10.1 Purpose

The intent of this article is to regulate the type, number, physical dimensions, erection and placement of signs in Tawas Township. The purpose of these regulations is to:

A. Promote the public health, safety, and welfare or residents and visitors;
B. Reduce hazardous distractions to motorists, pedestrians, and air traffic;
C. Protect commercial districts from visual clutter and chaos;
D. Protect property values;
E. Protect the rural character and natural beauty of Tawas Township.

Section 10.2 Permit Required

No sign, except those indicated in **§10.3,** shall be erected, altered, replaced, or relocated until approved by the Zoning Administrator and a Sign Permit issued. A property owner may maintain an existing conforming sign without a sign permit provided the type, size, shape and height do not change and the use remains the same.

Section 10.3 Signs Excluded from Permits

The following are permitted in all districts in accordance with the provisions of this Section and shall not require permits for erection and shall not count toward the allowable number and size of signs requiring a permit listed in **Section 10.5**.

A. Signs four (4) square feet and less in size and located on the perimeter (along a parcel boundary);

B. Signs not visible to motorists or pedestrians on any road, alley, water body, public lands, or adjacent parcels;

C. Specific information panels for the direction of motorists which may be located on any county road or state or federal highway;

D. Legal postings as required by law;

E. Signs erected by the Township or pursuant to the authorization of Township Board including signs identifying municipal buildings, parks, other municipal facilities, historical markers, and other official information;

F. Flags;

G. Canopy, Awning, Marquee Signs. Projecting signs when located below a canopy, awning, or marquee which do not exceed two (2) feet in area or extend below a minimum height of eight (8) feet from ground level.

H. Banners across public rights-of-way subject to any terms or conditions Township Board or its designee deems appropriate;

I. Temporary signs.

Section 10.4 General Sign Standards

10.4.1 Signs in Right-Of-Way.

No sign, except those established, authorized or maintained by Township, County, State or Federal governments, shall be erected in, nor project into, or overhang a right-of-way except as otherwise allowed in this Ordinance. The owner of any sign which has been removed by the Township from the right-of-way because it is in violation of this provision shall pay to the Township the sum of fifty dollars ($50.00) before recovering said sign. If any sign is not claimed within thirty (30) days, it shall be destroyed.

10.4.2 Signs Not to Constitute a Traffic Hazard.

No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, 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.

10.4.3 Illumination/Glare.

Internally and externally lighted reflective, glowing and other forms of illumination shall be permitted on all signs except where specifically prohibited. All illumination shall be concentrated on the area of the sign or landscape feature or directed or shielded so as to not interfere with the vision of persons on the adjacent streets or adjacent property. Illumination shall not constitute a traffic hazard. No sign shall be illuminated by other than electrical means or devices, and wiring shall be installed in accordance with the National Electrical Code.

10.4.4 Flashing/Moving Signs.

Illuminated signs shall not be of the flashing, moving or intermittent type unless elsewhere allowed in this Ordinance or approved by the Zoning Administrator, who shall find that the lighting is non-glaring and does not interfere with traffic control devices. An exception to this subsection shall be barber shop poles.

10.4.5 Obstructions to Doors, Windows and Fire Escapes.

No sign shall be erected or maintained so as to prevent free ingress or egress from any door,

window or fire escape. No sign of any kind shall be attached to a stand pipe or fire escape.

10.4.6 Obscene Material.

No sign shall contain statements, words, or pictures of an obscene, indecent or immoral character, such as will offend public morals or decency.

10.4.7 Substitution Clause.

Any sign that can be displayed under the provisions of this ordinance may contain a non-commercial message.

10.4.8 Corner Clearance Area.

No sign shall be placed within the required corner clearance area **(§4.10).**

10.4.9 Sign Construction.

No nails, tacks or wires shall be permitted to protrude from the front of any sign. This shall not exclude, however, the use of block letters, electrical reflectors, or other devices which may extend over the top and in front of the advertising structure. Signs shall be comparable to a professionally designed and constructed sign. All signs shall be subject to the Building and Safety Codes of Iosco County.

10.4.10 Size Limitations.

Size limitations apply to the sign face only, not the support structure.

10.4.11 Directional Signs.

Directional signs required for the purpose of orientation, when established by Township, County, State of Federal governments shall be permitted in all zoning districts in the public right-of-way.

10.4.12 Nonconforming Signs.

A. Nonconforming signs that were otherwise lawful on the effective date of this Zoning Ordinance may be continued.

B. No person shall increase the extent of nonconformity of a nonconforming sign. Without limiting the generality of the foregoing, no nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition. Nor may illumination be added to any nonconforming sign.

C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Section.

D. If a nonconforming sign is destroyed by natural causes, it may not thereafter be repaired,

reconstructed, or replaced except in conformity with all provisions of this Zoning Ordinance. The remnants of the former sign structure not usable for a new conforming sign shall be removed within one hundred eighty (180) days. For purposes of this Section, a nonconforming sign is considered destroyed if it is damaged to an extent that the cost of repairing the sign to its former stature or replacing it with an equivalent sign equals or exceeds the value of the sign so damaged.

E. Subject to the other provisions of this Section, nonconforming signs may be repaired, maintained, serviced or repainted if the framework and/or the size and/or shape of the sign remain unchanged. If such framework is altered or removed or the size and/or shape of the sign are altered, said sign must be changed to a conforming sign.

F. If a nonconforming off-premise sign remains blank for a continuous period of 180 days, that off-premise sign shall be deemed abandoned and shall, within 30 days after such abandonment, be altered to comply with this Zoning Ordinance or be removed by the owner of the sign, the owner of the property where the sign is located, or the persons having control over such sign. For purposes of this Section, a sign is "blank" if:

1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted;

2. The advertising message it displays becomes illegible in whole or substantial part; or

3. The advertising copy that either has been paid for by a party other than the sign owner or promotes an interest other than rental of the sign has been removed.

G. Subsection **10.4.12** above shall not apply to signs advertising seasonal businesses.

10.4.13 Unsafe, Damaged, and Illegal Signs.

In the event that any sign becomes insecure, in danger of falling, unsafe, damaged, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this Ordinance, the owner or lessee shall within ten (10) days of receipt of a written notice from the Zoning Administrator make such sign conform to the provisions of this Ordinance or shall cause it to be removed. The Zoning Administrator may grant a time extension if, after inspection, the Zoning Administrator determines that no immediate danger exists. In the event said owner or lessee does not remove said sign pursuant to said notice, or cannot establish a good faith effort to comply, the Zoning Administrator is authorized to cause removal of such sign and any expense incident thereto shall be paid by the owner or lessee of the sign or, if such person cannot be found, by the owner of the building or structure or property to which such sign or structure is affixed. If such expense is not paid, the Township shall have a lien on the property and such cost shall be added to the tax bill for the property. The Zoning Administrator shall refuse to issue a permit to any permittee or owner who refuses to pay costs so assessed. The Zoning Administrator may cause any sign or other advertising structure which is an immediate peril to persons or property to be removed summarily and without notice.

10.4.14 Sign Maintenance.

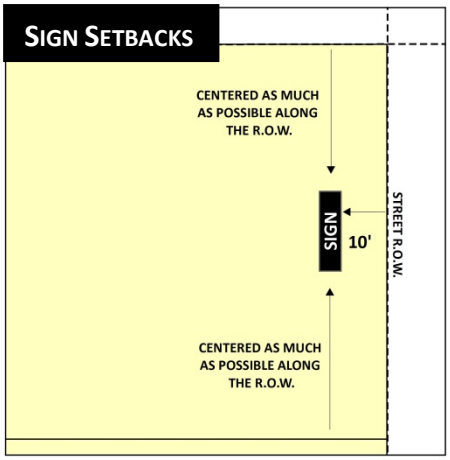
The Zoning Administrator may order the removal of any sign that is not maintained in accordance with the provisions of this Ordinance.

A. **Maintenance**. All signs for which a permit is required, together with all their supports, braces, guys and anchors, shall be maintained in good working order, and when not galvanized or constructed of approved corrosion-resistant, noncombustible materials, shall be painted when necessary to prevent corrosion. The exteriors of all signs, supporting members, painted surfaces, advertising materials and lettering shall be kept painted and in good repair, so as to present a neat and orderly appearance. All bulbs or component parts of the sign, including the electrical switches, boxes and wiring used in the illumination of the sign must be well maintained and in good repair. Painting, cleaning, light bulb replacement, and other normal maintenance or repair of a sign or its supporting structure does not require a Zoning Permit. However, any structural change or relocation of a sign or its supporting structure does require a Zoning Permit

B. It shall be the duty and responsibility of the owner or lessee of every sign to maintain the immediate premises occupied by the sign in a clean, sanitary and healthful condition.

10.4.15 Sign Setbacks.

Freestanding signs shall be set back at least ten (10) feet from the property line and shall be centered as much as possible along the street frontage.



10.4.16 Replacement Copy.

The replacement or changing of copy on an approved sign is allowed without a permit. However, if the replacement creates a sign which violates the provisions of this Article, it shall be deemed a violation of this Ordinance.

Section 10.5 Sign Sizes & Types Allowed

TABLE 10.5 A: Sign Standards for R-1, A-1, and F-1 Zoning Districts (all uses except single-family residential)	
(Pylon) Free-Standing Signs or Monument Signs	**Number Allowed: 1 Size: 32 sq ft Height: 6 ft** **Additional Standards:** **1. Sign shall be non-illuminated.**
Wall Signs	**Number Allowed & Size: 10% of the wall on which the sign is attached.**

TABLE 10.5 B: Sign Standards for C-1, OSD and I-1 Zoning Districts (all uses except single-family residential)	
(Pylon) Free-Standing Signs	**Number Allowed: 1 Size: 100 sq ft Height: 25 ft** **Additional Standards:** **1. The lowest point of the freestanding sign shall not be less than ten (10) feet above ground level.** **2. No portion of any freestanding sign shall be located closer than ten (10) feet to any property line.**
Monument Signs	**Number Allowed: 1 Size: 32 sq ft Height: 6 ft**
Wall Signs	**Number Allowed & Size: 10% of the wall on which the sign is attached or one hundred (100) square feet, whichever is greater.**
Projecting Signs	**Number Allowed: 1 Size: 10 sq ft per side** **Additional Standards:** No projecting sign shall exceed a height greater than the front wall height of the building to which it is attached or extend below a minimum height of eight (8) feet above the public sidewalk and a minimum of fifteen (15) feet above a driveway, alley or thoroughfare.
Multiple Development/ Business Center Signs	**Business Center Signs** shall not exceed the maximum square footage for an allowable freestanding sign. Each tenant within the business center shall be allowed an additional individual sign of twenty (20) square feet/side to be incorporated in the business center sign. The total allowable height of the sign cluster shall be twenty (20) feet.
Portable Sign	**Number Allowed**: 1 **Size**: **32** sq ft **Additional Standards:** **1. The sign must meet setbacks.** **2. The sign shall be property anchored and wired.** **3.** The continuous length of display during any period shall not exceed thirty (30) days. Moreover, there shall be a minimum of thirty (30) days between display periods, and not more than one **hundred** eighty (180) total days of display in a year. **4.** The sign shall possess a nameplate or other such identification area indicating the name, address, and telephone number of the sign owner.

TABLE 10.5 B: continued

Static and Electronic Message Boards	1. One (1) static or electronic message board shall be allowed per lot in addition to the primary freestanding or wall sign for Non-Residential Uses. 2. Message boards may be no larger than the primary freestanding or wall sign on the premises. **3.** If a message board is constructed as an integral element to the primary sign, then the primary sign size standards apply to the combination of primary sign/message board. No additional message board shall be erected. 4. Message boards may contain advertising for on-premise or off-premise establishments. Electronic Message Boards only: 5. An electronic message board shall be allowed to have changing messages, scrolling message, and animation, but shall not be allowed to contain flashing elements. 6. The electronic elements shall be of an intensity that the brightness and motion shall not adversely affect surrounding or facing premises, nor adversely affect safe vision of pedestrians or operators of vehicles on public or private streets, driveways or parking areas. 7. An electronic message board shall contain a default mechanism that freezes the sign in one position if a malfunction occurs. 8. An electronic message board shall contain a mechanism to automatically adjust the intensity of its display according to natural ambient light conditions. 9. Instruments which use technology to display or project digital messages onto windows or walls of buildings shall be considered an electronic message board and shall be subject to all provisions of this Ordinance.

Section 10.6 Off-Premise Signs

10.6.1 Off-Premise Advertising Signs (Billboards).

The regulation of off-premise signs is intended to enhance and protect community character and image by minimizing visual blight and pollution, and to minimize traffic safety hazards due to diversion of the driver's attention and blockage of sight distances. Off-premise advertising signs require a Special Use Permit.

A. **Location**. Static and digital off-premise signs may be erected only in the C or I-1 District adjacent to US-23. No off-premise sign may be erected or maintained within fifty (50) feet of

street lines at any street intersection and shall have a minimum setback from the front property line of twenty-five (25) feet. No off-premise sign shall be installed or placed on top of, cantilevered or otherwise suspended above the roof of any building. No portion of an off-premise advertising signs may be closer than one hundred (100) feet to any neighboring property line.

B. **Area and Height Limitations**. No off-premise sign may be erected or maintained of a greater surface area than three hundred (300) square feet for each side of such sign. The top of the sign shall be no more than fifteen (25) feet above the ground and the bottom of the sign shall be at least ten (10) feet above the ground. Double faced off-premise sign structures (i.e., structures having back-to-back faces) and V-type structures having only one face visible to traffic proceeding from any given direction on a street or highway shall be considered as one off-premise sign.

C. **Spacing**. Off-premise signs shall be located no closer to one another than one thousand five hundred (1,500) feet on either side of the road.

D. **Construction**. All off-premise signs shall have a surface or facing of non-combustible material and shall be securely constructed and erected upon posts and standards sunk at least four (4) feet below the natural surface of the ground. All posts, anchors, and bracings of wood shall be treated to protect them from moisture by creosoting or other approved methods where they rest upon or enter the ground.

E. **Illumination**. An off-premise sign may be illuminated, provided such illumination is concentrated on the surface of the sign and is so located as to avoid glare or reflection onto any portion of an adjacent street or highway, into the path of on-coming vehicles, or on any adjacent premises. In no event shall any off-premise sign have flashing or intermittent lights, nor shall the lights be permitted to rotate or oscillate.

F. **Maintenance**. The site upon which the off-premise sign is placed shall be maintained by the owner thereof in clean, sanitary and inoffensive condition and free and clear of all noxious substances, rubbish, and weeds.

G. **Digital Off-Premise Advertising Signs**.

1. **Rate of Change**. The rate of change between static messages or images shall not exceed more than one (1) change per six (6) seconds. Each change shall be complete in one (1) second or less.

2. **Luminance**. The maximum daylight sign luminance level shall not exceed 62,000 candelas per meter squared at 40,000 lux illumination beginning 1/2 hour after sunrise and continuing until 1/2 hour before sunset and does not exceed 375 candelas per meter squared at 4 lux illumination at all other times.

3. Digital off-premise signs shall be configured to default to a static display in the event of mechanical failure.

H. An off-premise sign must be constructed in such a fashion that it will withstand all wind and vibration forces which can normally be expected to occur in the vicinity. An off-premise sign must be maintained so as to assure proper alignment of structure, continued structural soundness, and continued readability of the message(s).

I. An off-premise sign established within an industrial area, as defined in the Highway Advertising Act of 1972 (1972 PA 106, as amended) bordering interstate highways, freeways or primary highways as defined in said Act shall, in addition to complying with the above conditions, also comply with all applicable provisions of said Act and the regulations promulgated thereunder.

10.6.2 Small Private Off-Premise Directional Signs (On Private Property).

Private off-premise directional signs which provide directions to a commercial or industrial establishment which is not located on a primary street within the Township shall be allowed on private property provided there exists a written agreement between the property owner and the business/industry. Said agreement shall be filed with the Township of Tawas.

A. Off-premise directional signs shall be no greater than six (6) square feet.

B. Off-premise directional signs must be located at intersections.

C. Two (2) private off-premise directional signs shall be permitted per non-residential zoning lot.

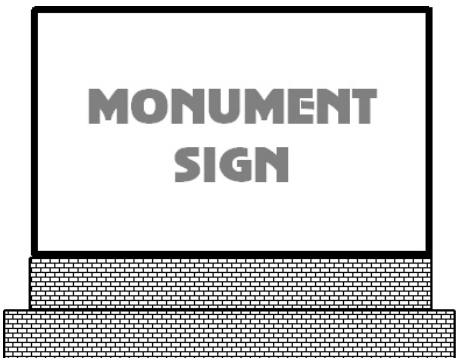
Section 10.7 Sign Type Diagrams

The following section provides pictorial examples of typical types of signage.

Pylon Sign (Freestanding)



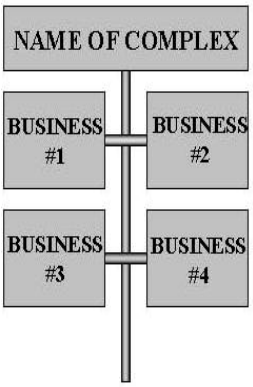
Monument Sign (Freestanding)



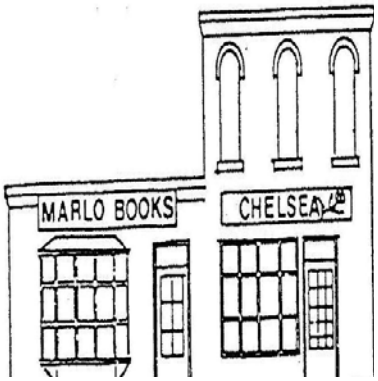
Message Board



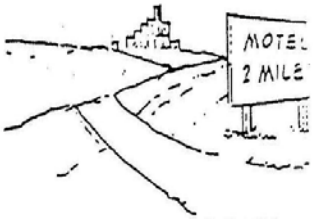
Business Center Sign



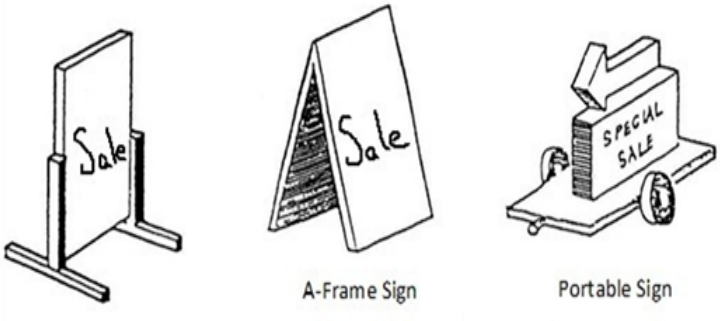
Wall Signs



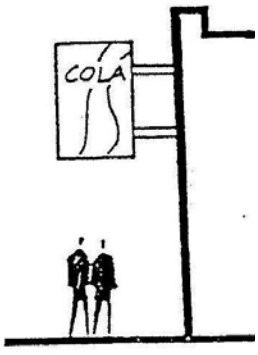
Off-Premise Sign



Temporary Signs



Projecting Sign



Article 11
Text and Map Amendments

11.1 Purpose

The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Public Act 110 of 2006, as amended.

A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Tawas Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Planning Commission.

B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.

C. FILING FEE: Application for amendment shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be refundable to a petitioner. No fee shall be charged when the amendment is initiated by the Tawas Township Planning Commission or Township Board.

11.2 Procedures

11.2.1 Application

A Petitioner shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the Township Clerk. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.

11.2.2 Action Of Clerk

The Township Clerk shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

11.2.3 Notice of Hearing

After transmitting the amendment application to the Planning Commission the Clerk shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within 45 days of the date of application receipt. The Clerk shall give notice of the public hearing pursuant to **§3.7**.

11.2.4 Application Information:

When the petition involves a change in the Zoning Map, the applicant shall submit the following information to the Township Clerk:

A. A legal description of the property.

B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

C. The name and address of the applicant.

D. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.

E. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

F. The desired change and reasons for such change.

11.2.5 Planning Commission Consideration

The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.

11.2.6 Rezoning Standards

The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.

A. Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?

B. Will there be an adverse physical impact on surrounding properties?

C. Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?

D. Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?

E. Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?

F. What is the impact on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?

11.2.7 Findings of Fact

The Planning Commission shall submit a final report indicating findings of fact/recommendation to the Township Board along with a summary of the comments received at the public hearing.

11.2.8 Outside Agency Review

In determining the above-mentioned findings of fact the Planning Commission may solicit information and testimony from officials of, but not limited to, the following agencies:

A. Iosco County Health Department

B. Iosco County Road Commission

C. Iosco County Drain Commission

11.2.9 County Planning Commission Review

After the required public hearing, the Planning Commission shall send the amendment to the Iosco County Planning Commission for review and comment prior to Township Board adoption. The Iosco County Planning Commission shall have a total of thirty (30) days to provide comment.

11.2.10 Township Board Review:

A. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in **§3.7**. The Township Board shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **§3.7**.

B. After receiving the recommendations of the Planning Commission, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the Township Board. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment. The Planning Commission shall have sixty (60) days from such referral to make further recommendations to the Township Board. In the event that an application is referred back to the Planning Commission, the Township Board shall make specific mention of their objections to the Planning Commission's findings and recommendations. In order to lessen the possibility of adverse litigation concerning the zoning district decisions of the Township Board, the Township Board shall make a written record of the rationale for the action taken on each application for amendment to this Ordinance.

11.2.11 Publication

Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.

11.2.12 Re-Submittal of Application for Rezoning:

An owner of property, his/her authorized agent, or other person, shall not initiate action for rezoning affecting the same parcel more often than once every twelve (12) months. An exception to this rule may be made in those cases where the Planning Commission determines that conditions affecting the property have changed substantially, thereby justifying a repetition before twelve (12) months have elapsed from the date of the previous petition.

11.3 Conditional Rezoning

11.3.1 Intent

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with Section 405 of the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended) (MCL125.3405) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

11.3.2 Application and Offer of Conditions

A. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.

B. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.

C. The owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.

D. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.

E. Any use or development proposed as part of an offer of conditions that would require a special use permit, variance, or site plan approval under the terms of this Ordinance may only be commenced if the special use permit, variance, or site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

F. The offer of conditions may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, is such withdrawal occurs subsequent to the Planning and

Zoning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning and Zoning Commission for a new public hearing with appropriate notice and a new recommendation.

11.3.3 Planning Commission Review

The Planning Commission, after public hearing as set forth in **§3.7** of this Ordinance and consideration of the factors set forth in **§11.2.6** of this Ordinance, may recommend approval, approval with recommended changes, or denial of rezoning; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered by the owner.

11.3.4 County Planning Commission Review

Following the public hearing before the Township Planning Commission, the conditional rezoning application shall be submitted to the County Planning Commission for not more than thirty (30) day review period, according to the provisions of Section 307 of Public Act 110 of 2006.

11.3.5 Township Board Review

After receipt of the Planning Commission's recommendation, the Township Board shall deliberate upon the requested conditional rezoning and may approve or deny the request. Should the Township Board consider amendments to the proposed conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner, then the Township Board shall, in accordance with Section 401 of Public Act 110 of 2006, refer such amendments to the Planning Commission for a report thereon within a time specified by the Township Board, and proceed thereafter in accordance with said statute to deny or approve the conditional rezoning with or without amendments.

11.3.6 Approval

A. If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the Ordinance adopted by the Township Board to accomplish the requested rezoning.

B. The Statement of Conditions shall:

   1. Be in a form recordable with the Iosco County Register of Deeds, or as an alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.

   2. Contain the legal description and tax identification number of the land to which it pertains.

   3. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

4. Incorporate by attachment or reference any diagram, plans, or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

5. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the County Register of Deeds.

6. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

C. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation the land was rezoned with a Statement of Conditions. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.

D. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the County Register of Deeds. The Township Board shall have authority to waive this requirement if it determines that, given the nature of the conditions and/or the timeframe within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

E. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

11.3.7 Compliance with Conditions

A. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly.

B. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

11.3.8 Time Period for Establishing Development or Use

Unless another time period is specified in the Ordinance, the approved development and/or use of the land pursuant to building or other required permits must be commenced upon the land within twenty four (24) months after the rezoning took effect and thereafter proceeded diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion, and (2) the Township Board finds that there has not been a

change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.

11.3.9 Reversion of Zoning

If the approved development and/or use of the rezoned land does not occur within the timeframe specified under **§11.3.8** above, then the land shall revert to its former zoning classification. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall be the same as applies to all other rezoning requests.

11.3.10 Subsequent Rezoning of Land

When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to **§11.3.9** above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the County Register of Deeds that the Statement of Conditions is no longer in effect.

11.3.11 Amendment of Conditions

A. During the time period for commencement of an approved development and/or use specified pursuant to **§11.3.8** or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.

B. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

11.3.12 Township Right to Rezone

Nothing in the Statement of Conditions or in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (Act 110 of the Public Acts of 2006, as amended).

11.3.13 Failure to Offer Conditions

The Township shall not require any owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

ARTICLE 12

Supplemental Development Regulations

Section 12.1 Purpose

The uses listed in this Article shall be subject to the requirements of this Article along with provisions listed elsewhere in this Ordinance. All uses marked with an "*" in the Table of Permitted and Special Land Uses are included in this Article.

Section 12.2 Animal Shelters & Kennels

A. All kennels shall be operated in conformance with all applicable County and State regulations.

B. Animal shelters and kennels shall be on sites of at least one (1) acre for the first ten (10) animals boarded and an additional one (1) acre per each additional ten (10) animals boarded.

C. Animals shall be confined within a building or in a fenced area to preclude their approaching nearer than five hundred (500) feet to any dwelling on adjacent premises or nearer than one hundred (100) feet from the property line, whichever is greater.

D. Fences for outdoor areas shall be a minimum of six (6) feet in height.

E. If, in the Zoning Administrator's determination, the kennel presents a nuisance to neighboring properties, he/she may require the screening elements. If required, outdoor animal enclosures shall be screened from adjacent properties and/or roads with a wall, opaque fence, or an evergreen buffer at least six (6) feet in height.

F. The facility shall be so constructed and maintained that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining premises.

G. Animals shall be kept in a building between the hours of 10 p.m. and 8 a.m.

Section 12.3 Assisted Living Homes; Nursing/Convalescent Homes

A. Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed forty percent (40%) of the total site exclusive of any dedicated public right of way.

B. Ancillary service uses such as a dry cleaning pick up station, beauty shop, barber shop, food service establishment, lounge area, recreational area, workshops or similar use for the exclusive service to residents of a building may be allowed within a single building or a contiguous group of buildings.

C. Development of site and structures shall be in accordance with U.S. Department of Housing and Urban Development, Minimum Property Standards, Multifamily Housing, as it applied to

housing for the elderly.

Section 12.4 Automobile Service Stations; Auto Body/Paint/Interior & Glass; Auto Repair; Oil Change

A. Access to such use shall be directly to a major or collector street or shall be to a minor street which has direct access to an abutting major or collector street. Entrances shall be no less than twenty-five feet (25') from a street intersection (measured from the road right-of-way) or from adjacent residential districts and not less than fifteen (15') feet from any adjoining property lines.

B. Gasoline pumps, air and water hose standards and other appurtenances shall be set back not less than fifteen (15') feet from all street right-of-way lines and shall be arranged so that motor vehicles are provided easy egress and ingress to and from the adjoining road, and so that no portion of the vehicle while it is stopped for service, shall overhang onto a sidewalk, curb, road or public right-of-way.

C. All buildings shall be set back not less than forty (40') feet from all existing or proposed street right-of-way lines, whichever is greater.

D. Vehicles shall not be allowed to be stored outside the building for more than forty-eight (48) hours unless awaiting repair for which a "work order," signed by the owner of the vehicle, is posted in the vehicle so as to be visible from outside the vehicle.

E. Outdoor storage of parts or materials shall be within a fenced and obscured area in the side or rear yard which meets all setback requirements. Junk parts and junk vehicles shall not be kept on the outside of the building.

F. Areas for off- street parking required for customer use shall not be utilized for the storage of vehicles awaiting repair.

G. Vehicles which have been treated shall be stored inside the building or on a designated area on the site for a period adequate to assure that none of the material utilized in the process shall drip or be tracked upon public rights-of-way.

H. All lubrication equipment, hydraulic hoists and pits shall be completely enclosed within a building.

I. Automobile leasing may be permitted in connection with a gasoline service or gasoline filling station upon the special approval of the Planning Commission and subject to the provisions that the lot area and shall not be located in areas that are required for parking, aisleways, service bays, loading, landscaping or sidewalks.

Figure 12.5 Bed and Breakfasts

A. The Bed & Breakfast establishment shall be located in a single-family residence.

B. The owner(s) or resident manager(s) of the Bed & Breakfast shall reside at the residence at all times during periods of operation, except for temporary absences, in which the owner's or resident manager's designee must be on the premises. Sufficient sleeping rooms and bathrooms shall be retained for use by the owner(s) or resident manager(s) and their immediate family members residing at the residence. The minimum size for manager/owner living quarters shall be four-hundred eighty (480) sq. ft.

C. The use shall be compatible with the neighborhood in which it is located and other allowed uses in the vicinity.

D. The use shall be located in the principal structure on the property. The rooms utilized for sleeping shall be part of the primary use and not specifically constructed for rental purposes. The Planning Commission may grant permission for accessory dwellings or structures located on the same parcel as the principal structure containing the Bed and Breakfast to be used as additional sleeping rooms.

E. There shall be no separate cooking facilities for the Bed & Breakfast establishment other than those which serve the principal residence. Food and beverages for compensation may be served only to guests staying on the premises and shall be in compliance with State law.

F. A site plan shall be provided including a floor plan of the structure providing the following information:
   a. Owner/ resident manager and guest on-site parking
   b. Guest entrance to the structure
   c. Outdoor areas for use by guests
   d. All rooms of the structure clearly indicating guest and owner/resident manager sleeping rooms, and all other portions of the residence available for use by guests
   e. Additional information as may be deemed necessary by the Zoning Administrator or Planning Commission.

G. All on-site parking shall be paved and constructed in accordance with the parking requirements of **Article 9**.

H. Lighting for parking areas or outdoor activity areas shall be shielded to prevent light from spilling onto adjoining property used or zoned for residential purposes, or onto public rights-of-way.

I. The use of outdoor yard areas, open decks, pools, and the like available for use by guests shall not result in the production of excessive off-site noise, odor, and other external disturbances. Approval of the Bed & Breakfast operation may be conditioned on the installation of fencing, plantings, and/or other such installations and conditions necessary to ensure compatibility with the surrounding neighborhood.

J. All required state and local permits must be secured, maintained and displayed within an area of the Bed & Breakfast available to guests.

K. Rental of snowmobiles, ATV's, or similar vehicles, boats and other marine equipment to guests may be permitted as part of the Special Permitted Use approval by the Planning Commission. Such requests will be evaluated by the Planning Commission on a case by case basis based on information provided by the applicant.

L. All requirements and conditions imposed upon the Special Permitted Use approval shall be implemented prior to the Bed & Breakfast establishment becoming operational.

Section 12.6 Biofuel Production Facilities on Farms

A. In conformance to the Michigan Zoning Enabling Act, the following regulations shall apply to biofuel production facilities:

1. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel is a permitted use of property and is not subject to special land use approval if all of the following requirements are met:

   a. The biofuel production facility is located on a farm.

   b. The biofuel production facility is located not less than 100 feet from the boundary of any contiguous property under different ownership than the property on which the biofuel production facility is located and meets all applicable setback requirements of the zoning ordinance.

   c. On an annual basis, not less than 75% of the feedstock for the biofuel production facility is produced on the farm where the biofuel production facility is located, and not less than 75% of the biofuel or another product or by-product produced by the biofuel production facility is used on that farm.

2. Each of the following requires special land use approval under subsections (3) to (5):

   a. A biofuel production facility with an annual production capacity of not more than 100,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b) but that does not meet the requirements of subsection (1)(c).

   b. A biofuel production facility with an annual production capacity of more than 100,000 gallons but not more than 500,000 gallons of biofuel that meets the requirements of subsection (1)(a) and (b).

3. An application for special land use approval for a biofuel production facility described in subsection (2) shall include all of the following:

   a. A site plan including a map of the property and existing and proposed buildings and other facilities.

b. A description of the process to be used to produce biofuel.

c. The number of gallons of biofuel anticipated to be produced annually.

d. An emergency access and fire protection plan that has been reviewed and approved by the appropriate responding police and fire departments.

e. For an ethanol production facility that will produce more than 10,000 proof gallons annually, completed United States department of the treasury, alcohol and tobacco tax and trade bureau, forms 5000.29 (environmental information) and 5000.30 (supplemental information on water quality considerations under 33 USC 1341(a)), or successor forms, required to implement regulations under the national environmental policy act of 1969, 42 USC 4321 to 4347, and the federal water pollution control act, 33 USC 1251 to 1387.

f. Information that demonstrates that the biofuel production facility will comply with the requirements of subsections (2) and (5).

g. Any additional information requested by the Planning Commission or Zoning Administrator.

4. The Township shall hold a hearing on an application for special land use approval under subsection (2) not more than 60 days after the application is filed.

5. Special land use approval of a biofuel production facility described in subsection (2) shall be made expressly conditional on the facility's meeting all of the following requirements before the facility begins operation and no additional requirements:

6. Buildings, facilities, and equipment used in the production or storage of biofuel comply with local, state, and federal laws.

7. The owner or operator of the biofuel production facility provides the local unit of government with proof that all necessary approvals have been obtained from the department of environmental quality and other state and federal agencies that are involved in permitting any of the following aspects of biofuel production:

8. Air pollution emissions.

9. Transportation of biofuel or additional products resulting from biofuel production.

10. Use or reuse of additional products resulting from biofuel production.

11. Storage of raw materials, fuel, or additional products used in, or resulting from, biofuel production.

12. The biofuel production facility includes sufficient storage for both of the following:

13. Raw materials and fuel.

14. Additional products resulting from biofuel production or the capacity to dispose of additional products through land application, livestock consumption, sale, or other legal use.

15. This Section does not authorize biofuel production facilities that are not located on farms.

Section 12.7 Car and Truck Washes

A. Layout: All washing activities shall be carried on within an enclosed building. Entrances and exits shall not face abutting residentially used property if an existing residence is located within two hundred (200) feet of the car wash facility.

B. Such facility shall only be located on property abutting a major thoroughfare or a street with access to such major thoroughfare.

C. When property lines abut a residentially used property, screening shall be installed pursuant to §**4.12.4**.

D. Outdoor vacuums, if provided, will be required to be a minimum distance of fifty feet (50') from a residential area.

E. Entrances: Sufficient space shall be provided on the lot so that vehicles do not enter the wash building directly from an adjacent street or alley. All maneuvering areas, stacking lanes, and exit aprons shall be located on the car wash parcel itself. Streets and alleys shall not be used for maneuvering or parking by vehicles to be serviced by the automobile wash.

Section 12.8 Campgrounds & RV Parks

A. The parcel shall provide direct vehicular access to a public street. For this purpose, the term "parcel" shall mean the entire campground or RV Park.

B. All sanitary stations, portable toilets, or any sanitary facilities shall be at least one hundred (100) feet from the lot line.

C. The Planning Commission may require that the perimeter of the campground or RV Park be completely screened by natural terrain, a neatly finished and well-maintained wooden fence or masonry wall, or by well-maintained live evergreens.

D. Campsites shall be located at least fifty (50) feet from property lines.

E. All campgrounds and RV parks shall comply with State of Michigan and District Health Department requirements.

Section 12.9 Child Care Centers; Nursery Schools; Child Care Homes

A. **Child Care Centers, Nursery Schools, and Group Child Care Homes.**

Child Care Centers, Nursery Schools, and Group Child Care Homes shall meet the following conditions:

1. An outdoor play area shall be provided for all facilities caring for one or more children who individually receive care for more than four (4) hours per day. The Planning Commission may require that the play area be screen by a heavily planted greenbelt from any abutting residential uses. In addition, play areas shall:

   a. have a minimum area of not less than one hundred and fifty (150) square feet per child cared for;

   b. be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area;

   c. be located in the side or rear yard area.

2. A Special Use Permit for a Group Child Care Home shall be issued if the following conditions are met:

   a. The facility is not located closer than fifteen hundred 1,500 feet to any of the following:

      (1) Another licensed group day care home.

      (2) An adult foster care home or large group home licensed under the adult foster care facility licensing act, 1979 PA 218, MCL 400.701 to 400.737.

      (3) A facility offering substance abuse treatment and rehabilitation service or seven (7) or more people licensed under Article 6 of the public health code, 1978 PA 368, MCL 333.6101 to 333.6523.

      (4) A community correction center, resident home, halfway house, or other similar facility which houses an inmate population under the jurisdiction of the Department of Corrections.

   b. a. The facility has a minimum of not less than one hundred and fifty (150) square feet of fenced outdoor space per child.

   c. a. The facility maintains the property consistent with the visible characteristics of the neighborhood.

   d. Does not exceed sixteen (16) hours of operation during a twenty-four (24)-hour period.

B. **Family Child Care Homes.**

Family Child Care Homes shall meet the following conditions:

Play areas shall have a minimum area of not less than one hundred fifty (150) square feet per child; be enclosed by a fence of at least four feet (4') in height and capable of containing children within the play area; and located in the side or rear yard area.

Section 12.10 Drive-Through/Drive-Up Businesses

A. Ingress and egress shall be provided so as not to conflict with adjacent uses or adversely affect traffic flow on adjacent thoroughfares.

B. The primary access shall be on a major thoroughfare. Secondary access may be on a side street which has direct access to a major thoroughfare.

C. Back up or waiting space for drive-up windows or service facilities shall be provided in a manner physically separated from off-street parking areas and drives at a rate of four (4) car spaces for each service window or facility in addition to the space at the service window or facility.

Section 12.11 Funeral Home/Mortuary

A. Points of ingress and egress shall be designed so as to minimize possible conflicts between traffic on adjacent major thoroughfares and funeral processions or visitors entering or leaving the site.

B. A mortuary that houses a crematorium shall be located at least five hundred (500) feet from any residential use.

C. A caretaker's residence may be provided within the main building or within an accessory building of the mortuary establishment.

Section 12.12 Greenhouses; Nurseries; and Landscaping

A. The storage of soil, fertilizer or any packaged or loose materials may occur in the side or rear yard only and shall be so contained so as to prevent any effects on adjacent uses.

B. Plant materials and garden/yard amenities (statuary, benches, arbors, etc) may be displayed in the front yard setback.

C. The Planning Commission may allow parking in the front yard setback if it is demonstrated that there is no other feasible location.

Section 12.13 Home Occupations and Cottage Industries

While the Township recognizes that many residents feel the necessity to work at home, the Township also recognizes the rights of all residents to be free from actual or potential nuisance conditions which may be caused by non-residential activities conducted in a residential zone. The intent of this Section is to provide standards to ensure home occupations and cottage industries are compatible with other allowed uses in residential districts, and thus maintain and preserve the residential character of the neighborhood.

12.13.1 General Standards.

A. Home Occupations are permitted in all zoning districts in which single-family dwellings are permitted as a matter of right. A zoning permit is not required however regulations contained within this Ordinance shall apply.

B. In cases where a significant portion of a home occupation is to produce and sell goods or products on the premises, the use is considered a Cottage Industry and shall require a Special Use Permit. Cottage Industries shall be allowed on the basis of individual merit. A periodic review of each Cottage Industry shall be performed to ensure the conditions of approval are adhered to. If the premises is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed by the Zoning Administrator for compliance with the original permit. If any changes are necessary, the request will be reheard by the Planning Commission.

C. Home Occupations or Cottage Industries shall be operated entirely within the dwelling or within an attached or detached garage or accessory building.

   1. **Home Occupations or Cottage Industries in the Primary Dwelling:** No more than twenty-five percent (25%) of the dwelling's ground floor area shall be devoted to the Home Occupation or Cottage Industry.

   2. **Home Occupations or Cottage Industries in an Attached Garage or Detached Accessory Building:** Home Occupations or Cottage Industries located within attached or detached residential garages or other accessory buildings may utilize the entire floor area for said Home Occupation or Cottage Industry.

D. Additions to a dwelling for the purpose of conducting a Home Occupation or Cottage Industry shall be of an architectural style that is compatible with the architecture of the dwelling, shall meet all required setbacks in the zoning district classification in which the dwelling is located, and shall be designed so that the addition may be used for dwelling purposes if the Home Occupation or Cottage Industry is discontinued.

E. Home Occupations or Cottage Industries shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or the neighborhood.

F. Home Occupations or Cottage Industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners, nor to the Township as a whole. Any machinery, mechanical devices, or equipment employed in the conduct of a Home Occupation or Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other conditions not typically associated with the use of the dwelling for residential purposes.

Furthermore, the Home Occupation or Cottage Industry shall not create an electrical interference with the transmission of television, cellular, wireless service, or radio in the area which exceeds that which is normally produced by a residential dwelling unit in the district.

G. The outdoor storage of unfinished goods and/or materials is prohibited unless screened (by a tight-board wood fence or decorative masonry wall, landscaped buffer, landscaped berm, or similar method) from view from neighboring property and bordering road rights-of-way. If screening is required, the type and location of the same shall be approved by the Zoning Administrator. The Planning Commission may permit the display of finished goods as part of the Special Use Permit process on a case by case basis.

H. Traffic and delivery or pickup of goods shall not be disturbing to surrounding properties.

I. No such Home Occupation or Cottage Industry shall require the delivery of goods or the visit of customers before 8:00 a.m. and after 7:00 p.m.

J. Hours of operation for Cottage Industries shall be approved by the Planning Commission.

K. Sufficient solid waste receptacles must be provided and sufficiently screened from view. The property must be maintained free of debris.

L. Parking requirements shall be decided on a case by case basis. To ensure that a Cottage Industry is compatible with surrounding residential use, the Planning Commission may limit the number of vehicles that may be parked on the Cottage Industry premises during business operations.

M. A Home Occupation or Cottage Industry may employ no more than two (2) persons not living on the property.

N. No process, chemicals, or materials shall be used which are contrary to all applicable state or federal laws.

O. Any applicable local, state, or federal licenses shall be obtained and copies submitted to the Zoning Administrator prior to issuance of a Cottage Industry permit.

12.13.2 Termination, Extensions, Revisions, and Inspections.

A. Upon written application by the owner, the Planning Commission may, for just cause, grant a time extension for compliance with the conditions of this Section.

B. Any Home Occupation or Cottage Industry shall be subject to periodic review by the Zoning Administrator, if needed, at the discretion of the Zoning Administrator.

C. If the Zoning Administrator has reason to believe the property owner is in violation of his or her permit or that grounds for revocation exist, written notice of alleged violation(s) shall be sent to the operator of the Home Occupation or Cottage Industry and to the owner of the real property premises, if different from the operator of the Home Occupation or Cottage Industry. The operator shall be afforded the opportunity to appear at a public hearing before the Planning Commission to present his or her case. The hearing notice procedures shall be the same as those for a Special Land Use.

D. Following the public hearing, the decision of the Planning Commission shall be made in writing and shall be based on specific findings of fact. Reasonable conditions may be imposed to

prevent conflicts with other property uses or to assure compatibility with the standards of this ordinance. The Planning Commission shall have the authority to limit the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the activity.

E. Proposed revisions or additions to a Cottage Industry shall constitute a change of use and shall be subject to Special Land Use review and approval by the Planning Commission.

Section 12.14 Junkyards; Salvage Yards; Scrap Yards; Motor Vehicle Impoundment and Wrecking Yards

For this use, the following more restrictive provision shall take precedent above all other provisions which may relate to setbacks, screening, etc. All uses shall be established and maintained in accordance with all applicable State of Michigan statutes. If any of the requirements of this subsection are less restrictive than those in applicable state statutes, the state requirements shall prevail.

A. The site shall be a minimum of five (5) acres in size.

B. There shall be a required yard setback of at least one hundred (100) feet from any public street and any lot line. The front yard setback shall be planted with trees, grass and shrubs to minimize the appearance of the installation. Nothing shall be piled, stored or accumulated in any required yard area.

C. The location of any such use shall be not less than five hundred (500) feet distant from any Residential District and not less than three hundred (300) feet distant from any other district.

D. Wherever a side or rear lot line of such use abuts residential use or a residential zoning district, the required setback shall be doubled.

E. Glare from any process, such as arc welding, conducted at a junkyard or salvage yard, which emits harmful rays shall be screened so as not to constitute a hazard or nuisance to adjacent properties.

F. No open burning shall be permitted and all industrial processes involving the use of equipment for cutting compressing or packaging shall be conducted within a completely enclosed building.

G. The Planning Commission may establish hours of operation to protect the character of the land uses in the vicinity.

H. Screening:

1. A wall or opaque fence, a minimum of eight (8) feet in height and a maximum of fifteen (15) feet in height (including any barbed wire), constructed of painted or treated wood, molded vinyl, painted or textured block, brick, or stone and set fifteen (15) feet or more inside the lot lines, shall be maintained in good repair around junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards or similar establishments.

2. In a front or corner side yard the fence shall not project beyond the front façade of buildings located on adjacent lots on the same side of the street.
3. Entryways to junk yards, motor vehicle impoundment yards, scrap yards, recycling facilities, motor vehicle wrecking yards, or similar establishment shall be gated and closed at all times when not in use. Gates shall be opaque and match the style of the fence.
4. A landscaped strip shall be maintained between the fence and property line in the following yards:

    a. All front and corner side yards;
    b. The front 1/3 of any side yard; and
    c. Any yard abutting a residential zoning district or use.

I. All activities shall be confined within the fenced-in area. There shall be no stacking of material above the height of the fence or wall, except that movable equipment used on the site may exceed the wall or fence height. No equipment or material shall be used or stored outside the fenced-in area.

Section 12.15 Manufactured Housing Communities

A. Manufactured housing communities shall be developed and licensed pursuant to the requirements of the Michigan Manufactured Housing Commission, Public Act 96 of 1987 and any rules promulgated pursuant to this Act, as amended. This includes, but is not necessarily limited to, compliance with Michigan Manufactured Housing Commission regulations concerning internal roads, parking requirements, fencing, screening, unit spacing and recreational and open spaces.

B. To the extent permitted by the Michigan Manufactured Housing Commission, this Ordinance shall require all manufactured homes in manufactured housing developments to be anchored to the ground in accordance with the standards and specifications of the manufacturer and any applicable state and federal statutes and rules.

C. Location Requirements.

Access to any manufactured housing community shall be on a public major thoroughfare. Locations for manufactured housing communities are encouraged to avoid higher density traffic movements through existing or planned single-family developments.

D. All manufactured housing communities shall comply with State Manufactured Housing Commission requirements.

E. The underside or chassis of all manufactured homes in manufactured housing developments to be fully skirted or enclosed with durable, weather-resistant materials, as specified by the manufacturer or as specifically manufactured for use as home skirting, and all such skirting shall be maintained in place as designed. Skirting material shall be consistent with the siding of the manufactured housing unit.

F. All utility connections shall comply with State and Local codes.

G. The proposed site plan for the manufactured housing community shall be submitted to the Planning Commission for their review and approval prior to any consideration. The suggestion of any changes or modifications shall be based on such reasonable requirements as are applied to the review and approval of all other uses in the Township. Any items determined to be undesirable or inadequate shall be made known to the applicant and a copy of such objections shall immediately be forwarded to the State Manufactured Housing Commission for their consideration in reviewing the proposed manufactured housing community plans.

H. The Township shall also review the proposed manufactured housing community plans with respect to drainage patterns to adjacent properties, water and sewage needs which would be generated, and the municipality's ability to accommodate such manufactured housing community needs. In addition, any connections to municipal facilities shall meet applicable Township requirements. A copy of any deficiencies noted shall be transmitted immediately, with the recommendations of the Planning Commission, to the State Manufactured Housing Commission.

Section 12.16 Medical Marihuana Primary Caregiver Facilities

12.16.1 Purpose and Intent.

It is the purpose of this Section to give effect to the intent of Initiated Act 1 of 2008, the Michigan Medical Marihuana Act (the MMMA) and not to establish any local program or regulation that would violate or contravene any enforced State or Federal statute. The MMMA authorizes a narrow exception to the general rule and law that the cultivation, distribution and use of marihuana amount to criminal acts. It is the purpose of this Section to establish standards for the application of that narrow exception in Tawas Township to enable the legitimate and legally-authorized practice of the Primary Caregiver activity as set forth herein. It is not the intent of this Section to broaden the strict interpretation of the MMMA to apply to activities not explicitly provided for therein nor is it the intent of this Section to encourage or sanction the cultivation, processing, refinement, distribution, transfer or use of marihuana except as permitted by a strict application of the terms of the MMMA and any rules or regulations duly promulgated there under.

12.16.2 Findings. This Section is based on the following findings:

A. The voters of the State of Michigan approved by initiative and referendum the use of marihuana by Qualifying Patients for certain medical conditions and established as a legitimate activity that individuals with appropriate credentials (Primary Caregivers) may assist Qualifying Patients in the use of marihuana under the provisions of the MMMA.

B. Despite the provisions of the MMMA, marihuana remains a controlled substance under Michigan and Federal law and there exists significant potential for abuse and illegal conduct that can threaten the health, safety and welfare of the residents of Tawas Township.

C. In other States where medical marihuana is similarly permitted but inadequately regulated, there are indications of significant negative secondary effects surrounding places where marihuana is dispensed, processed or used by groups of people. Such secondary negative effects

tend to be exacerbated where multiple marihuana facilities are located and include sale and use of other controlled substances, robberies, assaults, break-ins, vagrancy and depressed property values.

D. Tawas Township finds that it has an obligation to residents and property owners to effectively mitigate potential secondary impacts that could result from the Primary Caregiver activity.

12.16.3 Permitted Use.

The activities of a registered Primary Caregiver as defined in the MMMA and further regulated in this Section and a Primary Caregiver Facility as defined in this Ordinance, shall be a permitted home occupation limited only to the R-1, A-1 and F-1 Districts.

12.16.4 Review Standards.

An application for a Primary Caregiver Facility shall be evaluated by the Zoning Administrator in accordance with the following requirements:

A. **Primary Caregiver Facility.** All marihuana shall be cultivated, processed, stored and packaged in an enclosed, locked and secured building at all times, except when it is being delivered to Qualifying Patients pursuant to paragraph "E" hereof. For the purpose of this Section, such facility shall consist of four solid walls and roof and no outdoor cultivation or storage shall be permitted. Such facility shall also be protected with a security system that is monitored continuously and access to the facility by other than the registered Primary Caregiver shall be prohibited. This provision shall not be construed to prevent access by non-registered individuals if accompanied by the registered Primary Caregiver.

B. **Limits on Quantities.** A Primary Caregiver shall not possess more marihuana than 2.5 ounces or 12 marihuana plants for each Qualifying Patient to which he/she is connected.

C. **Combined Operations Prohibited**. No more than one Primary Caregiver shall occupy any zoning lot and combined growing, storage or transfer facilities shall be prohibited.

D. **Isolation Distance**. A Primary Caregiver facility shall be located no closer than one thousand (1,000) feet from any school, church, day care facility, or park. A Primary Caregiver facility shall be located no closer than three hundred (300) feet from any other Primary Caregiver facility. For the purposes of this paragraph, such distances shall be measured in a straight line from the front door of the Primary Caregiver facility to the building containing a school, church, day care facility, or park, in the first case; or between the front doors of two Primary Caregiver Facilities, in the second case.

E. **Dispensing Medical Marihuana**. No medical marihuana shall be dispensed by the Primary Caregiver to Qualifying Patients at the Primary Caregiver facility. The Primary Caregiver shall deliver small quantities, not to exceed 2.5 ounces per Qualifying Patient, for the use of such Qualifying Patient and such delivery shall take place on private property away from public view. Any delivery vehicle used for such purposes shall be unmarked and not bear any emblem or sign that would indicate the nature of its cargo.

F. **Prohibited Activities.**

1. Marihuana Dispensary: A Primary Caregiver Facility shall not be used as a medical marihuana dispensary or compassion club and no smoking or otherwise ingesting of any form of medical marihuana shall be permitted on site. No medical marihuana paraphernalia shall be provided to Qualifying patients at the Primary Caregiver Facility.

2. Marihuana Collective or Cooperative.

3. A Primary Caregiver Facility shall not bear any sign or emblem that would indicate the nature of the activity on site and any advertising a Primary Caregiver undertakes shall not disclose the location of the Primary Caregiver Facility.

Section 12.17 Mining, Quarries, and Gravel Pits (Resource Extraction)

A. Conformance to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended: the Township shall not prevent the extraction, by mining, of valuable natural resources from any property unless very serious consequences would result from the extraction of those natural resources.

1. Natural resources shall be considered valuable if a person, by extracting the natural resources, can receive revenue and reasonably expect to operate at a profit.

2. In determining whether very serious consequences would result from the extraction, by mining, of natural resources, the standards set forth in Silva v Ada Township, 416 Mich 153 (1982), shall be applied and all of the following factors may be considered, if applicable:

   a. The relationship of extraction and associated activities with existing land uses.

   b. The impact on existing land uses in the vicinity of the property.

   c. The impact on property values in the vicinity of the property and along the proposed hauling route serving the property, based on credible evidence.

   d. The impact on pedestrian and traffic safety in the vicinity of the property and along the proposed hauling route serving the property.

   e. The impact on other identifiable health, safety, and welfare interests in the local unit of government.

   f. The overall public interest in the extraction of the specific natural resources on the property.

B. The Planning Commission may regulate of hours of operation, blasting hours, noise levels, dust control measures, and traffic, not preempted by part 632 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.63201 to 324.63223. However, such regulation shall be reasonable in accommodating customary mining operations.

Section 12.18 Outdoor Recreational Facilities - Commercial

A. Such uses shall be located on a site of at least one acre in area, be at least one hundred fifty feet (150') from any Residential District,

B. When discontinued or abandoned, the site shall be left in a reusable condition, free of hazards related to dangerous structures, and from pits, pools, excavations, electric circuits and similar features.

Section 12.19 Planned Unit Developments

12.19.1 Purpose.

Tawas Township recognizes that many site developments do not readily fit within the confines of the use and design standards of typical zoning district classifications. A Planned Unit Development (PUD) is designed to encourage quality land development and site design outside the typical zoning standards. Through the use of flexible design and use standards developments can make more efficient and effective use of the land and infrastructure to the benefit of the entire community. Creativity is promoted and the needs of the Township can often be more effectively satisfied. While permitting greater latitude in the mix of uses and the development standards incorporated into a project, the use also provides the Township with increased oversight and guidance in the design process. To this end the use of PUD's is intended to:

A. Provide flexibility in development regulations.

B. Provide a maximum choice of living environments by allowing a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks, and area requirements.

C. Foster integrated development incorporating a mix of uses where appropriate – residential, commercial, industrial, institutional, etc.

D. Encourage a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns.

E. Achieve a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets.

F. Achieve a development pattern in harmony with land use density, transportation facilities, and community facilities objectives of the Master Plan.

G. Promote efficient use of public services.

H. Promote a more useful pattern of open space and recreation areas.

I. Ensure compatibility with existing road networks and promote alternate modes of transportation (bicycle, pedestrian, bus, etc.).

12.19.2 Eligibility.

A. The entire tract being considered for PUD designation must be under single or unified ownership. Such control shall be demonstrated in the application.

B. The site submitted for PUD designation shall be developed as a single integrated design entity even though it may be developed in phases and contain a variety of uses and facilities not normally consistent with each other.

C. Adequate public utilities – streets, sanitary sewer, water, utilities, and drainage – are available to and of sufficient capacity to adequately serve the development. Any upgrades necessary to service the development shall be in accordance with all applicable Township policies, regulations and ordinances.

12.19.3 Development Standards.

A. **Uses**. Compatible residential, commercial, and public uses or commercial, industrial, and public uses may be combined in a PUD provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare. Proposed uses should be so designed and located as to promote appropriate interaction between uses and limit or buffer incompatibilities both with other uses within the PUD and existing uses adjacent to the PUD site.

B. **Minimum Land Area.** The minimum land area eligible for consideration under PUD zoning is five (5) acres.

C. **Open/Green Space**.

1. Common Open Space: A minimum of ten (10) percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in subsection (2) below. The open space provided in this manner shall not include public or private streets, driveways, sidewalks, parking areas, or cropland.

2. Disposition of Open Space: The required amount of common open space land reserved under a planned unit development shall either be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development or be dedicated to the Township and retained as common open space for parks, recreation, and related uses. All land dedicated to the Township must meet the Planning Commission's requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purpose and approved by the Planning Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

D. **Utility Requirements**. Underground utilities, including telephone and electrical systems, are required within the limits of all planned unit developments. Appurtenances to these systems which can be effectively screened may be excepted from this requirement if the Planning Commission finds that such exemption will not violate the intent or character of the proposed planned unit development.

E. **Internal Design Standards.** A Planned Unit Development shall be designed so as to provide future users, residents, visitors, and public service personnel with adequate light, air, privacy, circulation patterns, and public services. The plan of the project shall provide for the integrated and harmonious design of buildings, adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding noncommercial areas.

   All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by this ordinance.

F. **External Effects.** A Planned Unit Development shall be designed so as not to create any significant negative impact upon adjacent properties, residents, or public facilities.

G. **Parking.** Off-street parking, loading, and service areas shall be provided in accordance with **Article 9** of this Ordinance. Parking areas shall be designed and constructed to adequately serve the needs of all buildings and uses within the PUD. Parking areas shall be surfaced with either compacted gravel, asphalt, or concrete. Parking areas shall be provided with a stormwater detention system that effectively holds and filters stormwater to prevent off-site impacts associated with uncontrolled runoff.

H. **Signs**. All signs, whether attached to a building or freestanding, shall be of unified design and construction.

I. **Lighting.** All exterior lighting fixtures, whether attached to a building or freestanding, shall be of unified design and shall be of a type and quality that limits illumination to the PUD only. Lighting fixtures shall be located so as not to produce glare outside the boundaries of the PUD.

J. **Driveways and Access**. Access to a PUD from adjoining public roads shall be arranged to assure the safety of vehicles and pedestrians entering and leaving the PUD. Adequate clear vision areas shall be provided at adjoining public roads, and at public and private road rights-of-way, to assure the safety of vehicles and pedestrians traveling on adjoining public roads and sidewalks.

K. **Internal Roadways and Sidewalks.** Internal roadways and sidewalks must be designed by a professional engineer. Streets and sidewalks shall be laid out in a manner that assures the safe and efficient movement of vehicles and pedestrians. Roadways shall be provided with a stormwater detention system that effectively holds and filters stormwater to prevent off-site impacts associated with uncontrolled runoff.

L. **Emergency Vehicle Access.** Emergency vehicle access routes shall be provided to all buildings and uses in a PUD. These access routes must be maintained in a manner that assures emergency vehicle access to all buildings and uses in the PUD during all seasons of the year.

M. **Arrangement of Commercial Uses**. When a planned unit development includes commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. Planting screens or fences shall be provided on the perimeter of the commercial areas abutting residential areas.

N. **Loading, Service, and Storage Areas**. Areas to be used for the delivery or pickup of goods or materials, or for servicing vehicles or equipment, shall be screened from view from adjoining property as deemed appropriate by the Planning Commission. Screening can be accomplished by existing trees or other vegetation, or by landscaped buffers or greenbelts. Areas to be used for the outdoor storage of waste materials, or for the storage of goods, equipment or other materials shall be screened from view from adjoining properties and public roadways.

O. **Stormwater Management**. Stormwater runoff shall be managed in a manner that prevents off-site or downstream impacts. A PUD shall be provided with an engineered storm drainage system that maintains stormwater runoff at a pre-development rate.

P. **Integration of Natural Features**. Existing natural features such as stands of trees, wetlands, watercourses, ponds, lakes, and topographic features shall be preserved to the fullest extent possible by integration into the design and layout of the PUD.

Q. **Utility Service**. Utility services to individual buildings and uses shall be installed underground.

R. **Screening, Buffering, and Landscaping**. Screening and buffering shall be provided for parking, loading, service, and storage areas as described above. Additional landscaping, if proposed for inclusion in the PUD, shall be designed with reference to purpose, type, proportion, dimension, and character.

12.19.4 General Approval Standards.

Prior to approving a PUD, the Planning Commission must find that a proposed PUD complies with the following approval standards:

A. The use or uses established in a proposed PUD shall be consistent with the Township's Master Plan and Zoning Ordinance.

The type of development authorized by the PUD will be consistent with the intent and purpose of the Master Plan, as well as the intent and purpose of the zoning district in which the PUD is located.

B. The proposed PUD will create a recognizable and substantial benefit.

The approval of a PUD will result in a recognizable and substantial benefit to the users of the PUD and the Township. Such benefits would not likely be realized if the PUD approval was not granted.

C. The proposed PUD will not burden public roads, facilities, utilities, and services.

The use or uses established in the PUD will not result in a material burden on police and fire services, nor on other public services or facilities.

D. The proposed PUD will not materially impact the use and development of surrounding property.

The use or uses established in the PUD will not diminish the opportunity for surrounding property owners to use and develop their property as zoned.

E. The proposed PUD incorporates natural features and environmental amenities.

Natural features and environmental amenities, including watercourses, natural and artificial drainage ways, wetlands, floodplains, lakes, ponds, stands of trees, sand dune areas, and so forth shall be substantially incorporated into the design and construction of the PUD. The PUD shall be designed so as to result in a minimal disturbance of the natural topography.

12.19.5 Procedures.

A. **Pre-Application Meeting**. The developer shall meet with the Zoning Administrator, Township Supervisor, and Planning Commission Chair prior to the submission of the development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Ordinance and the criteria and standards contained herein, and to familiarize the developer with the policies contained in the Master Plan.

B. **Submission of Preliminary Site Plan**. The developer shall submit three (3) copies of a preliminary site plan at least thirty (30) days prior to the Planning Commission meeting at which the preliminary site plan will be reviewed. The preliminary site plan shall include:

1. General footprint of proposed and existing buildings.
2. Indication of proposed uses and their general locations.
3. General layout of streets, drives, parking areas and pedestrian paths.
4. Individual parcels, if applicable.
5. Proposed setbacks for district perimeters and individual buildings within the development.
6. Proposed perimeter buffer zones and screening.
7. Conceptual landscape plan.

8. Development phases, if applicable.

9. Type, estimated number and density range for residential development.

10. Other information as may be deemed necessary by Township staff or the Planning Commission to properly review the proposal.

11. Additional supporting documentation including a written narrative describing the project.

C. Preliminary Site Plan Approval.

1. **Public Hearing**: The Planning Commission shall conduct a public hearing on the preliminary site plan in accordance with **§3.7** of this Ordinance.

2. **Preliminary Site Plan Approval/Action**: Following the public hearing, the Planning Commission shall approve, deny or approve the preliminary plan subject to specified conditions/revisions.

   Once approved, the preliminary site plan shall be valid for a period of two (2) years. If a final site plan for the entire project or a phased portion thereof is not submitted within the two (2)-year time period, the PUD and preliminary site plan shall become null and void. The Planning Commission may approve one (1) extension of up to two (2) years.

D. **Final Site Plan Approval**.

1. Upon approval of the preliminary site plan by the Planning Commission, the applicant shall submit three (3) copies of a final site plan of the entire PUD or phased portion thereof and filing fee to the Planning Commission for review and approval. Submission shall occur at least thirty (30) days prior to the meeting at which Planning Commission Review will occur.

2. The final site plan shall include all site plan data required in **§7.4** in addition to the following:

   a. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing; estimated nonresidential population; anticipated timing for each unit; height, open space, building density, parking areas, population density and public improvements proposed for each unit of the development.

   b. Preliminary building plans, including floor plans and exterior elevations.

   c. Landscaping plans.

   d. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land and the improvements thereon, including those areas which are to be commonly owned and maintained.

3. The final submittal shall be prepared incorporating any changes specified as part of the preliminary approval.

4. The Planning Commission shall conduct a public hearing in accordance with **§3.7** of this Ordinance.

5. Following the public hearing, the Commission shall take action on the plan. If approved with conditions, the approval shall indicate whether review and approval of any required modifications shall be made by the Planning Commission or by the Zoning Administrator. Planning Commission approval shall be based on the development standards and purpose stated in this Section and a finding that the final site plan is consistent with the preliminary site plan approved by the Planning Commission, including any conditions or required modifications. Additional criteria for Planning Commission approval are as follows:

    a. The proposed development may be initiated within two (2) years of the date of approval.

    b. Each individual unit of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under standard district regulations.

    c. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.

    d. Any proposed commercial development can be justified at the locations proposed.

    e. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

    f. The planned unit development is in general conformance with the land use plan of the Township.

    g. The existing and proposed utility services are adequate for the population densities and nonresidential uses proposed.

6. An approved final site plan shall be valid for three (3) years, during which time all permits necessary for the construction of the approved development shall be obtained. Failure to do so shall require the re-submittal of the previously approved final site plan to the Planning Commission for review and re-approval prior to the issuance of a Zoning Permit. The Planning Commission may reject or require modifications to the plan if in its opinion conditions on or off-site have changed in such a manner as to necessitate the rejection or modification.

7. No zoning amendment passed during the time period granted for the approved development plan shall in any way affect the terms under which approval of the planned unit development was granted.

E. **Amendment to an Approved PUD**. Amendments to a final approved site plan for a PUD shall follow the regulations in **§7.8**.

F. The Township Board may require that a performance guarantee be deposited with the Township Clerk as per **§3.6**.

G. **Statement of Compliance Required**. An approved PUD shall be developed and constructed in strict compliance with the approved site plan and any other conditions of approval. All improvements and other functional elements shall be constructed as proposed by the applicant and as approved by the Planning Commission and Township Board. Following completion of construction of a PUD, the applicant shall provide a statement, prepared by his or her engineer, certifying that all improvements have been constructed in compliance with Township approval as granted.

H. Recorded Affidavit Required.

As a condition of PUD approval, the applicant shall record an affidavit with the Iosco County Register of Deeds that contains the following information:

1. Date of approval of the PUD.
2. Legal description of the property.
3. A statement certifying that the property will be developed in accordance with the site plan and other information approved by the Township Board, as well as any conditions associated with approval of the PUD. This statement shall also specifically state that no major modifications shall be made to the PUD as approved, nor to the site plan or other information provided by the applicant, nor to any conditions associated with approval of the PUD, unless such modifications are approved by the Township.

   Three (3) certified copies of the affidavit shall be provided to the Zoning Administrator. One (1) copy shall be attached to the Zoning Administrator's copy of the signed and dated site plan. One (1) copy shall be placed in the Planning Commission's record of proceedings on the PUD. One (1) copy shall be provided to the Township Clerk for inclusion in the Township Board's record of proceedings on the PUD.

Section 12.20 Cluster Housing Provision for Small Parcels

On parcels less than five (5) acres, the PUD provision may be utilized. The purpose of this provision is to encourage innovative residential development on small, irregularly shaped parcels that have limited potential for platting. The development shall be limited to single-family attached or detached dwellings and the density shall not exceed that which is permitted by the existing zoning district.

The developer shall have a pre-application meeting as specified above. The developer shall submit an application the contents of which are specified in **§7.4**. The Planning Commission shall hold one public hearing and either approve, approve with conditions, or deny the application within 30 days of review. Criteria for the Planning Commission's approval shall be:

A. The area surrounding said development may be planned and developed in coordination and substantial compatibility with the proposed development; and

B. The planned development is in general conformance with the land use plan for the Township; and

C. The planned development will not generate traffic in such amounts as to have a significant negative impact on adjacent properties.

Section 12.21 Rooming & Boarding Houses

A. This use shall be considered as an accessory use; board or lodging shall not be furnished to more than five (5) persons in addition to the family.

B. The establishment shall be the principal dwelling unit on the property and shall be owner-occupied at all times.

C. In the case of renting rooms, such convenience shall not be furnished unless there shall be provided at least eighty (80) square feet of floor area per guest in that part of the building directly occupied by such guests for rooming purposes.

D. Boarding and the renting of rooms shall not include the operating of what is normally termed a restaurant or similar use where meals are served to transient guests. No separate cooking areas shall be allowed in guestrooms.

E. Board shall not be provided to other than those rooming in the residence.

F. Off-street parking shall be required in accordance with **Article 9**.

G. The establishment shall have at least two (2) exits to the outdoors.

H. The boarding house shall not alter the residential character of the building or structure.

Section 12.22 Residential Human Care & Treatment Facilities

The following regulations shall apply to any facility providing:

- Emergency shelter and services for battered individuals and their children outside of a private residence;

- Shelter and services for individuals receiving care, counseling, crisis support and similar activities including court-directed services.

- Emergency shelter for individuals who are homeless.

- Services, programs and shelter for residents who are undergoing alcohol or substance abuse rehabilitation

A. **License.**
Such facility shall have received a State of Michigan license to operate prior to seeking a Zoning Permit under this Ordinance in those instances where a license is required by the State.

B. **Time Limit.**
Residency by persons shall be limited to a maximum of six (6) months in any one (1) year period. Longer periods shall be permitted if directed by the court or if necessary to satisfactorily complete prescribed rehabilitative treatments or if approved by the Planning Commission. Such facility shall not become the full time residence for any person.

C. **Occupancy**.
The occupancy of such a facility shall not exceed twenty-five (25) persons, excluding the supervisor(s).

D. **Spacing**.
No such facility shall be located within two thousand five hundred (2,500) feet of the property line of a similar facility.

E. **Parking**.
Parking shall be provided for staff and residents based upon a level necessary to meet the needs of the facility and agreed upon by the Planning Commission. The number of spaces required shall be included in the Special Use Permit. If, in the future, the Township determines that additional parking is required, such a finding shall be provided in writing and shall be remedied by the facility within sixty (60) days or a request submitted to the Planning Commission for modification.

F. **Supervisor**.
A supervisor designated by the operating agency shall be present at all times while the facility is open for use. On-site staff shall be at a level sufficient to properly supervise residents.

G. **Hours**.
The facility shall be open to serve persons at designated hours, as approved by the Planning Commission so as to discourage loitering outside such facility. Outside loitering shall not be permitted, and will be subject to prosecution under Township Ordinance.

H. **Guest Register**.
When permitted by law, a guest register shall be kept with names of occupants and dates and times of check-in and check-out for each occupant.

I. Specific rules and monitoring procedures for individuals entering/leaving the facility during late evening and early morning hours shall be provided to the Zoning Administrator.

J. Any structure or part of a structure utilized as a shelter shall meet all health, fire and safety code requirements of the State and Township.

Section 12.23 Seasonal Use Sales

The proposed use, including the erection of any temporary building or structure, will be allowed without a zoning permit if the seasonal user does the following:

A. Provide adequate light and ventilation between buildings and structures.

B. Provide adequate automobile and pedestrian traffic flow.

C. Provide adequate off-street parking.

D. Provide adequate lot access for fire protection purposes.

E. Not adversely affect the stability and integrity of the zoning plan prescribed by this ordinance or otherwise interfere with the protection of public health, safety, and general welfare.

F. Not be incompatible with or otherwise adversely affect the physical character of the community and, in particular, the surrounding area within a distance of three hundred (300) feet.

Section 12.24 Secondary (Accessory) Dwelling Units

The purpose of this Section is to allow a minor amount of space within a dwelling to be rented or leased as separate living quarters for extended family or non-family members in specified districts within the Township. These provisions are further intended to provide reasonable control in recognition of the high percentage of owner-occupied single family homes in the Township. The purpose of these standards is also to prevent the undesirable proliferation of permanent two-family units which would, over time, disrupt the character of single family neighborhoods. The following regulations shall apply:

A. One (1) accessory dwelling unit is allowed per lot.

B. The accessory dwelling unit shall be rented or leased so the tenants are permanent residents rather than transients.

C. The accessory unit shall not exceed 600 square feet or twenty-five (25) percent of the total floor area of the principal dwelling, whichever is greater, so that it remains an accessory use to the primary dwelling and does not result in the creation of a duplex or apartment building.

D. The accessory dwelling unit shall be provided electricity, plumbing, and heat.

E. The accessory unit shall contain only one (1) bedroom.

F. The accessory unit shall be a self-contained unit and shall be:

1. located above a garage, or
2. attached to the primary dwelling or garage, or
3. totally within a primary dwelling

G. The accessory unit may have a separate exterior entrance which shall not be visible from the front yard.

H. The residents of the primary structure shall maintain the accessory unit and shall ensure that no excessive noise, traffic, or blight occurs on the property.

I. The accessory unit shall conform to the Iosco County building code standards.

J. One additional parking space shall be provided on-site for the accessory dwelling unit.

Section 12.25 Sexually Oriented Businesses

The purpose and intent of the Section of this Ordinance pertaining to the regulation of sexually oriented businesses is to regulate the location and operation of, but not to exclude, sexually oriented businesses within the Township, and to minimize their negative secondary effects. It is recognized that sexually oriented businesses, because of their very nature, have serious objectionable operational characteristics which cause negative secondary effects upon nearby residential, educational, religious, and other similar public and private uses. The regulation of sexually oriented businesses is necessary to ensure that their negative secondary effects will not contribute to the blighting and downgrading of surrounding areas and will not negatively impact the health, safety, and general welfare of Township residents. The provisions of this Ordinance are not intended to offend the guarantees of the First Amendment to the United States Constitution or to deny adults access to sexually oriented businesses and their products, or to deny sexually oriented businesses access to their intended market. Neither is it the intent of this Ordinance to legitimatize activities which are prohibited by Township Ordinances, state or federal law. If any portion of this Ordinance relating to the regulation of sexually oriented businesses or referenced in those Sections is found to be invalid or unconstitutional by a court of competent jurisdiction, the Township intends said portion to be disregarded, reduced, and/or revised so as to be recognized to the fullest extent possible by law. The Township further states that it would have passed and adopted what remains of any portion of this Ordinance relating to regulation of sexually oriented businesses following the removal, reduction, or revision of any portion so found to be invalid or unconstitutional.

A. No sexually oriented business shall be greater than five thousand (5,000) square feet.

B. No sexually oriented business shall be established on a parcel within five hundred (500) feet of any residence, public or private school, church, public park, state-licensed child care facility, or residential zoning district.

C. No sexually-oriented business shall be permitted in a location in which any principal or accessory structure, including signs, is within one thousand (1,000) feet of any principal or accessory structure of another sexually-oriented business.

D. For the purpose of this Section, measurements shall be made in a straight line in all directions without regard to intervening structures or objects, from the closest part of any structure, including signs and roof overhangs, used in conjunction with the sexually oriented business to the closest point on a property boundary or right-of-way associated with any of the land use(s) or zoning district identified in **subsection B and C** above.

E. The proposed use shall conform to all specific density and setback regulations of the zoning district in which it is located.

F. The proposed use must meet all applicable written and duly promulgated standards of the Township and other governments or governmental agencies having jurisdiction, and that to the extent required, the approval of these governments and/or governmental agencies has been obtained or is reasonably assured.

G. The outdoor storage of garbage and refuse shall be contained, screened from view and located so as not to be visible from neighboring properties or adjacent roadways.

H. Any sign or signs proposed for the sexually oriented business must comply with the provisions of this Ordinance, and shall not otherwise include photographs, silhouettes, drawings, or pictorial representations of any type, or include animated or flashing illumination.

I. Entrances to the proposed sexually oriented business must be posted on both the exterior and interior walls in a location clearly visible to those entering and exiting the business, and using lettering no less than two (2) inches in height that: 1) "persons under the age of 18 are not permitted to enter the premises", and 2) "No alcoholic beverages of any type are permitted within the premises unless specifically allowed pursuant to a license duly issued by the Michigan Liquor Control Commission."

J. No product or service for sale or gift, or any picture or other representation of any product or service or gift, shall be displayed so as to be visible from the nearest adjoining sidewalk, street, or a neighboring property.

K. Hours of operation shall be limited to 12:00 PM (noon) to 12:00 AM (Midnight).

L. Any booth, room, or cubicle available in any sexually oriented business, excepting an adult motel, used by patrons for the viewing of any entertainment characterized by the showing of Specified Anatomical Areas or Specified Sexual Activities:

1. Shall be handicap accessible to the extent required by the Americans With Disabilities Act;

2. Shall be unobstructed by any door, lock, or other entrance and exit control device;

3. Has at least one (1) side totally open to a public, lighted aisle so that there is an unobstructed view at all times from the adjoining aisle of any occupant;

4. Is illuminated such that a person of normal visual acuity looking into the booth, room or cubicle from its entrance adjoining the public lighted aisle can clearly determine the number of people within.

5. Has no holes or openings in any interior or exterior walls not relating to utility, ventilation or temperature control services or otherwise required by any governmental building code or authority.

Section 12.26 Vehicle Sales

Outdoor display may be allowed outside of the required setback areas in front and side yards abutting a street provided the following conditions are met:

A. Display areas shall not be covered by canopies or other structures.

B. Display areas shall be surfaced with concrete, asphalt, or other impervious surface material.

Section 12.27 Wireless Communications Equipment & Support Structures

A. **Uses Allowed.**

1. **Collocation - Permitted Use**. Pursuant to Section 3514 of P.A. 110 of 2006, as amended, wireless communications equipment is a permitted use of property in the A-1 District and is not subject to Special Land Use approval.

2. **New Support Structure**.

   Support structures are a Special Land Use in the A-1 District and shall be evaluated using the procedures stated in **subsection B** below.

B. **Special Land Use Approval Procedure.**

An application for Special Land Use approval of wireless communications equipment and support structures described in subsection A (above) shall include all information required by **Section 7.4 (Application Requirements)**.

1. After an application for a special land use approval is filed, the Zoning Administrator shall determine whether the application is administratively complete. The application shall be considered to be administratively complete when the Zoning Administrator makes that determination or fourteen (14) business days after the Zoning Administrator receives the application, whichever is first.

2. If, before the expiration of the 14-day period under **subsection B.1**, the Zoning Administrator notifies the applicant that the application is not administratively complete, specifying the information necessary to make the application administratively complete, or notifies the applicant 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 B.1** is tolled until the applicant submits to the body or official the specified information or fee amount due. The notice shall be given in writing or by electronic notification.

3. The Planning Commission shall approve or deny the application not more than ninety (90) 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.

C. **Site Development Standards.**

The following site development standards shall apply to all new wireless support structures in the Township.

1. **Use and Zoning District Limitations.**
   Wireless support structures and alternative tower structures and antennas require a site plan and a decommissioning plan. Installations shall be enclosed by a 6' fence to prevent unauthorized access to the site.

2. **Visual Impact.**
   The application for special approval for the support structure shall include a visual impact analysis, prepared by the applicant, which includes graphic depictions of the anticipated visual appearance of the tower from important vantage points in the surrounding area. Methods used in preparing the analysis shall be reviewed and approved by the Zoning Administrator.

3. **Height and Construction.**

   a. A wireless support structure shall be exempt from building height limits established by zoning district regulations, provided that the tower height shall not exceed the minimum height necessary to serve its intended functions.

   b. The wireless support structure and any ancillary building housing equipment needed for operation of the tower shall not exceed the floor area and height minimally necessary for such equipment, and shall be of a size, type, color, and exterior materials which are aesthetically and architecturally compatible with the surrounding area, and as minimally obtrusive as possible. Landscape screening may be required by the Planning Commission to accomplish screening of ancillary equipment buildings.

   c. Wireless support structure shall be monopole construction with no guy wires.

4. **Lighting.**

   a. The applicant shall provide documentation of any lighting to be installed on the wireless support structure. If lighting is required or proposed, the wireless support structure may not be approved unless the Planning Commission determines that it will not have a significant adverse impact on properties and residents of the surrounding area.

   b. The color and intensity of lighting required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission

(MAC) regulations shall be as unobtrusive as possible and must cause the least disturbance to the surrounding properties.

c. Lighting shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.

d. Lighting may consist of a red top light that does not pulsate or blink.

5. **Color.**

Wireless support structures shall be painted so as to be as unobtrusive as possible. The painting of wireless support structures in alternate bands of color shall be permitted only if specifically required by Federal Communications Commission (FCC), Federal Aviation Administration (FAA) or Michigan Aeronautics Commission (MAC) regulations. If alternate band painting is required by FCC, FAA, or MAC regulations, the applicant shall provide documentation of such requirements and regulations.

6. **Height Decrease.**
If the height required for the wireless support structure to serve its intended function decreases from the installed height due to technological advancement, additional wireless support structure installations at other locations, or other factors, the Township may order that the wireless support structure be lowered to such decreased minimum height.

7. **Signs.**
No signs other than signs required pursuant to federal, state or Township ordinance shall be allowed on an antenna or wireless support structure or site.

8. **Setback Requirements.**

a. The wireless support structure shall be set back not less than the distance equal to the height of the wireless support structure measured from the base to all points on each property line.

b. The wireless support structure and any supporting or appurtenant structures shall be no closer to any building than the distance equal to the height of the wireless support structure measured from its base at grade to its highest point of elevation.

c. The Planning Commission may reduce the required setbacks for wireless support structures that are designed to collapse onto themselves. In such a case, a sealed engineers drawing that states the minimum required setback shall be provided with the application. The Township may retain the services of an independent engineer to review the wireless support structure design and requested setback. The costs associated with an independent review shall be paid for by the applicant.

9. **FCC/FAA/Other Regulations.**
The applicant shall provide documentation of conformance with any Federal Communications Commission, Federal Aviation Administration, of Michigan Aeronautics

Commission regulations. The wireless support structure shall comply with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended).

10. **Use.**
The owner/operator of the wireless support structure shall agree to permit use of the wireless support structure by other personal or business communications services providers, including local government agencies, on reasonable terms, so long as such use does not interfere with the owner/operator's reasonable use of the wireless support structure.

11. **Removal of Abandoned Wireless Support Structure.**
Any wireless support structure that is not in use for a period of twelve (12) consecutive months shall be considered abandoned, and the owner of such wireless support structure shall remove the same within one hundred eighty (180) days of receipt of notice from the Township of such abandonment. In addition to removing the wireless support structure, the owner shall restore the site to its original condition. Any foundation shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored. Failure to remove an abandoned wireless support structure within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wireless support structure at the owner's expense. The Planning Commission shall require the applicant to file an irrevocable bond equal to the reasonable cost (including adjustment for inflation) of removing the wireless support structure and attendant accessory structures as a condition of a special use permit given pursuant to this Section.

D. **Standards for Antenna Co-Location on an Existing Tower or Structure.**

1. No antenna or similar sending/receiving devices appended to a wireless support structure, following its approved construction, shall be permitted if it exceeds the engineered design capacity of the wireless support structure thereby jeopardizing the wireless support structure's structural integrity.

2. The installation and/or operation of the above mentioned, antennas or facilities shall not interfere with normal radio/television reception in the area. In the event interference occurs, it shall be the sole responsibility of the owner to rectify the situation with the parties involved.

Section 12.28 Wind Energy Systems

A. **Purpose and Goals.**

The purpose of this Section is to establish guidelines for siting wind energy systems and wind energy facilities. This Section's goals are as follows:

1. To promote the safe, effective, and efficient use of wind turbines and wind energy systems installed to reduce on-site consumption of electricity supplied by utility companies and/or to

produce power that will be directly supplied to the electric power grid system.

2. To lessen potential adverse impacts that wind turbines and wind energy facilities may have on residential areas and land uses through careful design, siting, noise limitations, and innovative camouflaging techniques.

3. To avoid potential damage to adjacent properties from turbine failure through proper siting of turbine structures.

B. **Technological Advances and Design Standards Flexibility.**
The Township recognizes the accelerated pace at which the technology of wind energy generation is constantly evolving, and the impact these technological changes may have on the use and placement of wind energy systems within the Township. Consequently, in order to effectively incorporate new technology that may outpace the regulations established herein, the Planning Commission may approve wind energy systems that do not fully comply with the strict development standards of these regulations, if in the opinion of the Commission they comply with the intent of the regulations and do not create significant adverse impacts on the petitioned property, abutting properties or the immediate neighborhood.

C. **Small On-Site Wind Energy Systems.**
A wind energy conversion system which is intended to primarily serve the needs of the property upon which it is located shall be considered an accessory structure and shall be permitted by right with no zoning permit required. The following site development standards shall apply:

1. **Design & Installation.**
All wind turbines (ground and roof-mounted) shall comply with the building code currently adopted by Iosco County.

2. **Plot Plan Submittal.**
An application for the installation of a Small On-Site Wind Energy System shall include a plot plan including the following information:

   a. Location of the proposed wind turbine.

   b. Location of all structures on the property and adjacent properties and the distance from the wind turbine.

   c. Distance from other wind turbines on adjacent lots, if applicable.

3. **Minimum Lot Size.**

   a. **Ground Mounted Horizontal Axis Wind Turbine.**

      1) Residential Districts: Minimum lot width of one hundred (100) feet

      2) All other districts: Minimum lot width of fifty (50) feet.

   b. **Vertical Axis Wind Turbine**. No minimum lot size required.

4. **Height.**
   The height of the wind turbine shall be determined by the ability to contain the turbine on the property in the event that it falls.

5. **Multiple Wind Energy Turbines** .
   No more than two wind turbines shall be allowed per zoning lot.

6. **Rotor Clearance.**
   A minimum fifteen (15) foot clearance from the ground shall be maintained for the vertical blade tip of a Horizontal Axis Wind Turbine and for the bottom of the rotating spire or helix of a Vertical Axis Wind Turbine.

7. **Guy Wires**.
   The use of guy wires shall be prohibited.

8. **Noise.**
   Small wind energy systems shall not cause a sound pressure level in excess of fifty-five (55) dB(A) or in excess of five (5) dBA above the background noise, whichever is greater, as measured at the nearest property line. This level may be exceeded during short-term events such as utility outages and severe wind storms.

9. **Vibration.**
   Small wind energy systems shall not cause vibrations through the ground which are perceptible beyond the property line of the parcel on which it is located.

10. **Spacing.**
    Minimum spacing between wind energy systems (on- and off-site) shall be per the manufacturers specifications).

11. **Reception Interference.**
    Small wind energy systems shall not cause interference with television, microwave, navigational or radio reception to neighboring areas.

12. **Shadow Flicker.**
    The property owner of a wind turbine shall make reasonable efforts to minimize shadow flicker to any occupied building on nearby properties.

13. **Potential Ice Throw.**
    Any potential ice throw or ice shedding from the wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

14. **Visual Impact.**
    All visible components of a small onsite wind energy system shall be painted a non-reflective, non-obtrusive neutral color and maintained in good repair in accordance with industry standards.

15. **Safety.**

A small on-site wind energy system shall have an automatic braking system to prevent uncontrolled rotation.

16. **Other Regulations.**
On-site use of wind energy systems shall comply with all applicable State construction and electrical codes, Federal Aviation Administration requirements, Michigan Aeronautics Commission requirements, the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), and the Michigan Public Service Commission and Federal Energy Regulatory Commission standards.

D. **Commercial Wind Energy Facilities and Anemometer Towers.**

Anemometer towers and wind energy facilities consisting of one (1) or more wind turbines whose main purpose is to supply electricity to off-site customers shall be allowed as a Special Use and shall adhere to the following requirements in addition to the requirements contained in **Articles 7 and 8.**

1. **Principal or Accessory Use.**
A wind energy facility or anemometer tower may be considered either a principal or an accessory use. A different existing use or an existing structure on the same parcel shall not preclude the installation of a wind energy facility or a part of such facility on such parcel. Wind energy facilities that are constructed and installed in accordance with the provisions of this Article shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. **Sufficient Wind Resources.**
The proposed site shall have documented annual wind resources sufficient for the operation of the proposed wind turbine generator; provided, however, this standard shall not apply to an anemometer tower. No wind turbine generator shall be approved without submission of a wind resource study documenting wind resources on the site. Said study shall indicate the long term commercial economic viability of the project. The Township may retain the services of an independent, recognized expert to review the results of the wind resource study prior to acting on the application for special approval.

3. **Design & Installation.**
All wind turbine generators shall comply with the building code currently adopted by Iosco County. Building permits for all wind turbines must be issued to a licensed contractor and applications shall be accompanied by engineering drawings of the wind turbine structure including the tower, base, and footings. An engineering analysis of the tower showing compliance with the currently adopted building code and certified by a licensed professional engineer shall also be submitted.

Guy wires may be utilized to support a temporary (18 months or less) anemometer tower, if demonstrated by the applicant to be necessary to maintain the safety of the structure.

4. **Minimum Site Area.**

The minimum site area for a wind turbine generator or an anemometer tower erected prior to a wind turbine generator shall be as necessary to meet required wind energy setbacks and any other standards of this Article.

5. **Setbacks.**
Each proposed wind turbine generator or anemometer tower shall meet the following applicable setback requirements:

   a. **Setback from Property Line.** Each wind turbine generator shall be set back from any adjoining lot line a distance equal to the total height of the wind turbine generator including the top of the blade in its vertical position. The Planning Commission may reduce this setback to no less than one hundred (100) feet; provided the adjoining property is owned or leased by the applicant or an easement is obtained. If the adjoining property owned or leased by the applicant includes more than one (1) parcel, the properties may be considered in combination in determining setback relief. The amount of setback relief approved by the Planning Commission will be based on data provided by the applicant and prepared by a qualified professional. Such data shall satisfy the Planning Commission that any potential blade and ice throw will not cross the property line and that sound levels will not exceed sixty-five (65) decibels on the dB (A) scale at the property line from the proposed setback. Data provided shall be specific to the proposed tower in the proposed location taking into consideration prevailing winds, topography, existing vegetation, and other relevant factors.

   b. **Setback from Road**. In addition to the above, a wind turbine generator shall, in all cases, be set back from a public or private road right-of-way a minimum distance equal to the height of the wind turbine generator total height as defined in the Ordinance.

   c. **Setback from Structures**. Each wind turbine generator shall be setback from the nearest inhabited structure located on property not owned or leased by the applicant a distance not less than one and one-half (1 ½) times the total height of the wind turbine generator.

   d. **Setback from Communication and Power Lines**. Each wind turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance of no less than four hundred (400) feet or one and one-half (1 ½) times the total wind turbine height, whichever is greater, determined from the existing power or communications lines.

   e. **Building Setbacks**. Setbacks for buildings accessory to a wind turbine generator shall conform to the setbacks of the district.

6. **Maximum Height.**

   a. The maximum wind turbine generator or anemometer tower height shall be determined on a case by case basis dependent upon the site and manufacturer's specifications and recommendations.

b. The applicant shall demonstrate compliance with the Michigan Tall Structures Act (P.A. 259 of 1959, as amended), FAA guidelines, and Michigan Aeronautics Commission guidelines as part of the approval process.

7. **Tower Separation.**
Wind turbine separation distance shall be based on 1) industry standards, 2) manufacturer recommendation, and 3) the characteristics (prevailing wind, topography, etc.) of the particular site location. Documents shall be submitted by the developer/manufacturer confirming specifications for tower separation.

8. **Minimum Ground Clearance.**
The lowest point of the arc created by rotating wind vanes or blades on a wind turbine generator shall be no less than fifty (50) feet.

9. **Maximum Noise Levels.**
The sound pressure level generated by the wind energy system shall not exceed sixty-five (65) dB(A) measured at neighboring property lines. If the ambient sound pressure level exceeds sixty-five (65) dB(A), the standard shall be ambient plus five (5) dB(A).

10. **Maximum Vibrations.**
Any proposed wind turbine generator shall not produce vibrations through the ground humanly perceptible beyond the parcel on which it is located.

11. **Potential Ice Throw.**
Any potential ice throw or ice shedding from a wind turbine generator shall not cross the property lines of the site nor impinge on any right-of-way or overhead utility line.

12. **Signal Interference.**
No wind turbine generator shall be installed in any location where its proximity with existing fixed broadcast, retransmission, or reception antennas for radio, television, navigation, wireless phone or other personal communication systems would produce electromagnetic interference with signal transmission or reception. No wind turbine generator shall be installed in any location along the major axis of an existing microwave communications link where its operation is likely to produce electromagnetic interference with the link's operation.

13. **Visual Impact, Lighting, Power Lines.**

a. Wind turbines shall be mounted on tubular towers, painted a non-reflective, non-obtrusive neutral color. The appearance of turbines, towers, and buildings shall be maintained throughout the life of the wind energy facility pursuant to industry standards (i.e. condition of exterior paint, signs, landscaping). A certified registered engineer and authorized factory representative shall certify that the construction and installation of the wind energy facility meets or exceeds the manufacturer's construction and installation standards.

b. The design of the wind energy facility's buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening, and landscaping

that will blend facility components with the natural setting and the environment existing at the time of installation.

c. Wind turbine generators shall not be artificially lighted, except to the extent required by the FAA or the MAC or other applicable authority, or otherwise necessary for the reasonable safety and security thereof. If lighting is required, the lighting alternatives and design chosen:

(1) Shall be the intensity required under State or federal regulations.

(2) Shall not be strobe lighting or other intermittent white lighting fixtures, unless expressly required by State or federal regulations. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to State or federal regulations.

(3) May be a red top light that does not pulsate or blink.

(4) All tower lighting required by State or federal regulations shall be shielded to the extent possible to reduce glare and visibility from the ground.

b. Wind turbines shall not be used to display any advertising except the reasonable identification of the manufacturer or operator of the wind energy facility.

c. The electrical collection system shall be placed underground within the interior of each parcel at a depth designed to accommodate the existing or permitted land use to the maximum extent practicable. The collection system may be placed overhead adjacent to State and County streets upon approval of the Planning Commission, near substations or points of interconnection to the electric grid or in other areas as necessary.

14. **Safety.**

a. All collection system wiring shall comply with all applicable safety and stray voltage standards.

b. Wind turbine towers shall contain a barrier to prevent climbing by unauthorized personnel.

c. All access doors to wind turbine towers and electrical equipment shall be locked.

d. Appropriate warning signs shall be placed on wind turbine towers, electrical equipment, and facility entrances.

e. All wind turbine generators shall be equipped with controls to control the rotational speed of the blades within design limits for the specific wind turbine generator.

f. Wind turbine generators shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls and mechanical brakes. Mechanical

brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.

15. **Additional State, Federal, or Local Requirements.**
Any proposed wind turbine generator anemometer tower shall meet or exceed any standards and regulations of the Federal Aviation Administration (FAA), Michigan Aeronautics Commission (MAC), the Michigan Public Service Commission, National Electric Safety Code, Federal Energy Regulatory Commission, and any other agency of the state, federal, or local government with the authority to regulate wind turbine generators or other tall structures in effect at the time the Special Land Use application is approved.

16. **Hazard Planning.**
An application for a wind turbine generator shall be accompanied by a hazard prevention plan. Such plan shall contain:

    a. Certification that the electrical wiring between turbines and between turbines and the utility right-of-way does not pose a fire hazard.

    b. Location of landscaping to be designed to avoid spread of fire from any source on the turbine; such preventative measures may address the types and locations of vegetation below the turbine and on the site.

    c. A listing of any hazardous fluids that may be used on site shall be provided in an electronic format, including Material Data Safety Sheets (MDSS).

    d. Certification that the turbine has been designed to contain any hazardous fluids shall be provided.

    e. A statement certifying that the turbine shall be routinely inspected to ensure that no fluids are released from the turbine.

17. **Approvals.**
All required approvals from other local, regional, state or federal agencies must be obtained prior to approval of a site plan. In the case where site plan approval is a requirement for other local, regional, state, or federal agency approval, evidence of such shall be submitted with the site plan, and such approval of the site plan by the Planning Commission shall be conditional upon the approval of all other required permits.

18. **Removal of Wind Turbine Generators.**

    a. The applicant shall submit a decommissioning plan. The plan shall include:

        (1) The anticipated life of the project.

        (2) The estimated decommissioning costs in current dollars. Such costs shall not include credit for salvageable value of any materials.

(3) The method of ensuring that funds will be available for decommissioning and restoration.

(4) The anticipated manner in which the project will be decommissioned and the site restored.

b. Any wind turbine generator or anemometer tower that is non-operational for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such wind turbine generator or anemometer tower shall remove the same within one hundred eighty (180) days of receipt of notice of abandonment from the Township. Failure to remove an abandoned wind turbine generator or anemometer tower within the one hundred eighty (180) day period provided in this subsection shall be grounds for the Township to remove the wind turbine generator or anemometer tower at the owner's expense.

c. In addition to removing the wind turbine generator, or anemometer tower, the owner shall restore the site of the wind turbine generator or anemometer tower to its original condition prior to location of the wind turbine generator or anemometer tower, subject to reasonable wear and tear. Any foundation associated with a wind generator or anemometer tower shall be removed to a minimum depth of five (5) feet below the final grade and site vegetation shall be restored.

d. The Planning Commission shall require the owner of the wind turbine generator to deposit a performance guarantee in an amount equal to the estimated costs associated with the removal of the wind turbine generator or anemometer tower and all associated equipment and accessory structures and restoration of the site to a reusable condition which shall include the removal of all underground structures to a depth of five (5) feet below the natural ground level at that location. The amount of the performance guarantee shall be reviewed every five (5) years. The amount of the performance guarantee shall be increased based on an inflation rate equal to the average of the previous ten (10) years Consumer Price Index.

19. **Equipment Replacement**.
The wind turbine generator in its entirety or major components of the wind turbine generator may be replaced without a modification of the Special Use permit provided all regulations contained herein are adhered to.